



CITY OF BRAWLEY

November 16, 2021

DEVELOPMENT SERVICES DEPARTMENT

205 S. IMPERIAL AVENUE
BRAWLEY, CA 92227

BUILDING DIVISION

PHONE: (760) 344-8622
FAX: (760) 351-2656

HOUSING DIVISION

PHONE: (760) 351-1905
FAX: (760) 351-2656

PLANNING DIVISION

PHONE: (760) 344-8822
FAX: (760) 351-2656

State Department of Housing and Community Development
C/O Land Use and Planning Unit
2020 W. El Camino Ave, Suite 500
Sacramento, CA 95833

RE: City of Brawley Adopted Housing Element

The 2021-2029 Housing Element was adopted by the City Council on October 19, 2021. The Resolution adopting the Housing Element is included in the hard copy

The adopted element and electronic sites inventory also have been submitted to sitesinventory@hcd.ca.gov.

Very truly yours,



Gordon Gaste, AICP CEP
Development Director
760.344.8822
ggaste@brawley-ca.gov



CITY OF BRAWLEY
2021-2029 HOUSING ELEMENT

ADOPTED BY CITY COUNCIL

OCTOBER 19, 2021

RESOLUTION NO. 2021-47

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
AMENDING THE HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTION OF
THE NEGATIVE DECLARATION.**

WHEREAS, Government Code Section 65301 of the State Planning Law mandates a Housing Element as one of the elements of the City's General Plan; and

WHEREAS, the Planning Commission on September 8, 2021, reviewed an amended Housing Element and after conducting a duly noticed public hearing thereon, recommended to the City Council that the amended Housing Element be approved; and

WHEREAS, the amended Housing Element projects and the housing needs of the City of Brawley for all income groups for an eight year period beginning October 15, 2021, and ending October 15, 2029; and

WHEREAS, the City is required to have a certified Housing Element in order to receive Community Development Block Grant funds for housing rehabilitation projects and apply for other State of California grants or programs, and

WHEREAS, the City is required to have the Zoning Ordinance updated for any deficiencies in the General Plan by advisement of the State of California Housing & Community Development Department regarding any required policies.

WHEREAS, the City Council, on due notice, conducted a public hearing on October 19, 2021 on the amended Housing Element and Negative Declaration, and considered all public comments thereon;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
DOES HEREBY ORDER, DETERMINE AND RESOLVE AS FOLLOWS:**

The Housing Element of the General Plan adopted by Resolution No. 2021- on October 19, 2021, is hereby revised to provide as set forth in Exhibit "A", entitled "City of Brawley - Housing Element of the General Plan", attached hereto and made a part hereof.

The Negative Declaration of the Housing Element is certified by Resolution No. 2021- on October 19, 2021, is hereby adopted as Exhibit "B" entitled "Initial Study City of Brawley Housing Element and Negative Declaration", attached hereto and made a part hereof.

The Planning Director is hereby authorized by the City Council to edit any deficiencies in the Housing Element by advisement of the State of California Housing & Community Development Department regarding any policies regarding:

1. Conformance with State statutes
2. Analysis for the zoning of a variety of residential uses
3. Staff is able to make technical corrections/revisions based on State Housing Community and Development Department comments on the adopted element

APPROVED, PASSED AND ADOPTED at a regular meeting of the Brawley City Council held on the 19th day of October 2021.

CITY OF BRAWLEY, CALIFORNIA



Luke Hamby, Mayor

ATTEST:



Alma Benavides, City Clerk

STATE OF CALIFORNIA}
COUNTY OF IMPERIAL}
CITY OF BRAWLEY}

I, ALMA BENAVIDES, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Resolution No. 2021-47 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th of October 2021 and that it was so adopted by the following roll call vote: m/s/c Wharton/Castro

AYES: Castro, Couchman, Hamby, Nava, Wharton
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: October 19, 2021



Alma Benavides, City Clerk



CITY OF BRAWLEY
2021-2029 HOUSING ELEMENT

ADOPTED BY CITY COUNCIL

OCTOBER 19, 2021

**CITY OF BRAWLEY
2021-2029 HOUSING ELEMENT
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SECTION 1

INTRODUCTION

A. REGIONAL SETTING

Imperial County is located in a broad desert that has been transformed to productive agricultural lands by the importation of irrigation water. The City of Brawley is located in central Imperial County, which is in the southeastern corner of California near the Mexican border. Brawley is located approximately –

- 6 miles southeast of the City of Westmorland
- 9 miles to the south of the City of Calipatria
- 9 and 12 miles north of the Cities of Imperial and El Centro
- 21 miles north of Calexico which is located next to the Mexican border

Within the context of the County, Brawley is located at the intersection of State Route 78 with State Route 86 and State Route 111. The New River flows from the southwest to the northern portion of the Brawley Planning Area and the Union Pacific Railroad generally extends north-to-south and bisects central Brawley.

Brawley has historically played a significant role in the agricultural economy that characterizes Imperial County. The landscape around the urbanized areas is dominated by agricultural fields, scattered farmhouses, and related agricultural structures. Scenic views are enjoyed throughout Brawley including panoramic views of the stark topography of the Chocolate Mountains in the east and the foothills of the Peninsular Range in the west, the New River riparian corridor, and agricultural open space.

Brawley's strategic crossroads location at several major highways and the railroad facilitates easy access for residents and visitors, and regional shipping services. The City continues to provide a unique urban setting for residential, commercial, agribusiness, and industrial uses. The City is distinguished by a historic downtown commercial and civic center surrounded by a variety of distinct residential neighborhoods, parks, some industrial development, agriculture, and a municipal airport.

B. HISTORICAL CONTEXT

In 1902, J.H. Braly, a Los Angeles investor, was assigned 4,000 acres of land in the center of the area representing the present-day City of Brawley. U.S. Government Circular No. 9 was shortly released after Braly took control of the land and it claimed that nothing would grow in the desert area of Imperial Valley, even with plentiful water. In response to this news, Braly sold the land to G.A. Carter who shortly sold the land to the Imperial Land Company. In defiance of the government circular, the Imperial Land Company ordered the new town plotted and began promoting the agricultural potential of the area. Colorado River water was initially diverted to Imperial Valley in 1901 and irrigated agriculture in the Valley was showing promise.

People had already begun to call the new townsite "Braly." However, Mr. Braly prohibited the use of his name for the town because he was convinced the town would fail miserably. A.H. Heber, one of the principals of the Imperial Land Company, suggested that the town be named Brawley: "I have a friend in Chicago named Brawley - we'll name the town after him," said Mr. Heber. The town developed that year with approximately a dozen tent houses and the railroad reached Brawley in September 1903. Due to the town's location at the end of the rail, new immigrants hopped off the train and often remained in Brawley for a while. By Christmas of 1903, the town's success was certain.

Brawley incorporated as a City in 1908. The City initially served as a bedroom community for farmers and cattlemen working in the central part of Imperial Valley. Due to the historic location of Brawley along the railroad, the City also served as an important trading and shipping center. For many years, Brawley contained the largest concentration of people in Imperial Valley.

During World War II, the City of El Centro exceeded Brawley's population due to the large military installations located near El Centro and Brawley consequently had become the second largest city in the Valley. Today, the cities of El Centro and Calexico each surpass the population of Brawley as a result in part to their advantageous position near Interstate 8 and the international border.

Brawley's strategic crossroads location with several major highways and the railroad as well as the City's proximity to Mexico continues to provide convenient access and opportunities for residents, visitors and businesses. The City's employment base, low cost of living, historic character, and recreational opportunities have made Brawley an attractive place to live.

C. GOVERNMENT CODE REQUIREMENTS

A housing element is one of the seven mandated elements of the General Plan and it must be updated every eight years unless otherwise extended by State legislation. The City of Brawley's Housing Element covers the planning period from October 15, 2021 to October 15, 2029. The mandated contents of a housing element are described in great detail in Title 7, Chapter 3, Article 10.6, Government Code Sections 65580 through Government Code 65589.8. The law governing the contents of a housing element is the most detailed of all elements of the General Plan.

According to Government Code Section 65583:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

D. ORGANIZATION OF THE HOUSING ELEMENT

In addition to the Introduction, the *2021-2029 Housing Element* includes Section II and seven Appendices:

Section II Housing Program: This section presents a summary of housing needs and constraints; a statement of goals, policies, and objectives; and a description of planned actions to address the program requirements of Government Code Section 65583(c).

Appendix A: Assessment of Housing Needs: The Appendix includes data and analysis of existing and projected housing needs.

Appendix B Assessment of Fair Housing: The Appendix contains information on fair housing protected groups; describes fair housing issues; and recommends goals, priorities; and strategies.

Appendix C: Sites Inventory and Analysis: The Appendix identifies the sites that will accommodate the City's share of the regional housing need for above moderate, moderate and lower income housing units.

Appendix D: Governmental Constraints: The Appendix describes actual and potential governmental constraints that hinder the City's ability to address housing needs.

Appendix E: Nongovernmental Constraints: This Appendix describes market conditions that impede the development of housing for all economic segments, including the availability of financing, land costs, and construction costs.

Appendix F: Housing Resources: This Appendix describes financial and administrative resources that can contribute to addressing the City's housing needs.

Appendix G: Progress Report: The Appendix describes the progress the City has made in implementing the actions adopted in the *2014-2021 Housing Element*.

E. RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

Seven elements comprise the Brawley General Plan:

- Land Use Element
- Infrastructure Element
- Resource Management Element
- Open Space/Recreation Element
- Public Safety/Noise Element
- Economic Development Element
- Housing Element

The Housing Element complements other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. For example, the housing sites identified in the Housing Element are consistent with those designated as residential or mixed use in the Land Use Element. Also, residential densities established by the Land Use Element are incorporated within the Housing Element and form the basis for calculating the residential capacity within the City.

The California Government Code requires internal consistency among the various elements of a General Plan. Section 65300.5 of the Government Code states that the General Plan's various Elements shall provide an integrated and internally consistent and compatible statement of policy. The City has reviewed the other elements of the General Plan and has determined that this Housing Element provides consistency with the other Elements of the General Plan. The City will maintain this consistency as future General Plan amendments are processed by evaluating proposed amendments for consistency with *all* elements of the General Plan.

F. WATER AND SEWER PRIORITY

Government Code Section 65589.7(a) requires the *2021-2029 Housing Element* that is adopted by the City Council to be delivered to agencies providing the City's water and sewer services. Each public agency or private entity providing water or sewer services shall grant *a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.* [Emphasis added]

The General Plan Infrastructure Component contains the following goals and objectives:

- Goal 7: Adequate water service and infrastructure.
- Objective 7.1: Provide adequate water service and infrastructure for existing development while planning and implementing improvements to accommodate planned growth in Brawley

- Goal 8: Provide adequate sewer collection infrastructure and treatment facilities.
- Objective 8.1: Provide adequate sewer collection infrastructure and treatment facilities for existing development while planning and implementing improvements to accommodate planned growth in Brawley.

The Public Works Department plans, constructs, and maintains the water system. The City purchases raw imported Colorado River water from the Imperial Irrigation District (IID), which then delivers the raw water to the City via IID-owned and operated canals.

The City provides wastewater collection, treatment and disposal services from residential, commercial, and industrial uses, and the Public Works Department plans, constructs, and maintains the sewage system, which includes a collection network of pipes and a wastewater treatment plant (WWTP).

The Planning and Zoning Department will transmit a copy of the adopted *2021-2029 Housing Element* to the Public Works Department.

G. PUBLIC PARTICIPATION AND CONSULTATION

1. Planning Commission Community Workshop – June 2, 2021

The Planning Commission held a noticed Housing Element Community Workshop on June 2, 2021. City staff and consultant presented an overview of the *2021-2029 Preliminary Draft Housing Element*. Among the topics presented were:

- Assessment of housing needs
- Regional housing needs allocation
- Sites inventory
- Draft housing programs
- Schedule

Commissioner Goyal commented that several sites have been identified as potential sites for the affordable housing allocations. He asked if the State of California is planning to provide the City of Brawley funds for the fulfillment to promote the housing construction on these sites.

The State of California through the Housing Element does not provide funding. There are other programs that could, if funds, grants or incentives are available to assist in multiple ways from the State and other sources.

Planning Director Gordon Gaste commented that there is a great deal of approved projects in the pipeline to accommodate the lower income allocation. They are:

- Three more phases in the Adams Park Apartment Project
- Ocotillo Wells multifamily project on "I" Street and 18th Street
- Senior Apartments on Eastern Avenue

There were no further questions from the Planning Commissioners or the public. The Planning Commission unanimously approved transmittal of the *Preliminary Draft Housing Element* to the State Department of Housing and Community Development (HCD) for purposes of commencing the 60-day review period.

2. Planning Commission Public Hearing including a virtual meeting component – September 8, 2021

The Planning Commission held a noticed Housing Element Public Hearing on September 8, 2021. The City Planning Director and the consultant provided a staff presentation, which was an overview of the *2021-2029 Housing Element*. The Draft Housing Element includes the responses to HCD's written findings.

Planning Director Gordon Gaste commented that four items were under consideration by the Planning Commission:

- Recommendation to the City Council to adopt the *2021-2029 Housing Element*
- Environmental analysis of the Housing Element
- Accessory Dwelling Units (ADU) and Junior Accessory Units (JADU) Ordinance
- Density Bonus Ordinance

Commissioner Jay Goyal had a question about a bill that is ready for the Governor's signature. This bill that would allow up to four units on a parcel. It is also proposing a relief of the setbacks to be less for the additional units. Additional parking is not required. The exceptions may be parcels covered by CC&Rs. The bill has passed the State Senate and the State Assembly and is on the Governor's desk. If the bill is signed, then it would probably be effective in January 2022.

Consultant Christney Barilla, Castaneda & Associates, provided the following comments:

- The current 6th Cycle Housing Element process is the same as for the 5th Cycle Draft Housing Element which was adopted in December 2013
- Following the Brawley Planning Commission Meeting on June 2nd, the 6th Cycle Housing Element Draft was submitted to HCD
- HCD had 60-day period to review the Draft Housing Element
- A phone conversation with the HCD reviewer assigned to the City occurred on July 19, 2021.
- The HCD written comments were received from HCD on August 13, 2021
- The City responded to the HCD comments and written findings in the Draft Housing Element

For example, as a result of HCD comments, a few programs were added. Some of added programs are:

- Program 2.10 Farm Worker Housing Program
- Program 6.1 At Risk Housing Preservation Program
- Program 7.1 Energy Conservation Program

Other examples of changes to the draft are:

- Additional data on housing prices and rents
- Additional information on processing timelines
- Adoption date of Building Code
- Code enforcement process

There were no questions for the consultant from the Planning Commission.

The Public Hearing was opened; there were no comments or questions from the in-person audience or virtual streaming audience.

Following adoption by the City Council, the *2021-2029 Housing Element* will be transmitted to HCD for final review and certification (substantial compliance).

3. City Council Public Hearing including a virtual meeting component on the City of Brawley's Facebook Page – October 19, 2021

Gordon Gaste, AICP CEP Community Services Director introduced the Public Hearing by describing the scope of the hearing:

- Resolution of the City Council of the City of Brawley, California, Amending the Housing Element of the General Plan and Adoption of the Negative Declaration.
- Ordinance of the City Council of the City of Brawley, California Amending Article II to Chapter 27 Article XII Section 27.201 of the Brawley Municipal Code to Amend the Second Unit Section with the Accessory Dwelling Unit Ordinance Alternative.
- Ordinance of the City Council of the City of Brawley, California Amending Article II to Chapter 27 Article XXI of the Brawley Municipal Code to Amend the Density Bonus Program.

Mr. Gaste provided the City Council and public with an overview of each item under consideration.

He stated that the *2021-2029 Housing Element* addressed all the state legislation enacted since the City's adoption of the 5th Cycle Housing Element in December 2013. This included amending both the Housing Element and the Municipal Code to conform to new State laws regarding Accessory Dwelling Units and Density Bonus Units.

Mr. Gaste explained that the City has been using State ADU standards when processing applications.

The City has been using Article XXI when processing density bonus applications.

Consultant Christney Barilla, Castaneda & Associates, provided the following comments:

- The current 6th Cycle Housing Element process is the same as for the 5th Cycle Housing Element
- Following the Brawley Planning Commission Meeting on June 2nd, the 6th Cycle Housing Element Draft was submitted to the State Department of Housing Community Development (HCD)
- HCD had 60-day period to review the Draft Housing Element
- A phone conversation with the HCD reviewer assigned to the City occurred on July 19, 2021.
- The HCD written comments were received on August 13, 2021
- The City responses to the HCD comments are included in the *Public Hearing Draft 2021-2029 Housing Element*

For example, as a result of HCD comments, a few programs were added. Some of added programs are:

- Program 2.10 Farm Worker Housing Program
- Program 6.1 At Risk Housing Preservation Program
- Program 7.1 Energy Conservation Program

Other examples of changes to the draft are:

- Additional data on housing prices and rents
- Additional information on processing timelines

Following the planning staff and consultant presentation, three City Council members had questions and comments,

Mayor Luke Hamby asked if there were amendments added after the Planning Commission? The Planning Director and consultant replied that the draft was the same as presented to the Planning Commission. The State Housing Community Development Department (HCD) provided guidance of the requirements and there were updates from the HCD letter for the minimum requirements to the Housing Element.

Council Member Donald L. Wharton asked, are there current amendments or additions to the Housing Element, are they retroactive? Gordon Gaste, Planning Director replied, that the Accessory Dwelling Unit (ADU) changes to setbacks, as an example, if you already had an ADU it is in compliance. There are not any retroactive actions.

Council Member Ramon Castro had a question regarding SB10. Does SB10 apply to the City of Brawley? The Planning Director replied that SB10 is for areas that have a Transit Oriented Corridor; it is for larger cities and not applicable to the City of Brawley. SB9 would apply within the City of Brawley to subdivide larger lots into smaller and have up to four units. The building of four units involves a great deal of planning and cost. It is less costly to build an ADU.

The City Council approved Resolution No. 2021-47 amending the Housing Element of the General Plan and adoption of the Negative Declaration..

The City Council approved the first reading of Ordinance 21-07 amending the Second Unit Section with Accessory Dwelling Unit Alternative. The second reading was approved at the November 2nd City Council meeting.

The City Council approved the first reading of Ordinance 21-08 amending Article XII Section 27.201 of the Municipal code with the Density Bonus Ordinance. The second reading was approved at the November 2nd City Council meeting.

The adopted *2021-2029 Housing Element* will be submitted to the State Department of Housing and Community Development for purposes of commencing the 90-day review period for certification (substantial compliance).

4. Apartment Survey (in both English and Spanish)

A survey of the tenants of three apartment complexes collected demographic and housing data. Large families (5+ persons) comprised 38% of all the families who responded to the survey. Just over 70% of the tenants occupied 2-bedroom units. The survey also asked questions regarding workers per household, vehicle ownership and satisfaction with resident and visitor parking. The survey responses will allow comparisons to data available from the American Community Survey,

5. Stakeholder's Surveys

- Kirk Mann
Imperial Valley Housing Authority (IVHA)
Information on public housing units, Section 8 Housing Choice Voucher Holders, tenant demographics

- Jose Gomez
Campesinos Unidos (war on poverty agency)
Information on housing needs, rental assistance provided, energy efficiency improvements
- Jaime Palomino
Inland Fair Housing & Mediation Board (IFHMB)
Information on fair housing services provided under contract to the City of El Centro
- Anna Swartz
Community Access Center
Information on transitional living services provided to disabled persons
- Access for Independence
Information on services provided to disabled persons living in the Imperial Valley

6. Additional Public Consultation

Through e-mails, interviews, survey questions, published needs assessments and action plans, information and insights on housing needs, resources and constraints were obtained from the following individuals and organizations:

- California Department of Developmental Disabilities
Data on the number of Brawley clients and their living arrangements
- Danielle Mazzella
California Housing Partnership
Data on the risk assessment of affordable housing projects converting to market rate housing
- Tawnia Starr
California Tax Credit Allocation Committee
Information on the demographics (race, disability) of tenants occupying low income housing tax credit projects located in Brawley
- Disability Rights California
Information on reasonable accommodations, reasonable modifications, service and companion animals
- Imperial County Area Agency on Aging
Information on needs assessments, survey of seniors, housing priorities
- Public Counsel Pro Bono Law Firm
Information on best practices regarding planning for emergency shelters
- San Diego Regional Center
Information on services provided and licensed and unlicensed living options
- Terner Center for Housing Innovation
Information on housing development costs, impact of local development impact fees, density bonuses

- Vicki Gums
U.S. Department of housing and Urban Development (HUD)
San Francisco Regional Office
Information on housing discrimination complaints filed Brawley residents by basis and alleged act

7. Copies of the Draft Housing Element

The *Draft 2021-2029 Housing Element* was posted on the City's website prior to the Community Workshop and Public Hearings.

In addition, copies were available at the Brawley Public Library and Brawley Senior Center.

8. Input to the Development of the 2021-2029 Housing Element

The public participation and consultation effort provided valuable input to the development of the *2021-2029 Housing Element*. The following summarizes how input was incorporated into the element's actions, policies and programs:

- Input from the Imperial Valley Housing Authority (IVHA) and Campesinos Unidos showed that there continues to be a very high need for rental assistance (Program Category #2).
- Input from the Inland Fair Housing & Mediation Board and Disability Rights CA helped to shape the fair housing actions (Program Category #5).
- Input from Campesinos Unidos, Inc. helped to identify poverty as a contributing factor to fair housing issues and the need for poverty reduction strategies.

Additional opportunities for public participation will be available throughout implementation of the Housing Element. In particular, Program 5.4 Placed-Based Neighborhood Poverty Reduction Program and Program 5.5 Neighborhood Planning Program will involve neighborhood residents in -

- The Identification of issues, problems as well as actions that could remedy existing adverse conditions
- Program implementation

**SECTION II
HOUSING PROGRAM**

Government Code Section 65583(c) requires that a housing element include:

A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element....

The Housing Program must:

- Identify Actions to Make Sites Available to Accommodate the City's Share of the Regional Housing Need That Could Not Be Accommodated on the Sites Identified in the Land Inventory [Government Code Section 65583(c)(1)]
- Assist in the Development of Adequate Housing to Meet the Needs of Extremely Low, Very Low-, Low- and Moderate Income Households [Government Code Section 65583(c)(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 [Government Code Section 65583(c)(3)]
- Conserve and Improve the Condition of the Existing Affordable Housing Stock [Government Code Section 65583(c)(4)]
- Promote and Affirmatively Further Fair Housing Opportunities throughout the Community or Communities for All Persons Regardless of Race, Religion, Sex, Marital Status, Ancestry, National Origin, Color, Familial Status, or Disability [Government Code Section 65583(c)(5)]
- Preserve for Lower Income Households the Assisted Housing Developments at Risk of Conversion to Market Rate Housing [Government Code Section 65583(c)(6)]

The Housing Program describes goals, policies, objectives and action programs. The following pro-housing policies are included in the Housing Program:

- By-Right Zoning
- Specific Plans
- Fee Waivers/Reductions
- ADU Incentives
- Expedited Processing
- Reduced Parking Space Requirements

Table II-1
City of Brawley
2021-2029 Housing Program

Program Category	List of Programs
Category 1 – Identify Sites to Accommodate the City’s Share of the Regional Housing Need	1.1 By-Right Zoned Sites Development Program 1.2 Housing Supply Proactive Marketing Program 1.3 No Net Loss Program 1.4 Sites Used in Previous Housing Elements 1.5 Land Use Element Updates
Category 2 - Assist the Development of Lower Income and Moderate Income Housing	2.1 Imperial Valley Housing Authority – Rental Assistance for Lower Income Cost Burdened Families 2.2 First Time Homebuyer Program (City) 2.3 Section 502 Direct Loan program (USDA) 2.4 Density Bonus Affordable Housing Program 2.5 ADU Incentives Plan 2.6 Affordable Rental Housing Construction Program 2.7 Fee Waivers and Deferrals for Affordable Housing Developments 2.8 Developmentally Disabled Program 2.9 Assistance for Special Needs Populations 2.10 Farm Worker Housing Program 2.11 Extremely Low Income (ELI) Program
Category 3 - Remove Governmental and Nongovernmental Constraints to Housing	3.1 Adopt Density Bonus Ordinance 3.2 Adopt Accessory Dwelling Unit Ordinance 3.3 Adopt New and Revised Zoning Ordinance Definitions 3.4 Update the Uses Permitted in Residential Districts 3.5 Update the Uses Permitted in the Commercial Districts 3.6 Update the Parking and Loading Requirements 3.7 Update Article XII Special Development Standards and Uses 3.8 Update Article XIII Special Development Standards for Certain Conditional and Regulated Uses 3.9 Update Article XXI Density Bonus Program 3.10 Non-Governmental Constraints Program
Category 4 – Conserve and Improve the Existing Stock of Affordable Housing	4.1 Housing Code Enforcement 4.2 Housing Rehabilitation Program 4.3 Section 504 Home Repair Program
Category 5 - Promote Housing Opportunities For All/Affirmatively Furthering Fair Housing	5.1 Fair Housing Services Program 5.2 Fair Housing Information Program 5.3 Poverty Reduction Program 5.4 Placed-Based Neighborhood Poverty Reduction Program 5.5 Neighborhood Planning Program 5.6 Displacement Risk Program
Category 6 - Preserve Affordable Housing At Risk of Converting to Market Rate Housing	6.1 At-Risk Housing Preservation Program
Category 7 – Opportunities for Energy Conservation	7.1 Energy Conservation Program

PROGRAM CATEGORY #1:**ACTIONS TO MAKE SITES AVAILABLE TO ACCOMMODATE THE RHNA**

Section 65583(c)(1) states that the housing program must:

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 ... share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory ... without rezoning...

Housing Need Summary

The City's total RHNA allocation is 1,426 housing units of which 615 are above moderate income housing units. In 2021, a 4-person above moderate income family had an annual income of \$84,851 or more.

Attachment A in Appendix C identifies eight sites that have a combined capacity of 1,912 housing units:

Seven individual projects provide for the development of 763 single family dwellings. One Specific Plan site is zoned R-1 and has a capacity of 1,149 housing units.

The RHNA moderate income allocation is 202 housing units. In 2021, a 4-person moderate income family had an annual income of no more \$84,850.

Attachment B in Appendix C identifies six vacant sites that have a combined housing capacity of 748 housing units:

- Four condo projects are entitled with a combined housing capacity of 224 housing units
- One 13-unit mixed use residential project located in Downtown Brawley is entitled
- Zoning is approved for the development of 511 townhome housing units in the La Paloma Specific Plan

There is sufficient housing capacity to accommodate the moderate income RHNA allocation.

The RHNA lower income allocation is 609 lower income housing units. In 2021, a 4-person lower income family had an annual income of no more \$55,900.

Attachment C in Appendix C identifies 10 sites that can accommodate 684 multifamily housing units.

Goals

- Accommodate the housing needs of all income groups as quantified by the Regional Housing Needs Assessment
- Facilitate the construction of the maximum feasible number of housing units for all income groups

Policies

- Implement the development of the “by-right” zoned sites
- Implement adopted residential Specific Plans
- Designate sites that provide for a variety of housing types
- Implement an infill development strategy through cooperative efforts with private developers

Program 1.1: By-Right Zoned Sites Development Program

The City will expeditiously process applications for the development of the by-right zoned sites including, but not limited, to:

- Building permits
- Site plan review
- Reduced parking requests
- Reasonable accommodations
- SB 35 streamlining

The sites inventory will be posted on the Planning Department webpage including assessor parcel numbers, parcel sizes, site plans, and photographs.

Objective: 1) Facilitate the development of the sites identified in the sites inventory and 2) accelerate the production of housing

Responsible Agency: Planning Department

Timeline: Implement the adequate sites program continuously through the 2021-2029 planning period.

Funding Source(s): General Fund

Program 1.2: Housing Supply Proactive Marketing Program

This program involves the preparation and adoption of an Economic Development Element. One major purpose of the Economic Development Element is to identify specific actions the City can take to proactively market the housing sites for purposes of attracting buyers and renters to the new housing that will be built. The actions will 1) contribute to accelerating housing production and 2) attracting a robust share of the housing demand In Imperial County.

Objective: Preparation and adoption of the Economic Development Element, including a proactive marketing program.

Responsible Agency: Planning Department

Timeline: Complete the Economic Development Update in the 2nd Quarter 2022

Funding Source: Local Early Action Planning (LEAP) Grant

Program 1.3: No Net Loss Program

To ensure sufficient residential capacity is maintained to accommodate the RHNA for each income category, within six months of adoption of the 2021-2029 *Housing Element*, develop and implement a formal, ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. The evaluation procedure will track the number of extremely low-, very low-, low-, moderate-, and above moderate-income units constructed to calculate the remaining unmet RHNA. The evaluation procedure will also track the number of units built on the identified sites to determine the remaining site capacity by income category and will be updated continuously as developments are approved and built.

No action can be taken to reduce the density or capacity of a site (e.g., downzone, moratorium), unless other additional adequate sites are identified prior to reducing site density or capacity. If a development is being approved on an identified site at a lower density than what was assumed for that site identified in the *2021-2029 Housing Element*, additional adequate sites will be made available within 180 days of approving the development. A program to identify the replacement sites, and take the necessary actions to make the site(s) available and ensure they are adequate sites, will be adopted prior to, or at the time of, the approval of the development.

Subsequent to adopting an evaluation procedure, the City will monitor rezones and development of residential units, and update the sites inventory. The sites inventory will be posted on the Community Development Department's website and will be updated at least once a year.

At least annually, the City will update, if necessary, the sites inventory in conjunction with the Housing Element Annual Progress Reports pursuant to Government Code section 65400.

Objective: Develop and maintain a no net loss evaluation procedure.

Responsible Agency: Planning Department

Timeline: Within six months of adoption of the *2021-2029 Housing Element*, develop and implement a formal ongoing evaluation procedure pursuant to Government Code section 65863.

Funding Source: General Fund

1.4: Sites Used in Previous Housing Elements

AB 879 (2017) and AB 1397 (2017) require additional analysis and justification of the sites included in the sites inventory of the Housing Element. The Housing Element may only count non-vacant sites included in one previous housing element inventory and vacant sites included in two previous housing elements if the sites are subject to a program that allows affordable housing by right. While no underutilized/non-vacant sites were included in the sites inventory, the City did include four vacant sites that were counted in the previous two housing element cycles (identified in Appendix C, Attachment C). This program was included to address the by-right requirement for vacant sites included in two previous housing elements.

The City shall rezone, within three years of the beginning of the planning period (October 15, 2021) to allow residential use by right under a R-3 designation, as appropriate for the site, and require that at least 20% of the units are affordable to lower-income households. This program can be an overlay on these specific sites. Housing developments that do not contain the requisite 20% lower income housing would still be allowed to be developed according to the underlying (base) zoning but would not be eligible for "by right" processing. If this 20% is not met, the City would make findings on the approval of that project pursuant to No Net Loss Law (Government Code section 65863) and proceed to identify an alternative site or sites pursuant to that law.

This is a program is designed to meet the requirements of State law and further the provision of housing for lower-income households.

Objective: Implement State law (by-right zoning, no net loss)

Responsible Agency: Planning Department

Timeline: Adopt re-zoning within three years of adoption of the *2021-2029 Housing Element*

Funding Source: General Fund

1.5: Land Use Element Updates

This Program implements the Local Early Action Program (LEAP) Grant,.The LEAP grant includes the following scope of work:

The Land Use Element Update will involve, but not be limited, to policies and programs involving a range of housing types; residential land use allocations; residential land use categories; residential densities including minimum densities; area designations (downtown mixed use); and specific plan designations.

Another focus of the Land Use Element Updates is on neighborhood planning to support efforts to affirmatively further fair housing. Neighborhood planning would cover the topics of “area designations” and “specific plan designations.” The neighborhood planning effort would -

- Evaluate and select criteria to delineate neighborhood boundaries
- Identify the neighborhoods in developed and Specific Plan areas
- Prepare a neighborhood demographic profile (i.e., population, income, etc.)
- Identify and describe neighborhood assets (i.e., parks, churches, etc.)
- Identify community leadership (organizations, non-profits)
- Inventory vacant land and development potential
- Identify opportunities for placed based investments
- Places to physically post and/or distribute City and fair housing information

The neighborhood planning effort will be used to

- Evaluate sites in the neighborhoods that should be considered for Land Use Element and Zoning Amendments
- Focus community outreach efforts
- Identify realistic funding resources to address placed-based investment opportunities

Objective: Implement Program; identify General Plan Amendments and Zoning Ordinance Amendments

Responsible Agency: Planning Department

Timeline:

- Implement Program by summer 2022;
- Adopt residential land use category (20.1-24.0 du/ac) as part of the General Plan Update (2024-2025)

Funding Source: Local Early Action Planning (LEAP) Grant

PROGRAM CATEGORY #2:**ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF ALL ECONOMIC SEGMENTS**

Government Code Section 65583(c)(2) states that a housing program shall:

Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate- income households.

Housing Need Summary

Appendix A describes the City's housing needs. Table II-2 presents a summary of the assessment of housing needs.

Goals

- Reduce the number of cost burdened lower income households
- Reduce the number of crowded lower income households
- Increase the number of lower income, first-time homebuyers

Policies

- Provide rental assistance to extremely low-, very low, and low- income households through programs administered by the Imperial Valley Housing Authority
- Provide financial assistance, if available, to first time homebuyers
- Facilitate the construction of new housing affordable to lower income households
- Ensure the affordability of new affordable housing developments through long-term affordability covenants
- Adopt a plan of incentives for the development of accessory dwelling units (ADUs)

Special Needs PoliciesElderly

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- To expand housing choices at potentially reduced costs, implement incentives for ADU development
- Prepare and adopt a Senior Housing Overlay Zone
- Provide financial assistance, if possible, to make home modifications

The purpose of a Senior Housing Overlay (SO) district is to provide optional standards and incentives for the development of a wide variety of specialized housing designed for and restricted to residents over the age of 55. Whenever the SO has been added to a base zone, the applicant may choose whether to use the optional SO standards or the standards of the base zone.

Disabled

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- Promote and make the community aware of the Reasonable Accommodation Procedure

- Provide information to apartment owners, property management companies and on-site property managers regarding reasonable accommodations, reasonable modifications; and service and companion animals
- Coordinate with the Access for Independence to promote independent living services
- Provide financial assistance, if funding resources become available, to make home modifications

Developmentally Disabled

- Explore with the San Diego Regional Center the need for home modifications in homes occupied by persons with developmental disabilities
- Post on the City's website information on the services and resources available from the San Diego Regional Center
- Explore with Access for Independence the opportunities that may be available to transition developmentally disabled persons from an institutional setting to a home environment

Large Families

- Continue to maintain the affordability and habitability of the existing housing stock that meets the needs of large families (13 large family affordable housing developments with a combined total of 772 lower income housing units.)
- Continue to support the poverty reduction programs operated by Companions Unido's Community Action Partnership (CAP) (War on Poverty agency)

Farmworkers

- Continue to support meeting the housing needs of farmworkers through existing housing and new housing developments.

Female Householders

- Work with the Inland Fair Housing & Mediation Board. to ensure that female householders are free from housing discrimination on the basis of sex and familial status.
- Post on the City's website information on availability and location of child care services.

Homeless Population

- Continue to support the efforts of County and local agencies addressing the needs of the homeless population.
- Post on the City's website information on available homeless population resources.

Table II-2
City of Brawley
Assessment of Housing Need Summary

	# of Renter Households	# of Owner Households
Cost Burden	1,665	965
Severe Cost Burden	1,010	425
Overcrowded Households (1.01+ persons per room)	556	213
Overcrowded Households (1.51+ persons per room)	101	92
At-Risk Housing	No existing affordable housing is at risk of conversion to market rate housing in the next 10 years (2021-2031)	
Special Housing Needs		
Elderly	Almost 2,350 elderly households (60+) live in Brawley.	
	30.5% of elderly householders 65+ live alone	
	52.7% of elderly householders 65+ are married couples	
	Approximately 1,025 elderly householders have lower incomes and a high percentage probably experience cost burdens and severe cost burdens	
Frail Elderly	Approximately 312 elderly persons 65+ are estimated to be frail	
	Almost 420 elderly persons 65+ have a propensity to fall multiple times during a year	
Persons with Disabilities	4,523 persons are estimated to be disabled (17% of the total population)	
	2,660 households have one or more disabled member	
	20.8% of the households with a disabled member live alone	
Persons with Developmental Disabilities	481 developmentally disabled persons are served by the San Diego Regional Center	
	437 developmentally disabled persons live in a home	
	Fewer than 11 live in a care facility	
Large Families (5+ persons)	Approximately 500 owner large families live in the City	
	Approximately 700 renter large families live in the City	
Farmworkers	Approximately 500 farm workers live in the City	
Female Householders	Approximately 1,400 female householders live in the City	
Homeless	The homeless population is estimated to be 106 persons	

Source: Appendix A Assessment of Housing Needs

Program 2.1: Imperial Valley Housing Authority - Rental Assistance for Lower Income Cost Burdened Families

The Imperial Valley Housing Authority (IVHA) operates throughout the County eight housing developments consisting of 395 housing units and a 58-space mobile home park. In Brawley, the IVHA provides rental assistance to 222 extremely-low and 74 very low-income Brawley families.

During the planning period, the City anticipates that the IVHA will continue to implement these two very important rental assistance programs. The assisted families pay 30% of their income toward monthly rent and, therefore, these programs reduce the number of cost burdened families. The City will continue to support the efforts of the Housing Authority to secure additional Section 8 Housing Choice Vouchers.

Objective: Provide rental assistance to approximately 400 Brawley families

Responsible Agency: Imperial Valley Housing Authority

Timeline:

- Continuously through 2021-2029
- Each year work with the IVHA to determine the number of families receiving rental assistance (i.e., elderly, disabled, small families and large families) and include the assistance information in the Annual Housing Element Progress Reports (APRs)

Funding Source: Section 8 contract (IVHA and HUD)

Program 2.2: First Time Homebuyer Program (City)

First time home buyer means an individual(s) who have not owned a home during the three- year period before the purchase of a home with program assistance.

This program offers first time home buyer down-payment assistance to low and very low households for the purchase of qualified homes in the City of Brawley. These loans will enable applicants to qualify for permanent financing of single family homes. The loans are for gap funding only.

The Housing Division of the Community Development Services Department administers this program.

Currently the City does not have funding for the program but may have funds sometime during the 2021-2029 planning period.

Objective: Five families if funding becomes available

Responsible Agency: Housing Division of the Community Development Services Department

Timeline:

- Secure HOME funding within two years from adoption of the *2021-2029 Housing Element*
- Provide assistance to at least one first time homebuyer per year

Funding Source: HOME funds

Program 2.3: Section 502 Direct Loan Program (USDA)

The Section 502 Direct Loan Program assists low- and very-low-income applicants obtain decent, safe, and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. Payment assistance is a type of subsidy that reduces the mortgage payment for a short time. The amount of assistance is determined by the adjusted family income.

Generally, rural areas with a population less than 35,000 are eligible

Loan funds may be used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate, or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities

Objective: At least five households

Responsible Agency: United States Department of Agriculture (USDA)

Timeline:

- Assist one household every 18 months
- Work with the local USDA at least once a year to determine implementation progress
- Include in the Housing Element APRs data on number and types of families assisted

Funding Source: USDA 502 funds

Program 2.4: Density Bonus Affordable Housing Program

The City's Density Bonus Ordinance (DBO) facilitates the production of affordable housing units.

In the past three years, the City has facilitated the development of four density bonus projects having a combined total of 39 density bonus units:

▪ 616 Main Street (Mixed Use)	4 units
▪ Adams Park I	12 units
▪ Brawley Senior Apartments	13 units
▪ Ocotillo Springs Apartments	10 units

The Planning Department will continue to expeditiously process applications for density bonus units and will post the following information on its webpage:

- Density Bonus Ordinance (DBO)
- All forms associated with the DBO
- All definitions associated with the DBO
- Processing flowchart
- Project examples:
 - ✓ Site location
 - ✓ Project description
 - ✓ Site plans
 - ✓ Renderings

Objective: 30 density bonus units

Responsible Agency: Planning Department

Timeline:

- The City Council adopted the Density Bonus Ordinance on October 19, 2021
- The City Council approved the second reading of the Density Bonus Ordinance on November 2, 2021
- Complete the Density Bonus webpage in Q1 2022
- Implement continuously throughout the 8-year planning period

Funding Source: General Fund

Program 2.5: ADU Incentives Plan

The Planning Department will implement on an ongoing basis the following components of the ADU Incentives Plan:

- Inform owners of fee exemptions for ADUs of less than 750 SF
- Inform owners of the Section 8 Housing Choice Voucher Program and County of Imperial Valley Housing Authority contacts
- Provide owners with examples of small ADUs (micro-units, small studios (<500 SF))
- Make copies available of the ADU Design and Development Manual which includes information on the following key topics:
 - ✓ How do I get started?
 - ✓ Basic steps for building an ADU

- ✓ ADU development checklist
- ✓ Site plan examples
- ✓ Unit plan example
- ✓ Promoting affordability
- ✓ Constructing the ADU
- ✓ Financing the ADU
- ✓ Permitting the ADU

Objective: Increase the number of constructed ADUs by implementing the “incentives plan”

Responsible Agency: Planning Department

Timeline:

- The ADU Design and Development Manual will be completed Q1 2022 20. The Guidebook will include examples of small ADUS (<500 SF).
- The Manual/Guidebook will be posted on the Planning Department’s webpage in Q1 2022. The webpage will include additional information describing the benefits of ADUs, including how the Imperial Valley Housing Authority could be of assistance to homeowners.
- Implement continuously through 2021-2029.

Funding Source: SB 2 Planning Grant

Program 2.6: Affordable Rental Housing Construction Program

The City will continue to support developer applications for funding of new construction (and preservation) affordable housing developments. The support includes City Council adopted resolutions and staff completion of the local review process for projects applying for low income housing tax credits.

The City Council has adopted resolutions in support of the following projects:

- Spring/Encino (Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing
- Ocotillo Springs Apartments (Affordable Housing Sustainable Communities Program - AHSC)
- Adams Park (Low Income Housing tax Credits - LIHTC)

The City also will facilitate the production of affordable housing through actions such as the following:

- Expedited processing of minor subdivisions (parcel splits)
Adams Park and Malan Apartments are examples of projects receiving expedited processing to create parcel splits
- Density bonus units
616 Main Street, Ocotillo Spring Apartments, and Brawley Senior Apartments are examples of projects with density bonus units
- Building height increases
Brawley Senior Apartments is an example of a project with an increase in the building height
- Reduced parking space requirements

Objective: Accelerate the production of affordable housing

Responsible Agency: City Council and Planning Department

Timeline: Facilitate the development of two affordable housing projects within four years of adoption of the 2021-2029 *Housing Element*

Funding Source: General Fund

Program 2.7: Fee Waivers and Deferrals for Affordable Housing Developments

The City Council has waived and deferred fees when housing developments confer public benefits such as road improvements and affordable housing.

In September 2019, the City Council voted to waive the transportation portion of development impact fees for housing units within the boundaries of Victoria Park and Malan Park subdivisions. The waived fee was \$1,836.45 per unit. There are approximately 120 units between the two subdivisions totaling \$367,290.00.

The City Council also approved the deferral of water capacity and waste water capacity fees for the following affordable housing developments:

- Brawley Senior Apartments \$186,442 (project was not awarded tax credits)
- Malan Street Apartments I \$238,879
- Malan Street Apartments II \$233,053
- Adams Park I \$618,229

The fee deferrals help projects applying for low income housing tax credits to garner points in the “public funds section.” Fees are awarded for the “Waiver of fees resulting in quantifiable cost savings and not required by federal or state law.”

The City will continue to implement the policy of fee waivers and deferrals for housing developments that confer public benefits.

Objective: Contribute to a reduction in housing production costs

Responsible Agency: City Council and Planning Department

Timeline: Continuously through the 2021-2029 planning period

Funding Source: Waived and deferred fees

Program 2.8: Developmentally Disabled Program

The City will implement a program that informs Brawley’s residents about the housing and services provided to developmentally disabled persons by the San Diego Regional Center (SDRC).

The City also will work with the SDRC to identify funding sources that can address the housing needs of developmentally disabled persons.

In addition, the City will reach out to the SDRC to find out if the homes in which developmentally disabled persons may need -.

- Home modifications
- Home Repairs
- Reasonable accommodations

Objective: Implement Developmentally Disabled Program

Responsible Agency: Planning Department

Timeline: Achieve program within one year of adoption of the 2013-2021 *Housing Element*

Funding Source: General Fund

Program 2.9: Assistance for Special Needs Populations

State law has identified populations with special needs as having greater difficulty finding decent, affordable housing. For example, homeless individuals and families have no housing at all. The frail elderly and disabled may need home modifications to make their homes safe.

Households with special needs include persons that are homeless, the elderly, persons with physical and/or mental disabilities (including developmental disabilities), large households, and female householders. The City will provide assistance to these households to encourage the provision of adequate housing to meet their needs.

In order to assist in meeting the housing needs of special populations, the City will:

- Identify the mainstream agencies, non-profits and advocates addressing the needs of each special needs population -
 - ✓ Campesinos Unidos, Inc.
 - ✓ Area Agency on Aging
 - ✓ Access to Independence
 - ✓ Homeless services
 - Continuum of Care
 - Our Lady Of Guadalupe Men's Shelter
 - House of Hope
 - Neighborhood House Shelter
 - WomenHaven Center for Family Solutions
- Engage these groups to identify needs and new solutions
- Pursue funding sources that address the needs of special housing populations
- Encourage housing developers to accommodate special needs populations in portions of their developments

Objective: Produce housing meeting the needs of special populations through the specific programs included in Program Category 3.

Responsible Agency: Planning Department

Timeline: Achieve program within one year of adoption of the 2013-2021 *Housing Element*

Funding Source: General Fund

Program 2.10 Farm Worker Housing Program

This Program will:

- Identify sites that may be most appropriate for farm worker housing based on funding source criteria

- Reach out to affordable housing developers with development experience in Brawley (e.g., Chelsea Development Corporation, AMG)
- Develop incentives to accelerate the production of farm worker housing
- Reach out to public and private organizations that can contribute to the production of farm worker housing
 - ✓ Farm Worker Services Coalition
 - ✓ Imperial Valley Economic Development Corporation
 - ✓ Catholic Charities
 - ✓ California Coalition for Rural Housing
 - ✓ Imperial Valley Housing Authority (IVHA)
 - ✓ United States Department of Agriculture (USDA)
 - ✓ Campesinos Unidos, Inc.

Objective: Achieve the production of 40-60 farm worker housing units by 2025

Responsible Agency: Planning Department

Timeline:

- Complete outreach efforts within 12 months of adoption of the Housing Element
- Identify most appropriate sites within 12 months of adoption of the Housing Element
- Complete the incentives for farm worker housing developments within 24 months of adoption of the Housing Element
- Submit a funding application for funding (LIHTC, AHSC, and Joe Serna) within 24 months of adoption of the Housing

Funding Source: General Fund

Program 2.11: Extremely Low Income (ELI) Program

The needs of extremely low income households are addressed within the framework of the programs administered by the City and Imperial Valley Housing Authority. Each of these entities addresses the needs of lower income households, including extremely low income households. The quantified objectives for extremely low income households are based on individual programs and the approved affordable housing developments that address the existing and future needs of extremely low income households, as follows:

- Program 2.1 – Imperial Valley Housing Authority operated housing and Section Housing Choice Vouchers - 222 ELI households
- Program 2.3: Section 502 Direct Loan Program (USDA) – 2 ELI households
- Program 2.4: Density Bonus Affordable Housing Program – 10 ELI households
- Program 2.6: Affordable Rental Housing Construction Program – 62 ELI households
- Program 2.7: Fee Waivers and Deferrals for Affordable Housing Developments - unknown
- Program 2.8 – Developmentally Disabled Program - unknown

PROGRAM CATEGORY #3:**IMPLEMENTATION PROGRAM TO ADDRESS AND REMOVE GOVERNMENTAL AND NONGOVERNMENTAL HOUSING CONSTRAINTS**

Government Code Section 65583(c)(3) requires the 2021-2029 *Housing Element* to include a program to:

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.

Transitional and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

Analysis of Potential and Actual Governmental Constraints

Appendix D contains the analysis of governmental constraints based on the requirements of the following Government Code Sections:

- 65583(a)(5) - describes the governmental factors, such as land use controls and building codes, which must be included in the constraints analysis
- 65583c)(1) - identifies the types of housing that must be permitted by the Zoning Ordinance
- 65583(a)(7) – describes the scope of the special housing needs analysis which includes, but is not limited, to disabled and developmentally disabled persons
- 65915-65918 – requires the City to adopt an ordinance that describes how it will comply with the State density bonus law
- 65852.2 – requires the Zoning Ordinance to provide for the creation of accessory dwelling units
- 65852.22 – requires the Zoning Ordinance to provide for the creation of junior accessory dwelling units
- 65662 – requires the City to permit by right “low barrier navigation centers”
- 65651 – requires the City to permit by right qualified supportive housing developments

Program Category 3 describes an implementation program designed to remove the governmental constraints which are identified in Appendix D.

State grants enabled the City to complete a comprehensive analysis of governmental constraints (Appendix D). In addition, the State grants enabled the City to prepare the implementation program to remove governmental constraints (Program Category #3); and to adopt of all the required Zoning Ordinance Amendments. The State grants included the SB 2 Planning Grant and the Local Early Action Planning (LEAP) Grant.

The list below provides a few examples of governmental constraints:

- Land use policies and zoning standards and regulations create constraints if they are not consistent with what state housing law requires. For example, State law requires cities and counties to permit emergency shelters in at least one zone. If a jurisdiction has not designated a zone permitting emergency shelters, a constraint is considered to exist.
- If State law requires local jurisdiction to adopt – for example – a density bonus law and a city or county has failed to do so, a constraint is said to exist.
- If the local development standards are not consistent with what the State law requires, a governmental constraint is considered to exist. For example, a local ADU ordinance could set forth setback, parking and unit size standards in conflict with Government Code requirements.
- Another example of a governmental constraint occurs when a jurisdiction fails to abide by the guidance provided by HCD and/or California Attorney General's Office. A governmental constraint is created when a jurisdiction fails to adopt a reasonable accommodation procedure.

Goals

- Attain barrier and constraint free governmental codes, ordinances, and policies.
- Provide codes, ordinances, and policies that lead to the development of a variety of housing types.
- Provide codes, ordinances, and policies that accommodate special housing needs.

Policies

- Remove existing governmental constraints to the maintenance, preservation, improvement and development of housing.
- Affirmatively further fair housing goals through codes, ordinances and policies that enhance the housing choices of protected groups (i.e., disabled, families with children).

Objectives

The housing program efforts do not involve the production or rehabilitation of housing. Therefore, quantified objectives cannot be set for this Program Category.

Programs to Remove Governmental Constraints

Objective: Implementation of Program 3.1 through Program 3.9

Responsible Agency: Planning Commission, City Council, Planning Department

Timeline:

- The City adopted the ADU Ordinance and Density Bonus Ordinance concurrently with adoption of the 2021-2029 *Housing Element*. The second reading of the Ordinances was approved on November 2, 2021.
- Ordinances implementing Program 3.1 to Program 3.9 will be adopted in Q1 2022.

Funding Source: SB 2 Planning Grant, Local Early Action Planning (LEAP) Grant, and General Fund

Program 3.1: Adopt Density Bonus Ordinance

Government Code 65915(a)(1) requires the City to adopt an ordinance that specifies how compliance with the Density Bonus Law will be implemented. However, the failure to adopt an ordinance does not relieve the City from the necessity to comply with Government Code Section 65915-65918 when an application is submitted to the Planning Department.

In recent years, the City has approved four projects that included 39 density bonus units.

The City Council adopted the Density Bonus Ordinance concurrently with adoption of the 2021-2029 *Housing Element*. The second reading of the Ordinances was approved on November 2, 2021.

Program 3.2: Adopt Accessory Dwelling Unit Ordinance

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2020, are intended to reduce barriers, streamline the approval processes, and expand local capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

The City Council adopted the Accessory Dwelling Unit Ordinance concurrently with adoption of the 2021-2029 *Housing Element*. The second reading of the Ordinances was approved on November 2, 2021.

Program 3.3: Adopt New and Revised Zoning Ordinance Definitions

Article II of the Zoning Ordinance provides definitions of terms and phrases that are necessary to the proper understanding of the Ordinance's standards and regulations. It is necessary to add or update Zoning Ordinance definitions because of the following reasons:

- Recently enacted State laws such as those concerning accessory dwelling units, density bonus units, low barrier navigation centers and qualified supportive housing
- Need to revise or add definitions such as "family" and "licensed group home" to achieve consistency with federal and state fair housing laws.
- Need to define the new housing types added to list of permitted uses in the residential, commercial and mixed-use overlay zones

Definitions Associated with the Density Bonus Ordinance

At a minimum, definitions will be included in Article II for the terms “Density Bonus” and “Maximum Allowable Residential Density.”



Ocotillo Springs Apartments

Definitions Associated with the Accessory Dwelling Unit Ordinance

Definitions will be included in Article II for the terms associated with the ADU Ordinance including, but not limited to “Accessory Dwelling Unit” and “Junior Accessory Dwelling Unit”.

Definitions Associated with Compact Housing Units

Compact housing unit is a term encompassing, SROs, Micro-Units, and small studio units. These housing unit types are essentially the same, providing new housing with a minimum unit size of 350 SF and a maximum SF of 500 SF. The minimum unit size of 350 SF will be large enough to accommodate a kitchen or kitchenette and bathroom. A maximum unit size of 500 SF aligns with California Tax Credit Allocation Committee’s minimum unit size standard for Single Room Occupancy (SRO) units.

Definitions of following terms associated with Compact Housing Units will be added to the Zoning Ordinance:

- Compact Housing Unit
- Compact Housing Development
- Dwelling unit, efficiency
- Micro-unit
- Single room occupancy unit
- Studio-unit

Definitions Associated with the Conversion of Motels or Hotels to Permanent Housing

HCD recommends when appropriate jurisdictions should support the conversion of motels and hotels to SROs. The City of El Centro has approved two SRO developments and Calexico has approved one such development. The Zoning Ordinance will be amended to add the following definitions:

- Hotels, converted to SRO units
- Motels, converted to SRO units

Definitions Associated with Meeting the Requirements of State Laws

Definitions will be added to the Zoning Ordinance for the following housing types:

- Employee Housing
- Low Barrier Navigation Center
- Qualified Supportive Housing Development

A housing element, according to HCD, should ensure that local zoning, development standards, and permitting processes comply with Health and Safety Code Sections 17021.5 and 17021.6. Section 17021.5 generally requires employee housing for six or fewer persons to be treated in a zoning ordinance as a single-family structure and residential use. No conditional-use permit, zoning variance, or other zoning clearance shall be required for this type of employee housing that is not required of a single-family-family dwelling of the same type in the same zone.

A definition of “employee housing” needs to be added to the Zoning Ordinance. Moreover, employee housing needs to be listed as a permitted use in the zones that permit single-family housing.

Government Code 65660 describes a ‘low barrier navigation center’ as a service enriched shelter providing temporary living facilities while focused on moving homeless people to permanent housing.

Government Code 65662 requires the City to permit a “low barrier navigation centers” as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of State law.

A definition of “low barrier navigation center” will be added to the Zoning Ordinance.

AB 2162 requires supportive housing to be a “use by right” in zones where either multifamily or mixed uses are permitted, so long as the proposed housing development meets the criteria outlined in Government Code Section 65651(a). To qualify as a “use by right” under AB 2162, a supportive housing development must satisfy several requirements one of which is the housing units in the development must be subject to a 55-year recorded affordability restriction.

Definitions Associated with Affirmatively Furthering Fair Housing

The following terms will need to be added or updated for purposes of affirmatively furthering fair housing:

- Family
- Licensed Group Home
- Senior Citizen
- Senior Housing Development

Both State and Federal fair housing laws prohibit definitions of family that either *intentionally* discriminate against people with disabilities or *have the effect* of excluding such individuals from housing. To comply with fair housing laws, a definition of “family” must emphasize the functioning of the members as a cohesive household:



- A definition should not distinguish between related and unrelated persons.
- A definition should not impose numerical limitations on the number of persons that may constitute a family.

The Zoning Ordinance will be amended to update the City's "family" definition.

Under California law, group homes housing six or fewer persons that are licensed under the Health and Safety Code must be permitted in all residential zones that permit single family homes. Examples of licensed group homes are an "adult residential facility" and a "residential care facility for the elderly."

The Zoning Ordinance will be amended to add a definition of "licensed group home."

The Zoning Ordinance does not define "senior housing". A definition will be added to ensure that a senior housing development meets the requirements of federal and state fair housing law.

Senior housing meeting the requirements of the federal Housing for Older Persons Act (HOPA) may legally exclude families with children. The 1988 amendments to the federal Fair Housing Act exempt "housing for older persons" from the prohibitions against familial discrimination. All residents in a senior housing must be 62 years of age or at least 80% of the occupied units must have at least one person who is 55 years of age or older.

California law states that a housing provider using the lower age limitation of 55 years must have at least 35 units to use the familial status discrimination exemption. Also, California law, with narrow exceptions, requires all residents to be "senior citizens" or "qualified permanent residents", pursuant to Civil Code Section 51.3.

Thus, the Zoning Ordinance will be amended to add definitions of "senior citizen" and senior housing development."

Program 3.4: Update the Uses Permitted in the Residential Districts

Article IV of the Zoning Ordinance lists the uses permitted in each Residential District. The Zoning Ordinance will be amended to add uses to certain residential districts for purposes of complying with the Government Code and the Health and Safety Code requirements.

- Compact housing will be added as a permitted use in the R-3 Zone.
- Employee housing will be added as a permitted use in all zones permitting single-family dwellings: R-A Residential-Agricultural, R-E Residential-Estate, R-1 Single Family Residential, R-2 Low Density Multiple Family Residential, and R-3 Medium Density Multiple Family Residential.
- Licensed group homes (residential care facilities) will be added as a permitted use in all residential zones permitting single family dwellings.
- Large family day care homes (see below) will be added as a permitted use in the R-2 and R-3 Zones.

AB 234 – Keeping Kids Closer to Home Act – aims to expand childcare opportunities for California families. This legislation allows large family childcare homes that provide care for up to 14 children in multifamily units, meaning these large family daycare homes are now to be treated as a residential use of property in local ordinances. The bill also prohibits a property owner or manager from refusing to sell or rent a dwelling unit to a person that is a daycare provider. The law prohibits local jurisdictions from

imposing a business license, fee, or tax for the privilege of operating both small and large daycare homes as well.

Program 3.5: Update the Uses Permitted in the Commercial Districts

Article V of the Zoning Ordinance lists the uses permitted in each Commercial District. The Zoning Ordinance will be amended to add uses to certain commercial districts for purposes of complying with the Government Code and the Health and Safety Code.

- Emergency shelters will be permitted in the C-2 and C-3 Zones with a maximum of 30 beds in each zone.
- “Low Barrier Navigation Centers will be added as a permitted use in the C-P Commercial Zone and the M-U Mixed Use Overlay District. State law requires “low barrier navigation centers” as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. The C-P Service and Professional Zone permits “apartment houses.”
- Hotels, converted to SRO housing units will be a permitted use in the C-2 and C-3 Zones
- Motels, converted to SRO housing units will be a permitted use in the C-2 and C-3 Zones

Program 3.6: Update the Parking and Loading Requirements

Article XI - Parking and Loading – of the Zoning Ordinance will be amended to state the number of parking spaces required for compact housing units and for density bonus projects.

HCD recommends that jurisdictions should have provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development.

A provision will be added to the Zoning Ordinance to allow the Planning Commission to reduce the number of parking spaces required for senior and special needs housing developments, subject to an applicant submitting information that demonstrates fewer parking spaces are able to meet the demand for parking spaces.

Program 3.7: Update Article XII Special Development Standards and Uses

Section 27.184 will be added to provide development standards for Compact Housing Units (SROs, micro units, and small studio units). Among the development standards will be:

- New multiple-family residential buildings comprised entirely of compact housing units shall have a minimum of 16 housing units.
- New multiple-family residential buildings which are not comprised entirely of compact housing units shall include no more than 25% of the total number of housing units as compact housing units.

Section 27.185 will be added to establish development regulations for the Conversion of Motels or Hotels to SRO Housing Units. The regulations are described in Appendix D,

Program 3.8: Update Article XIII Development Standards for Certain Conditional and Regulated Uses

The new Accessory Dwelling Unit (ADU) Ordinance will replace Section 27.201 Second Units.

Section 27.202 Family Day Care Home will be added to comply with AB 284 which requires cities to permit by right large family day care homes (up to 14 kids) in multifamily residential zone districts.

Program 3.9: Update Article XXI Density Bonus Program

The new Density Bonus Ordinance will replace Article XXI Density Bonus Program.

Program 3.10: Non-Governmental Constraints Program

The program to remove or ameliorate non-governmental constraints will include:

- Adoption of a density bonus program to reduce per unit land costs.
- Adoption of an ADU Ordinance to promote new housing on parcels with no associated land costs,
- Creation of a new housing type – compact housing units of 350 to 500 SF – to promote new housing with lower construction costs.
- To increase financing availability, continue to approve letters supporting developer applications for funding (e.g., LIHTC, AHSC).

Objective: Contribute to reducing land costs and construction costs and increasing the availability of financing.

Responsible Agency: Planning Department

Timeline:

- Adoption of the DBO and ADU Ordinances concurrently with the *2021-2029 Housing Element*.
- Provide in the Zoning Ordinance for the creation of compact housing units by Q1 2022.

Funding: General Fund, SB Planning Grant, Local Early Action Planning Grant (LEAP)

PROGRAM CATEGORY #4:***CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING STOCK***

Government Code Section 65583(c)(4) states that a housing program shall describe actions to:

Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

Housing Needs Summary

Approximately 3,000 housing units are in need of minor (67%), moderate (27%), or substantial (6%) rehabilitation. The estimate is based on previously completed windshield surveys, housing code enforcement efforts, and home improvements completed in recent years.

The most frequent housing rehabilitation needs are replacing windows, re-painting, re-roofing, and patching/painting.

Approximately 50 housing units are deemed dilapidated and beyond repair.

Goals

- Achieve a housing stock free of substandard structures.
- Conserve and improve the existing stock of affordable housing.

Policies

- Continue to implement the Housing Code Enforcement Program.
- Continue to implement a Housing Rehabilitation Program.

Housing Programs**Program 4.1: Housing Code Enforcement**

Code Enforcement administers an enforcement program that investigates and corrects violations of the City's Municipal Codes that govern the use and maintenance of private, residential property and commercial property. Code Enforcement also investigates and conducts inspections involving vehicle abatement, blight and nuisance, weed abatement, unsafe, illegal or unlicensed construction or conversions, and illegal dumping.

The Code Enforcement Division of the Community Services Department enforces city code violations that are blight issues or hazards that are seen by public view or reported to code enforcement. Personnel assigned to this program are responsible for investigating city code violations, seeking compliance via education and enforcement efforts up to and including civil/criminal prosecutions.

If a code violation occurs, the following are options the Code Enforcement Officer may use to ensure compliance: notice of violations, correction notices, inspection notices and order, summary abatement, citations, inspection and abatement warrants, and warnings.

Objective: 2,000 corrected code violation; 250 per year

Responsible Agency: Code Enforcement Division of the Development Services Department

Timeline: Continuously between 2021 and 2029

Funding Source: General Fund

Program 4.2: Housing Rehabilitation Program

The City currently has an active Owner-Occupied Rehabilitation Program. This program will enable income qualified families to make much needed health and safety repairs to their home.

Rehabilitation means repairs and improvements to substandard housing which are necessary to meet rehabilitation standards as defined in Section 50097 of the Health and Safety Code, to eliminate conditions specified in Section 17920.3 of the Health and Safety Code and to meet housing quality standards. Rehabilitation also means repairs and improvements which are necessary to meet city-adopted standards used in the rehabilitation program.

Rehabilitation shall include reconstruction, if needed.

Homeowners are eligible for a Deferred Payment Loan at zero (0%) percent interest rate, evidenced by a promissory note and secured by a deed of trust, with no payback required for 30 years unless the borrower sells, refinances, transfers title or discontinues residence in the dwelling, at which time the full balance is due and payable. Payments are voluntary on a deferred loan with no penalties

Objective: Five substandard housing units

Responsible Agency: Code Enforcement Division of the Community Services Department

Timeline:

Implement continuously between 2021 and 2029

Report on the number of housing unit rehabilitated in the Housing Element Annual Progress Reports

Funding Source: HOME Investments Partnership Program (HOME)

Program 4.3: Section 504 Home Repair Program

The Section 504 Home Repair program provides loans to very-low-income owners to repair, improve, or modernize their homes or provides grants to elderly very-low-income homeowners to remove health and safety hazards.

The qualification criteria include:

- Be the homeowner and occupy the house
- Be unable to obtain affordable credit elsewhere
- Have a family income below 50% of the area median income

The program basics include:

- Loans may be used to repair, improve, or modernize homes or to remove health and safety hazards.
- Grants must be used to remove health and safety hazards.
- The maximum loan is \$20,000.
- The maximum grant is \$7,500.
- Loans and grants can be combined for up to \$27,500 in assistance.

Objective: 8 rehabbed homes

Responsible Agency: United States Department of Agriculture

Timeline: Continuously between 2021 and 2029

Funding Source: USDA loans and grants

PROGRAM CATEGORY #5**PROMOTE AND AFFIRMATIVELY FURTHER HOUSING OPPORTUNITIES FOR ALL PERSONS**

Section 65583(c)(5) requires that the housing program:

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 and any other state and federal fair housing and planning law.

Assessment of Fair Housing Summary

Appendix B presents the *Assessment of Fair Housing*. The assessment includes a demographic summary of fair housing protected classes; analysis of fair housing issues; description of factors contributing to fair housing issues; and a fair housing action plan encompassing priorities, goals, and strategies.

Program 5.1: Fair Housing Services Program

As the City is not a CDBG entitlement jurisdiction it has no funding to retain the services of a fair housing provider. However, the City of El Centro, a CDBG recipient, contracts with the Inland Fair Housing & Mediation Board. The principal offices of IFHMB are located in San Bernardino and Ontario.

The City of Brawley, when funds become available, will contract with Inland to conduct:

- Fair housing training to City staff
- Fair housing workshop for the benefit of tenants
- Fair housing workshop for the benefit of apartment managers

Staff training was recently completed on March 30, 2021. One city staff person participated in a fair housing webinar hosted by the Inland Fair Housing & Mediation Board.

Objective: Complete additional training hold workshops

Responsible Agency: Planning Department

Timeline: Complete program implementation within two years of adoption of the *2021-2029 Housing Element*

Funding Source: General Fund

Program 5.2: Fair Housing Information Program

The City will provide residents with fair housing information primarily by posting links to a variety of fair housing resources including, but not limited, to:

- Inland Fair Housing & Mediation Board (IFHMB)
- California Department of Fair Employment and Housing (DFEH)
- U. S. Department of Housing and Urban Development (HUD)
- U.S. Department of Justice (DOJ)
- Disability Rights California

Objective: Post new information on the City's webpage

Responsible Agency: Planning Department

Timeline: Within six months of adoption of the 2021-2029 Housing Element

Funding Source: General Fund

Program 5.3: Poverty Reduction Program

According to the AFFH Rule:

Preparation of an AFH could be an important step in reducing poverty among groups of persons who share characteristics protected by the Fair Housing Act. The focus and purpose of the AFH is to identify, and to begin the process of planning to overcome, the causes and contributing factors that deny or impede housing choice and access to opportunity based on race, color, religion, sex, national origin, familial status, and disability. [Emphasis added]

Federal Register July 16, 2015, page 42283

Increasing the number of families with incomes above the poverty level will help to alleviate housing problems such as severe cost burdens (and, perhaps, cost burdens) and overcrowding. Poverty reduction strategies focused at the neighborhood level also will help to enhance access to opportunity.

The primary contributing factors to poverty in Imperial County appear to be (in no specific order):

- Employment (availability of jobs, or wages paid in the available jobs);
- Lack of higher educational/vocational skill attainment, race (especially in connection with Hispanic or Latino, Black/African American, and Native American individuals/families); and
- The high cost of living (demonstrated by needs identified in such areas as housing, utility bills, health care, transportation, food, etc.).
- From community members and key informant interviews, the policy issues expressed as contributing factors included:
- Income eligibility thresholds that are far too low, which therefore disqualify residents in need from receiving services, and
- Income eligibility thresholds that are far too low, which therefore disqualify residents in need from receiving services, and
- Restrictive regulations and costs for developing affordable housing.

An effective strategy to reduce poverty in Census Tract 104 as well as other neighborhoods is to increase participation in safety net programs.

Actions will be undertaken to inform residents of the available safety net programs:

- Posting safety net program information on the City's website
- Holding workshops in neighborhoods to inform residents
- Distributing information at special events
- Providing information at Senior Appreciation Day
- Preparing a brochure on safety net programs available from the Imperial County Department of Social Services and Campesinos Unidos, Inc.

The City will work with Campesinos Unidos, Inc. to ensure that families living in the R/ECAP and other neighborhoods are aware of and make use of the programs available through the American Rescue Plan.

Information also will be disseminated on safety net programs that benefit poverty income families such as the Earned Income Tax Credit (EITC), and Supplemental Nutrition Assistance Program (SNAP).

The actions will be taken cooperatively with Campesinos Unidos, Imperial County Department of Social Services, and the Area Agency on Aging.

Additional information on Program 5.3 can be found in Appendix B, pages B-36 and B-37.

Objective: Increase the number of households participating in safety net programs

Responsible Agencies: City, Campesinos Unidos, Imperial County Department of Social Services, and the Area Agency on Aging.

Funding Source: General Fund and Community Services Block Grant funds

Timeframe: Establish the program within one-year of adoption of the *2021-2029 Housing Element* and implementation throughout the 8-yearplanning period.

Program 5.4: Place-Based Neighborhood Poverty Reduction Program

The placed-based strategy will have two components:

- Investment targeting
- Poverty reduction

Census Tract 104 is a Qualified Opportunity Zone. The City will take the following actions:

- The Planning Department and Finance Department will continue to assist the private sector to identify investment opportunities.
- The Planning Department will provide the private sector information regarding the General Plan, Zoning Ordinance, demographics and the Economic Development Element Update

Previous City actions have spurred investment in Census Tract 104 by way of the 74-unit Ocotillo Springs Apartments, which was the first development in Imperial County to be awarded funding from the Affordable Housing Sustainable Communities Program.

Additional information on Program 5.4 can be found in Appendix B, pages B-37 and B-38.

Objective: Stimulate investment in Census Tract 104

Responsible Agencies: Planning Department and Finance Department

Funding Source: General Fund and private investor funds

Timeframe:

- Develop a work plan for stimulating investment in Census Tract 104 within one-year of adoption of the *2021-2029 Housing Element*
- Implement the program throughout the 8-yearplanning period.

Program 5.5 Neighborhood Planning Program

Access to opportunity needs to be improved for the City's neighborhoods. The City will adopt a neighborhood planning program that encompasses all neighborhoods but will focus on the one-third of the population living in "low" resource areas.

The neighborhood planning effort will include the following activities:

- Evaluate and select criteria to delineate neighborhood boundaries
- Identify the neighborhoods in developed areas and Specific Plan areas
- Prepare a neighborhood demographic profile (i.e., population, income, etc.)
- Identify and describe neighborhood assets (i.e., parks, churches, etc.)
- Identify community leadership (i.e., organizations, non-profits)
- Describe General Plan and zoning designations
- Prepare a count or census of housing units by type (SFD, MF)
- Inventory vacant land and development potential
- Identify opportunities for placed based investments
- Identify funding resources
- Identify places to physically post and/or distribute City and fair housing information
- Prepare data on each TCAC indicator (e.g., adult education) for each neighborhood (e.g., CT 106).

One beneficial impact of the program will be to enable residents to access services that will improve their educational attainment; reduce unemployment; increase household incomes; connect K-12 students to educational resources, and provide renters with first time home buyer resources.

In addition, during the 8-year planning period, the City will complete the following actions:

- Monitor the annual release of the TCAC Draft Methodology, which is usually released in December of each year.
- Annually update the resource category (highest, high, and moderate) of each neighborhood/census tract.
- Update the sites and site information in each neighborhood/census tract.
- Post all relevant site and neighborhood resource categories on the Planning Department's website.

Additional information on Program 5.5 can be found in Appendix B, pages B-45-B-47.

Objective: Complete the Neighborhood Planning Program within one-year of adoption of the 2021-2029 Housing Element

Responsible Agencies: Planning Department and other city departments as needed

Funding Source: General Fund and Local Early Action Planning Grant (LEAP)

Timeframe:

- Complete the Neighborhood Planning Program within a year of the Housing Element adoption;
- Implement the program throughout the 8-year planning period;
- Annual reporting in the Housing Element Annual Progress Report.

Program 5.6: Displacement Risk Program

Some households, particularly ELI households that are severely cost burdened, are at risk of displacement. Additionally, evictions are among the causes of displacement. The City will work with the Imperial Valley Housing Authority, Inland Fair Housing and Mediation Board, and Campesinos Unidos, Inc. to develop ways to mitigate displacement risk.

Information will be posted on the City's website:

- How ELI households can apply to the Housing Authority to obtain rental assistance

- Tenant/landlord counseling services available in Imperial County
- How tenants can obtain eviction information from fair housing organizations
- Rental assistance available from Campesinos Unidos, Inc.

Objective: Post information within six months of adoption of the *2021-2029 Housing Element*. Establish a working relation with Housing Authority, IFHMB, and Campesinos Unidos within six months of adoption of the *2021-2029 Housing Element*.

Responsible Agencies: Planning Department

Timeframe: Achieve objective as noted and implementation throughout the 8-year planning period.

Funding Source: General Fund

PROGRAM CATEGORY #6**PRESERVE AFFORDABLE HOUSING AT RISK OF CONVERTING TO MARKET RATE HOUSING**

Section 65583(c)(6) mandates that the housing program shall do the following:

Preserve for lower income households the assisted housing developments . . . The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all the available federal, state, and local financing and subsidy programs... except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve regulation and technical assistance.

1. Housing Needs Summary

The 20-unit Brawley Senior Plaza is at risk of conversion to market rate housing because affordability restrictions are set to expire by 2025.

Goal

- Preserve the existing supply of affordable housing that is financially assisted by the City, County, and State or Federal governments.

Policies

- Monitor and protect the supply of affordable housing.
- Ensure the long-term affordability of future affordable housing developments.

Objectives

- Preserve 20 affordable housing units at risk of conversion to market rate housing.

2. Housing Program**Program 6.1: At-Risk Housing Preservation Program**

The program consists of the following actions:

Monitor Units at Risk: Maintain contact with owners of Brawley Senior Plaza to monitor the status and future plans.

Work with Potential Purchasers: Where feasible, provide assistance to public and non-profit agencies interested in purchasing and/or managing units at risk.

Tenant Education: The California legislature extended the noticing requirement of at-risk units opting out of low income use restrictions to one year. Within 60 days of a notice of intent to convert at-risk units to market rate rents, the City will work with potential purchasers using HCD's current list of Qualified Entities.-

Should a property owner pursue conversion of the units to market rate, the City will ensure that tenants were properly noticed and informed of their rights and that they are eligible to receive Section 8 vouchers that would enable them to stay in their units.

Assist Tenants of Existing Rent Restricted Units to Obtain Section 8 Voucher Assistance: Tenants of housing units with expired Section 8 contracts are eligible to receive special Section 8 vouchers that can be used only at the same property. The City will assist tenants of "at-risk" units to obtain these Section 8 vouchers through the Imperial Valley Housing Authority.

Objective: Implement Program and preserve 20 at-risk senior housing units

Responsible Agency: Planning Department

Timeline:

- Preserve the at-risk senior housing units by 2025
- Semi-annually monitor the status of the Brea Senior Plaza

Funding Source: Housing preservation funding sources

PROGRAM CATEGORY 7
OPPORTUNITIES FOR ENERGY CONSERVATION

Government Code Section 65583(a)(8) states the Housing Element must include:

An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

Opportunities for Energy Conservation

Conservation can be accomplished by reducing the use of energy consuming items, or by physically modifying existing structures and land uses. The California Energy Commission first adopted energy conservation standards for new construction in 1978. These standards, contained in Title 24 of the California Administrative Code, contain specifications relating to insulation, glazing, heating and cooling systems, water heaters, swimming pool heaters, and several other items.

Like all California communities, Brawley implements the requirements of CALGreen, California's first green building code and first in the nation state mandated green building code. As stated on the State's website (<https://www.hcd.ca.gov/building-standards/calgreen/>), "CALGreen provisions under the jurisdiction of HCD are for newly constructed residential structures, as well as additions and alterations to existing buildings which increase the building's conditioned area, interior volume or size. Therefore, for the purposes of HCD, CALGreen applies to the following types of residential structures:

- Hotels, motels, lodging houses
- Apartment houses, condominiums
- One and two-family dwellings, townhouses, factory-built housing
- Dormitories, shelters for homeless persons, congregate residences, employee housing
- Other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities"

As part of the Community Stakeholder Outreach, both Campesinos Unidos, Inc. and the Area Agency on Aging indicated that there is a growing need for energy efficient homes because many homes are old.

Goal

- Achieve reductions in energy consumption.

Policies

- Encourage the use of energy conserving techniques in the siting and design of new housing.
- Actively enforce all state energy conservation requirements for new residential construction.
- Allow use of rehabilitation assistance funds to make residences more energy efficient.
- Continue to make local residents aware of the free home energy surveys performed by the Imperial Irrigation District as a means to reduce energy consumption and, in turn, overall long-term housing costs.
- Encourage and promote the maximum use of solar energy systems and other more aggressive

energy conservation techniques, including construction techniques similar to and including LEED certification in housing units throughout the City thereby increasing opportunities for energy conservation and reducing overall long term housing costs.

Energy Conservation Objective

- Achieve the General Plan energy conservation implementation objective

Housing Program**Program 7.1: Energy Conservation Program**

The Planning Department will utilize the development review process to incorporate energy conservation techniques into the siting and design of proposed residences.

The Building Division of the Community Services Department also will continue to require that all new residential development complies with the energy conservation requirements of Title 24 of the California Administrative Code, and the City will encourage developers to employ additional energy conservation measures in an effort to exceed the minimum required standards, including but not limited, to the specific example below.

- Sustainable site development;
- Water savings;
- Energy efficiency;
- Material selection; and
- Indoor environmental quality.

The Housing Division of the Community Services Department, to the extent permitted by funding programs, will continue to allow energy conservation measures as improvements eligible for assistance under the provisions of the Housing Rehabilitation Program.

The Housing Division of the Community Services Department will continue to inform the public regarding free home energy audits and other programs of the Imperial Irrigation District (IID).

The City will continue to implement the energy conservation and efficiency measures included in the 2019 Climate Action Plan (e.g., Buildings Exceed Title 24 Energy Efficiency Standards, New Construction Energy Efficiency Program (NCEEP).

Objective: Implement the Energy Conservation Program

Responsible Agency: Planning Department; Housing Division of the Community Services Department

Timeline: Achieve program implementation within two years of adoption of the 2021-2029 Housing Element

Funding Source: General Fund

QUANTIFIED OBJECTIVES

According to HCD's *Building Blocks: A Comprehensive Housing Element Guide*:

The quantified objectives should estimate the number of units likely to be constructed, rehabilitated, or conserved/preserved by income level during the planning period. The quantified objectives do not represent a ceiling on development, but rather set a target goal for the jurisdiction to achieve, based on needs, resources, and constraints.

Ideally, construction objectives will be equal to identified needs. However, when a locality has determined total housing needs exceed the locality's ability to meet those needs with existing resources, the quantified objectives may be less than the total identified need as specified in the locality's regional housing need allocation. Under these circumstances, localities may target limited resources to areas of greatest need (based on the analysis completed). The housing element, however, must describe the analysis used to establish the quantified objectives.

- The “New Construction” objective refers to the number of new units that potentially could be constructed using public and/or private sources over the planning period, given the locality's land resources, constraints, and proposed programs.
- The “Rehabilitation” objective refers to the number of existing units expected to be rehabilitated during the planning period.
- The “Conservation/Preservation” objective refers to the preservation of the existing affordable housing stock throughout the planning period.

City of Brawley
Quantified Objectives: 2021-2029

Category	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
Construction	62	188	168	202	615	1,235
Rehabilitation	2	6	37	32	32	109
Conservation/ Preservation	222	106	62	0	0	390

The “construction” objective includes:

- 418 affordable rent restricted apartment units that are approved for development. The income distribution is based on a sample of six low income housing tax credit projects: extremely low income, 15%; very low income, 45%; and low income, 40%.
- At least the RHNA allocation of 202 moderate income housing units
- At least the RHNA allocation of 615 above moderate income housing units

The “rehabilitation” objective is the sum of the following:

- Extremely Low Income (ELI): 2 units per the USDA Home Repair Program
- Very Low Income (VL): 6 units per the USDA Home Repair Program
- Low Income (L): 5 units per City's program and 32 per privately funded home improvement loans
- Moderate (M): 32 per privately funded home improvement loans
- Above Moderate (AM): 32 per privately funded home improvement loans

The Home Mortgage Disclosure Act (HMDA) reports that annual average of 12 home improvement loans was approved in 2018 and 2019. It is projected that 96 home improvement loans would be approved over the 8-year planning period that they would be distributed evenly among the low, moderate and above moderate income groups. According to HMDA, a home improvement loan is any dwelling-secured loan to be used, at least in part, for repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which the dwelling is located.

The “conservation/preservation” objective includes the following:

- Section 8: 222 ELI households and 74 very low income households.
- Preservation of the Spring-Encino apartments:32 very low income households and 62 low income households

APPENDIX A
ASSESSMENT OF HOUSING NEEDS

A note about the American Community Survey (ACS) Data: Single-year and multiyear estimates from the ACS are all “period” estimates derived from a sample collected over a period of time, as opposed to “point-in-time” estimates such as those from past decennial censuses.

In the case of ACS multiyear estimates, the period is 5 calendar years (e.g., the 2015–2019 ACS estimates cover the period from January 2015 through December 2019).

Multiyear estimates are labeled to indicate clearly the full period of time (e.g., “The child poverty rate in 2015–2019 was X percent.”). They do not describe any specific day, month, or year within that time period.

For data users interested in obtaining detailed ACS data for small geographic areas (areas with fewer than 65,000 residents), ACS 5-year estimates are the only option.

Data for individual census tracts is available only from the ACS 5-year estimates.

Source: U.S. Census Bureau, *Understanding and Using American Community Survey Data*, pages 13-16

A note about COVID-19: The ACS 2015-2019 estimates are the source for many of the tables and data presented and discussed in Appendix A. The ACS data does not reflect the impacts of COVID 19 and, therefore, may not portray accurately the 2021 conditions in Brawley. Indeed, the tables and data describe the conditions that existed over a 5-year period, a period that ended in December 2019 which was three months before the March 2020 lockdown caused by the spread of COVID-19.

The COVID-19 pandemic caused job losses and associated income losses as well an increase in homelessness. Persons employed in the food industry would experience disproportionately adverse economic impacts compared to those working in software development or who are able to work remotely at home.

A recent economic report explained that -

The majority of pandemic-related job losses were low-skill, low-wage positions that impacted the region’s at-risk communities the most.

Lower-income Southern California residents already faced significant challenges before the pandemic, resulting in continued housing affordability concerns, domestic outmigration, and an overall reduction in quality-of-life. The pandemic has clearly exacerbated these issues. While federal stimulus may have supported these communities during the initial months of the pandemic, it has since diminished, further complicating the financial picture for many families throughout the region. While lower-wage positions are often overlooked, they are crucial to “essential” businesses and to the explosive growth in gross domestic product (GDP) experienced in Q3 2020.

Lower-wage segments at the national, state, and SCAG regional level have all felt significantly more employment losses than middle- or high-wage segments.

Source: Southern California Association of Governments, *Regional Briefing Book*, December 20201, pages 6 and 9

Many of the characteristics discussed in the assessment of housing needs have not changed because of the pandemic. The existing housing stock and its physical condition remain unchanged. The number of vacant housing units, however, may have increased above the levels reported as of January 1, 2020. Certain household characteristics such as the elderly, persons with disabilities, and large families have not changed due to the pandemic. The population and employment projections remain the same.

However, because of the lockdown and stay-at-home orders, many businesses have had to close temporarily and some even permanently. This has created job losses and associated income losses. Therefore, the number of lower income households probably has increased above the number reported in this housing needs assessment.

The number of cost burdened households – those spending 30% or more of their income on housing costs - also may have increased because of a loss of income, or no income at all. But some owners and renters may have skipped making their housing payments which would have dampened any increase in housing cost burdens.

Overcrowding may have increased as some families pooled their resources by moving into the same home. On the other hand, some doubled-up households may have moved from more urban dense communities to less populated suburban and rural towns

Finally, homelessness probably will increase in the next few years. The Pandemic Recession is projected to cause roughly twice as much homelessness as the 2008 Great Recession.

Source: Economic Roundtable, *Locked Out: Unemployment and Homelessness in the Covid Economy*, January 2021, page 3

A. INTRODUCTION

Chart A-1 lists the components of the assessment of housing needs.

Chart A-1
City of Brawley
Components of the Housing Needs Assessment

▪ Housing Stock Characteristics
✓ Number and Types of Housing
✓ Vacant Housing Units
✓ Condition of the Existing Housing Stock
▪ Household Characteristics
✓ Tenure
✓ Household Income Groups
✓ Level of Payment Compared with Ability to Pay
✓ Overcrowding
✓ Race and Ethnicity
▪ Affordable Housing At-Risk of Conversion to Market Rate Housing
▪ Special Housing Needs
✓ Elderly
✓ Persons with Disabilities
✓ Persons with Developmental Disabilities
✓ Large Families
✓ Farmworkers
✓ Families with Female Heads of Household
✓ Families and Persons in Need of Emergency Shelter
▪ Projected Housing Needs
✓ Population Trends and Projections
✓ Employment Trends and Projections
✓ Share of the Regional Housing Need

B. HOUSING CHARACTERISTICS

Part B includes information on –

- Number and types of housing units
- Vacant housing units
- Condition of the existing housing stock

1. Existing Housing Stock

As of January 1, 2021, Brawley's housing stock is comprised of 8,634 housing units. Table A-1 shows single-family detached homes comprise almost two-thirds of the existing housing stock. Almost one of every five housing units is located in multi-family buildings of five or more housing units.

Table A-1
City of Brawley
Housing Stock by Type of Unit
January 1, 2021

Type of Unit	Number of Units	Percent
1 unit, detached	5,618	65.1%
1 unit, attached	218	2.5%
2 to 4 units	739	8.6%
5+ units	1,689	19.6%
Mobile homes	370	4.2%
Total Housing Units	8,634	100.0%

Source: California Department of Finance, Demographic Research Unit, *Population and Housing Estimates for Cities, Counties and the State*, January 1, 2021

2. Vacant Housing Units

According to the State Department of Finance (DOF), there are an estimated 724 vacant housing units, a number which represents an 8.5% vacancy rate.

By comparison, the American Community Survey (ACS) estimates a total of 1,503 vacant units of which 1,276 are classified "as other vacant." According to the 2015-2019 ACS estimates, only 103 housing units were available "for rent" and zero was "for sale only."

Thus, the effective vacancy rate is lower than the DOF estimate of 8.5%.

3. Condition of the Existing Housing Stock

The City estimates that approximately 3,000 housing units are in need of minor (67%), moderate (27%), or substantial (6%) rehabilitation. The estimate is based on previously completed windshield surveys, housing code enforcement efforts, and home improvements completed in recent years.

The most frequent housing rehabilitation needs are replacing windows, re-painting, re-roofing, and patching/painting.

Approximately 50 housing units are deemed dilapidated and beyond repair.

The City administers an Owner-Occupied Rehabilitation Program. This program enables income-qualified families to make much needed health and safety repairs to their home. Funding includes:

- Loans at a rate of 0% and deferred for 30 years
- Applicant must own the home and must reside on property.
- Loan amount depends upon the severity of repairs needed and the amount of equity in the home.

The program provided funding for the rehabilitation of 21 single family homes between 2014 and 2019.

C. HOUSEHOLD CHARACTERISTICS

Part C examines the following household characteristics:

- Tenure
- Household income groups
- Level of payment compared to ability to pay
- Overcrowding
- Race and ethnicity

1. Tenure – Owners and Renters

Tenure refers to owner and renter occupancy of housing units. Owners occupy 52% and renters occupy 48% of all housing units, respectively. Ninety-two percent of all owners occupy single family homes. About one-third of all renters occupy single-family homes and just over one-fifth live in multifamily buildings with 10 or more units.

Table A-2
City of Brawley
Tenure by Units in Structure: 2015 – 2019

Units in Structure	Owner Occupied	Percent of Occupied	Renter Occupied	Percent of Occupied	Total Occupied
1, detached	3,318	91.9%	1,144	34.9%	4,462
1, attached	51	1.4%	42	1.3%	93
2	5	0.1%	208	6.4%	213
3 or 4	0	0.0%	503	15.4%	503
5 to 9	36	1.0%	548	16.7%	584
10 or more	4	0.1%	739	22.6%	743
Mobile Homes	199	5.5%	90	2.7%	289
Total	3,613	100.0%	3,274	100.0%	6,887

Source: 2015-2019 American Community Survey 5-Year Estimates, Table S2504, Physical Housing Characteristics for Occupied Housing Units

2. Household Income Groups

a. Definitions of Household Income Groups

Household income groups are defined in terms of the percentages of Imperial County's median income:

- Extremely low 0-30%
- Very low 30-50%
- Low 50-80%
- Moderate 80-120%

- Above Moderate 120+

Table A-3 shows that the income limits are adjusted by household size, meaning that a 6-person lower income household (\$64,850) has a higher income than a 4-person lower income household (\$55,900).

Table A-3
Imperial County
2021 Annual Household Income Limits Adjusted by Household Size

Household Size (# of Persons)	Extremely Low Income	Very Low Income	Low Income	Moderate Income
1 person	\$14,700	\$24,500	\$39,150	\$59,400
2 persons	\$17,420	\$28,000	\$44,750	\$67,900
3 persons	\$21,960	\$31,500	\$50,350	\$76,350
4 persons	\$26,500	\$34,950	\$55,900	\$84,850
5 persons	\$31,040	\$37,750	\$60,400	\$91,650
6 persons	\$35,580	\$40,550	\$64,850	\$98,450
7 persons	\$40,120	\$43,350	\$69,350	\$105,200
8 persons	\$44,660	\$46,150	\$73,800	\$112,000

Source: California Department of Housing and Community Development, State Income Limits for 2020, April 26, 2021

Table A-4 estimates the number of owners and renters in five income groups based on the most recent data that are available. HUD uses income groups that differ slightly from those used by HCD. However, both departments define lower income as consisting of extremely low-, very low- and low-income households.

Lower income households comprise 51.5% of all households. The number of lower income renter households (2,430) is about twice the number of lower income owners (1,200). The above moderate income households comprise just over 41% of all households.

Table A-4
City of Brawley
Annual Household Income Distribution by Tenure: 2013-2017

Income Group (% of area median income)	Owner Households	Renter Households	Total Households	Percent Distribution
Extremely Low 0-30%	255	1,075	1,330	18.9%
Very Low 30-50%	395	640	1,035	14.7%
Low 50-80%	550	715	1,265	17.9%
Moderate 80-100%	345	155	500	7.1%
Above Moderate>100%	2,170	750	2,920	41.4%
Total	3,720	3,335	7,055	100.0%

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey

3. Level of Payment Compared to Ability to Pay

Level of payment compared to ability is measured by housing costs as a percentage of income. For lower income households, housing costs exceed ability to pay when 30% or more of their income is expended on housing costs. These households are referred to as “overpaying” or “cost burdened.” “Severe” cost burden occurs when lower income households spend 50% or more of their income on housing costs.

According to Campesinos Unidos, Inc., the main priority in terms of housing needs is lower or middle-class income housing, including apartments. In addition, the organization stated that poverty reduction should be significant because home mortgage or rent costs are a large share of total monthly household expenses. Due to the COVID-19 pandemic, the economic conditions of low-income and middle-class Americans are under urgent risk. Campesinos Unidos provides rental assistance to 10 households.

a. Renter Households

Table A-5 shows that 1,665 (655 + 1,010) renter households are cost burdened. Of the 1,665 cost burdened renters, 60% are severely cost burdened. These severely cost burdened households are spending more than one-half of their paychecks on housing costs. Severely cost burdened extremely low income households (725) is the group facing disproportionate hardships. This one group represents 43.5% of all cost burdened renter households (725/1,665)

Table A-5
City of Brawley
Number and Percentage of Renters Cost Burdened by Income Group

Household Income Group	Cost Burden 30-50%	% of All Cost Burden	Severely Cost Burden 50%+	% of All Severely Cost Burden
Extremely Low <30%	125	19.1%	725	71.8%
Very Low 30-50%	250	38.2%	255	25.2%
Low 50-80%	270	41.2%	30	3.0%
Moderate 80-100%	10	1.5%	0	0.0%
Above Moderate >100%	0	0.0%	0	0.0%
Total	655	100.0%	1,010	100.0%

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey
Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities).

The Section 8 rental housing assistance program helps ease the economic hardships of cost burdened renters. The Imperial Valley Housing Authority’s Section 8 program provides rental assistance to 300 Brawley families.

b. Owner Households

Table A-6 shows that 965 (540 + 425) owner households are cost burdened. Of the 965 cost burdened owners, 44% are severely cost burdened, meaning that more than one-half of their income is expended on housing costs.

No programs are available to ease the hardships that lost burdened owners experience. It may be possible for some owners to take advantage of historically low interest rates and refinance their loans in order to reduce the monthly payments.

Cost burdens, especially for renters, cause economic hardships because after making their monthly housing payments so little income remains to meet other needs such as food, utilities, transportation, health insurance and child care.

Table A-6
City of Brawley
Number and Percentage of Owners Cost Burdened by Income Group

Household Income Group	Cost Burden 30-50%	% of All Cost Burden	Severely Cost Burden 50%+	% of All Severely Cost Burden
Extremely Low <30%	65	12.0%	180	42.4%
Very Low 30-50%	115	21.3%	165	38.8%
Low 50-80%	180	33.3%	80	18.8%
Middle 80-100%	20	3.7%	0	0.0%
Above Middle >100%	160	29.7%	0	0.0%
Total	540	100.0%	425	100.0%

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey

Cost burden is the ratio of housing costs to household income. For owners, housing cost is “selected monthly owner costs”, which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

4. Overcrowding

The ACS does not define an overcrowded housing unit or household. The ACS does publish data on the ratio of the number of persons occupying a housing unit to the number of rooms in the dwelling. These data are often used as an indicator of overcrowded households. There are, however, several other indicators of overcrowded households such as persons per bedroom, square footage per person, and Uniform Building Code occupancy standards.

Government Code Section 65584.01(b)(1) defines overcrowding as one person per room in a dwelling. Demographers have offered the following evaluation of the 1.01 persons per room ratio:

Persons per room has been used as the primary indicator for measuring overcrowding. In this calculation, all persons (adults and children of both sexes) are counted equally, as are all rooms. The room count does not include bathrooms, hallways, closets, and porches.

To measure overcrowding, we combine two variables to form the ratio of the number of persons in the household to the number of rooms reported in the housing unit. This ratio is trichotomized to reflect key policy thresholds: one person or fewer per room, 1.01 to 1.50 persons per room, and more than 1.50 persons per room. ...the highest of the three categories measures severe overcrowding and is proposed as a less culturally restrictive assessment of behavior that constitutes a ‘problem’. [Emphasis added]

Dowell Myers and Seong Woo Lee, *Immigration Cohorts and Residential Overcrowding in Southern California*, Demography, Volume 33-Number 1, February 1996, pages 52 and 55

The U.S Census and ACS provide data on the ratio of the number of persons occupying a housing unit to the number of rooms in the dwelling. These data are often used as an *indicator* of the magnitude of overcrowded households.

Table A-7 reveals that about 11% of all households are overcrowded (769). A fewer number of households (193) are severely overcrowded, a number representing less than 3% of all households.

Table A-7
City of Brawley
Persons per Room by Tenure – 2015-2019

Persons Per Room	Owner Occupied	Percent	Renter Occupied	Percent	Total Households	Percent
Less than 1.00	3,400	94.1%	2,718	83.0%	6,118	88.8%
1.01 to 1.50	121	3.3%	455	13.9%	576	8.4%
1.51 to 2.00	86	2.4%	39	1.2%	125	1.8%
2.01 or more	6	0.2%	62	1.9%	68	1.0%
Total	3,613	100.0%	3,274	100.0%	6,887	100.0%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25014, Tenure by Occupants Per Room

5. Race and Ethnicity

The analysis of race and ethnicity is presented in *Appendix B – Assessment of Fair Housing*

D. AT RISK HOUSING

According to HCD:

For the purpose of housing-element law, assisted housing developments (or at-risk units) are defined as multifamily, rental housing complexes that receive government assistance under any federal, state, and/or local programs or any combination of rental assistance, mortgage insurance, interest reductions, and/or direct loan programs *and* are eligible to convert to market-rate units due to termination (opt-out) of a rent subsidy contract, mortgage prepayment, or other expiring use restrictions *within 10 years* of the beginning of the housing-element planning period. [Emphasis added]

1. Assisted Housing Units At Risk of Conversion to Market Rate Housing

There are 20 multi-family rental housing complexes that receive government assistance under Federal, State, and/or local programs located in Brawley.

Table A-8 indicates that the Brawley Senior Plaza has its affordability restrictions expire in 2025.

The California Housing Partnership has assigned a “low” risk pf conversion to the Brawley Senior Plaza because it is owned by a a large/stable on-profit, mission-driven developer.

Table A-8
City of Brawley
Affordable Housing at Risk Analysis

Name	Address	Affordable Units	Total Units	Program	Expiration
Brawley Senior Plaza	430 K St	20	20	HUD	2025
Encino Village	1165 B St	32	32	HUD	2058
Spring & Encino Village Apartments (Site A)	402 S. Eastern Ave	95	96	LIHTC; USDA; HUD	2058
Austin-Thomas Housing	1250 N. Imperial Ave	58	58	USDA	2038
Al Mix/George Speer	675 South Palm Avenue	44	44	USDA	2035
Salton Village c/o AWI Mgmt.	380 N. Eastern Ave	38	38	USDA	2034
Salton II Village Apts.	1524 C Street	30	30	LIHTC; USDA	2034
Tres Palms Village	1631 Malan Street	56	56	USDA	2039
Brawley Pioneers Apartments	1690 C Street	75	76	LIHTC; USDA	2065
Hatfield Homes (Site A)	963 Dominguez Court	48	48	LIHTC	2049
Brawley Family Apartments	1690 C Street	79	80	LIHTC; HUD	2055
Sonterra Apartments	250 S. Eastern Ave.	53	54	LIHTC	2060
Brawley Elks Senior Apartments	995 Willard Avenue	80	81	LIHTC	2059
Brawley Gardens Apartments	221 Best Road	80	81	LIHTC; HUD	2059
Valle del Sol Apartments	1605 East C Street	70	72	LIHTC	2062
Manzanilla Terrace	1586 I Street	68	69	LIHTC	2063
Malan Street Apartments	180 Malan Street	40	41	LIHTC	2069
Malan Street Apartments II	180 Malan Street	40	40	LIHTC	2072
Brawley Adams I	1598 C Street	59	60	LIHTC	2072
Imperial VI (Site E) - Citrus Pointe I & II	694 N 3rd St, Brawley	—	—	LIHTC	2032

Source: California Housing Partnership email to City of Brawley, November 4, 2020 SCAG Data Appendix

The Spring-Encino Village Apartments are in the process of being preserved to 2058. The Spring & Encino Village Apartments were built in 1991. The 2-story building is comprised of 32 1-bedroom units (630 SF) and 64 2-bedroom units (740 SF).

On February 17, 2021 the Tax Credit Allocation Committee approved 4% low income housing tax credits for the tax exempt bond financed Spring and Encino Apartments.

On March 16, 2021 the City Council conducted a required public hearing and approved a resolution supporting the tax exempt bond financing for the rehabilitation and preservation of the Spring and Encino Apartments (which includes the 32-unit Encino Village). The tax exempt revenue bonds are to be issued by the California Statewide Communities Development Authority (CSCDA). The agency is a joint powers authority founded and sponsored by the League of California Cities and the California Association of Counties.

2. Cost Analysis

The Brawley Senior Plaza is comprised of 20 housing units.

The cost analysis involves estimates of the costs to preserve or replace the 20 affordable housing units. The cost estimates are based on the following:

▪ Imperial VI	\$92,793/unit	Acquisition/Rehabilitation
▪ Spring-Encino Apartments	\$121,217	Resyndication
▪ 5 Brawley LIHTC Projects	\$306,000	New Construction

Imperial VI is a scattered site project with housing developments located in Brawley, Calexico, Holtville and Seeley. The average per unit cost of the acquisition/rehabilitation project was \$92,793. The project was approved for LIHTC financing on March 20, 2019.

The Spring-Encino Apartments are located in Brawley. LIHTC financing was approved on February 17, 2021. The average per unit cost of the resyndication project was \$121,217.

The average new construction cost of Brawley's five most recent LIHTC developments was \$305,000.

Preservation by means of acquisition/rehabilitation is estimated to cost in the neighborhood of \$1,860,000.

Preservation by means of resyndication is estimated to cost approximately \$2,420,000.

Replacement of the 20 housing units by new construction is estimated to cost \$6,120,000.

3. Preservation Resources

Efforts by the City to retain low-income housing must be able to draw upon two basic types of preservation resources: organizational and financial. Qualified, non-profit entities need to be made aware of the future possibilities of units becoming "at-risk". Should a property become "at-risk" the City maintains an active list of affordable housing developers that may have an interest in preserving that property.

Monitoring procedures for preserving at-risk units include:

- Monitoring the Risk Assessment report published by the California Housing Partnership Corporation (CHPC).
- Maintain regular contact with the local HUD office regarding early warnings of possible opt-outs.
- Maintain contact with the owners and managers of the Brawley Senior Plaza to determine if there are plans to opt-out in the future, and offer assistance in locating eligible buyers.
- Develop and maintain a list of potential purchasers of at-risk units and act as a liaison between owners and eligible purchasers.
- Ensure that all owners and managers of affordable housing have access to applicable State and federal laws regarding notice to tenants of the owner's desire to opt-out or prepay.

The following is a list of potential financial resources considered a part of the City's overall financial plan to deal with retaining affordable units. The number and availability of programs to assist cities and counties in increasing and improving their affordable housing stock is limited, and public funding for new projects is unpredictable. The following is a list of current local, state and federal programs.

- HOME Investment Partnerships (HOME) Program
- Imperial Valley Housing Authority (IVHA) is a Public Housing Authority. It administers federal and state funds for its public housing projects and government assisted housing units such as the

Section Housing Choice Voucher Program (rental assistance). Brawley is located within the service area of the IVHA.

- Low-income Housing Tax Credit Program (LIHTC) - The LIHTC Program provides for federal and state tax credits for private and non-profit developers and investors who agree to set aside all or an established percentage of their rental units at affordable rent levels. These tax credits may also be utilized on rehabilitation projects, contributing to the preservation of at-risk housing.
- Preservation Financing Program, operated through California Housing Finance Agency (CHFA), offers tax-exempt financing for the acquisition or refinancing of a project with an expiring Section 8 contract.

Pursuant to California Government Code Section 65863.11, owners of government-assisted projects cannot terminate subsidy contracts, prepay a federally-assisted mortgage, or discontinue use restrictions without first providing an exclusive Notice of Opportunity to Submit an Offer to Purchase. This Notice is required to be sent to Qualified Entities at least 12 months prior to sale or termination of use restrictions. Qualified Entities are nonprofit or for profit organizations or individuals that agree to maintain the long-term affordability of projects.

4. Qualified Entities

Qualified entities that have expressed an interest in preserving the affordability of at-risk housing developments located in Imperial County include, but are not limited, to:

- ROEM Development Corporation
- WNC Housing Preservation
- Affirmed Housing

E. SPECIAL HOUSING NEEDS

The analysis of special housing needs includes the following groups:

- Elderly persons
- Persons with disabilities
- Persons with developmentally disabilities as defined in Section 4512 of the Welfare and Institutions Code
- Large families
- Farmworkers
- Families with female heads of households
- Families and persons in need of emergency shelter

1. Elderly

a. Population and Household Characteristics

Brawley's senior population age 62 years and over represents about 15% of the City's population. An indicator of the frail elderly population is persons 85 years and older. There are an estimated 564 persons in this age group, according to the data in Table A-9.

Table A-9
City of Brawley
Elderly Population by Age Group and Sex: 2015-2019

Age Group	Male	Female	Total	Percent
62 to 64 years	378	336	714	18.1%
65 and 66 years	305	203	508	12.9%
67 to 69 years	279	223	502	12.7%
70 to 74 years	318	453	771	19.6%
75 to 79 years	287	280	567	14.4%
80 to 84 years	58	258	316	8.0%
85 years and over	260	304	564	14.3%
Total	1,885	2,057	3,942	100.0%
Percent	47.8%	52.2%	100.0%	

Source: 2015-2019 American Community Survey, Table B01001, Sex by Age

Table A-10 shows there are approximately 2,350 households with a householder over the age of 60. Nearly seven of ten of the households are owners.

Table A-10
City of Brawley
Elderly Households by Tenure: 2015-2019

Age	Owner	Renter	Total	Percent
60-64	469	326	795	33.8%
65-74	761	238	999	42.5%
75-84	263	117	380	16.2%
85+	142	36	178	7.1%
Total	1,635	717	2,352	100.0%
Percent	69.5%	30.5%	100.0%	

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25007, Tenure by Age of Householder

b. Living Arrangements of the Elderly

Elderly persons –

- Live alone
- In a housing units with one or more persons
- Group quarters

1. Elderly Living Alone and In Households

Table A-11 shows that almost 31% of all elderly persons 65 years of age or older live alone. Married couples comprise more than half of the elderly households in this age group. Almost 17% of the elderly are male householders, female householders, or live with unrelated individuals. Data are unavailable for the elderly householders aged 62-64 years.

Table A-11
City of Brawley
Elderly Households 65 Years+ by Tenure
And Household Type: 2015-2019

Household Type	Owner	Renter	Total	Percent
Living Alone	269	206	475	30.5%
Married Couples	725	95	820	52.7%
Male Householder	68	28	96	6.2%
Female Householder	85	62	147	9.4%
Not Living Alone	19	0	19	1.2%
Total	1,166	391	1,557	100.0%
Percent	74.9%	25.1%	100.00%	

Source: 2015-2019 American Community Survey, Table B25011, Tenure by Household Type (including living alone) and Age of Householder

2. Elderly Living In Group Housing Environments

A Group Quarters (GQs) is a place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. People living in GQs usually are not related to each other. GQs include places such skilled nursing facilities and group homes. An estimated 174 persons live in group quarters, according to the State Department of Finance.

Residential Care Facilities for the Elderly (RCFEs) — sometimes called “Assisted Living” (e.g., 16+ beds) or “Board and Care” (e.g., 4 to 6 beds) — are non-medical facilities that provide room, meals, housekeeping, supervision, storage and distribution of medication, and personal care assistance with basic activities like hygiene, dressing, eating, bathing and transferring. RCFEs serve persons 60 years of age and older.

This level of care and supervision is for people who are unable to live by themselves but who do not need 24 hour nursing care. RCFEs are considered non-medical facilities and are not required to have nurses, certified nursing assistants or doctors on staff.

According to the California Community Care Licensing Division, a RCFE is not located in Brawley.

c. Housing Needs of the Elderly

1. Examples of Housing Needs Experienced by the Elderly

Research on the housing needs of elderly persons has resulted in the following observations:

Older persons experience another very different category of housing-related problems when they have physical or cognitive limitations that make it difficult for them to conduct their usual life styles, take care of themselves, or maintain their dwellings without the help of others. Depending on the types and seriousness of their impairments, they may have to adopt one or more of the following options: secure help from family members or move into a family member's home; obtain homemaker assistance, help with personal care, or nursing services from professional paid providers, home-based services, or community care providers, or relocate to a supportive seniors housing option. Older persons that are more at risk of having these limitations and having the

fewest options will have one or more the following risk factors: they will be chronologically very old, will be poor, alone, unable to secure any type of assistance from family, less educated, or belong to a racial or ethnic minority.

Older persons may find that they have significantly less disposable income if they incur out of pocket costs for home- and community-based care and health care expenses, in particular prescription medicine costs. Those on fixed incomes may particularly find that paying for these expenses results in their once tolerable housing costs becoming a new burden, and in the case of older homeowners, make it difficult for them to afford their dwelling's maintenance, upkeep, and upgrading costs.

The physical environment of the dwelling has the potential for worsening the effects of these physical and cognitive limitations. The design features and overall physical condition of a dwelling and its location relative to everyday needs may offer new obstacles or even an unsafe environment for impaired older persons to conduct their accustomed life-styles. Among the possible consequences: a car or a bus route may become unusable and accessing everyday community needs may become very difficult, an upstairs of a dwelling may suddenly become inaccessible, throw rugs may become a walking hazard, using a stove may become unsafe, or a bathroom's shower or toilet may be difficult or impossible to use.

Older persons with unavailable family supports and with the lowest incomes represent the greatest potential demand on their State and locality's government-subsidized long-term care resources. Thus, these limitations are not just a personal affair; they become the "problems" of stakeholders in the public sector.

Source: Stephen M. Golant, Ph.D., *The Housing Problems of the Future Elderly Population*, A Report Prepared for the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, January 2002, page 85

1. Area Agency on Aging Area Plan (2020-2024) Needs Assessment

The *Area Plan* reveals that the top three needs involve health care, dental care, and not enough money. Indeed, some income poor seniors travel to Mexico to obtain less expensive dental care.

Regarding the problem with not having enough money to live on, the *Area Plan* indicates that this ties back to "hidden poor":

The seniors may not be considered "poor" by the federal guidelines, but may truly not have enough money for housing, food, and medication. If they do not have enough money for their basic needs, then their quality of life will be diminished. What we are seeing is a cycle that will not be ending anytime soon unless they are addressed.

2. Housing Costs Exceeding Ability to Pay

Housing costs burdens are or will become a serious problem to the elderly with the lowest incomes.

According to SCAG's pre-certified housing data, an 'elderly family' consists of two persons with either or both age 62 or over. Of the City's 1,709 elderly family households, 60% have lower incomes – that is, 80% or less of the Imperial County median household income. A 2-person household with an annual

income of less than \$44,750 is considered low income. Many, if not the majority, of these very low income households are probably experiencing housing cost burdens.

3. Propensity to Fall Among the Elderly

As people get older, particularly after age 75, they become susceptible to falls which often lead to hospitalizations and increased medical costs. A UCLA health study revealed the age-specific propensities to fall:

The proportion of older Californians falling multiple times during the year increases with age. Among those ages 65-74, 10.6 percent reported multiple falls in the past year, compared to 13.8 percent of those 75- 84 and 19.3 percent of those ages 85 and over. Multiple falls also occurred more often than average among those with chronic conditions and disabilities, and they were most common among older adults who were legally blind, with almost one third (30.8 percent) reporting multiple falls.

Source: Steven P. Wallace, Ph.D., UCLA Center for Health Policy Research, *More than Half a Million Older Californians Fell Repeatedly in the Past Year*, November 2014, page 1

Table A-12 estimates that about 420 elderly persons experience multiple falls during the course of a year.

Table A-12
City of Brawley
Elderly Population Experiencing Multiple Falls: 2015-2019

Elderly Age Group	Total Population	Percent With Multiple Falls	Estimated Number With Multiple Falls
65-74	1,781	10.6%	189
75-84	883	13.8%	122
85+	564	19.3%	109
Total	3,228	12.6%	420

Source: Age data from Table A-9

4. Frail Elderly Population and Associated Supportive Housing Needs

Based on the Cardiovascular Health Study (CHS), frail elderly indicators include low grip strength, low energy, slowed walking speed, low physical activity, and/or unintentional weight loss. Still other indicators are based on a Frailty Index which accounts for disability, diseases, physical and cognitive impairments, and geriatric syndromes (e.g., falls, deliriums).

The frail elderly need assistance to perform daily living activities. The frail elderly may experience difficulty eating, bathing, toileting, etc. by oneself and/or difficulty using the telephone, getting outside, shopping, and doing light house work, etc. by oneself. The frail elderly may be assisted by in-home care, or by residing in supportive housing arrangements.

There are an estimated 312 frail elderly based on the age-specific population and frailty prevalence rates.

Table A-13 shows that the frailty prevalence rate increases dramatically for the elderly population 85 years of age or older.

Table A-13
City of Brawley
Estimate of Frail Elderly Population
By Age Group: 2015-2019

Age Group	Total	Frailty Prevalence	Frailty Prevalence
65-74	1,781	3.9%	69
75-84	883	11.6%	102
85+	564	25.0%	141
Total	3,228	7.7%	312

Source: Table A-X and Qian- Li Xue, PhD, *The Frailty Syndrome: Definitions and Natural History*, Clinics in Geriatric Medicine, February 1, 2011. Based on Cardiovascular Health Study (CHS)

c. Housing Programs and Services Addressing the Needs of the Elderly

1. Senior Housing

There are two senior housing developments located in Brawley with a combined total of 101 housing units:

- Brawley Elks Senior Housing
81 units
1 bedroom, 1 bath
630 square feet
- Brawley Senior Plaza
20 units
1 bedroom, 1 bath
Section 202 Supportive Housing for the Elderly (HUD)

The City also has approved a yet to be constructed senior housing development:

- Brawley Senior Apartments
56 housing units

2. County Office of Aging

Located in nearby El Centro, the County Office on Aging is authorized by the Older Americans Act and the Older Californians Act. The Office is charged with developing a system of care that offers safety net services for vulnerable older persons and adults with disabilities.

Among the many services that the Office on Aging can provide to elderly Brawley seniors are: family caregiver support, avoiding institutionalization, elder abuse education, fitness to reduce falls, personal care/homemaker services, senior nutrition, group and home delivered meals, and transportation.

3. In Home Supportive Services (IHSS)

This program, which is administered by the County of Imperial Department of Public Social Services, is a home care program that helps elders, dependent adults and minors live safely in their own homes or other non-institutional settings. Eligible persons include:

- Applicants who meet CA Medi-Cal eligibility requirements
- Elders, dependent adults and minors whose disability is expected to continue longer than 12 months.
- Elders, dependent adults and minors whose physician or a medical professional has determined that they are unable to remain safely in their own home without IHSS.

Depending on the need of the applicant, services may include assistance with meal preparation and clean-up, food shopping, bathing, dressing, personal care, house cleaning, assistance with medications and certain other paramedical assistance (with physician approval).

d. Housing Element Policies and Programs

The *2021-2029 Housing Element* will include the following types of policies and programs:

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- To expand housing choices at potentially reduced costs, implement incentives for ADU development
- Prepare and adopt a Senior Housing Overlay Zone
- Provide financial assistance, if possible, to make home modifications
- Implement the Special Needs Housing Program described in Section II

The purpose of a Senior Housing Overlay (SO) district is to provide optional standards and incentives for the development of a wide variety of specialized housing designed for and restricted to residents over the age of 55. Whenever the SO has been added to a base zone, the applicant may choose whether to use the optional SO standards or the standards of the base zone.

Section II describes the programs and policies in greater detail.

2. Persons with Disabilities**a. Population and Household Characteristics**

Disabled persons may have one or more of the disabling conditions:

- Hearing difficulty includes respondents who stated they were “deaf or … [had] serious difficulty hearing.”
- Vision difficulty includes respondents who stated they were “blind or … [had] serious difficulty seeing even when wearing glasses.”
- Cognitive difficulty includes respondents who due to physical, mental, or emotional condition, had “serious difficulty concentrating, remembering, or making decisions.”
- Ambulatory difficulty includes respondents who had “serious difficulty walking or climbing stairs.”
- Self-care difficulty includes respondents who had “difficulty dressing or bathing.” Difficulty with these activities are two of six specific Activities of Daily Living (ADLs) often used by health care providers to assess patients’ self-care needs.

- Independent living difficulty includes respondents who due to a physical, mental, or emotional condition, had difficulty “doing errands alone such as visiting a doctor’s office or shopping.” Difficulty with this activity is one of several Instrumental Activities of Daily Living (IADL) used by health care providers in making care decisions.

Table A-14 shows that approximately 17% of the City’s population has one or more disability. Nearly one in five people less than 35 years of age have a disability. The largest number of disabled persons is in the 65-74 age group. Almost two thirds of the senior population 75 years old or older has a disability.

Table A-14
City of Brawley
Disability Prevalence Rates by Age Group: 2015-2019

Age Group	With a Disability	No Disability	Total Population	Prevalence Rate
Under 5 years	18	2,321	2,339	0.8%
5 to 17 years	554	5,925	6,479	8.6%
18 to 34 years	669	5,157	5,826	11.5%
35 to 64 years	1,609	6,578	8,187	19.7%
65 to 74 years	756	1,009	1,765	42.8%
75 years +	917	471	1,388	66.1%
Total	4,523	21,461	25,984	17.4%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B18101, Sex by Age by Disability Status

Of the almost 7,000 households living in Brawley, almost 2,700 have one or more members with a disability. The number is almost 40% of all households. Refer to Table A-15.

Table A-15
City of Brawley
Disabled Householders: 2015-2019

Household Disability Status	Number	Percent
Households with one or more persons with a disability	2,660	38.6%
Households with no persons with a disability	4,227	61.4%
Total	6,887	100.0%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Households

b. Living Arrangements of People with Disabilities

1. Group Living Arrangements

Very few disabled people are living in group living arrangements such as adult residential facilities, residential care facilities for the elderly, assisted living, board and care facilities or skilled nursing facilities.

The State Department of Finance estimates that 118 persons live in group quarters, which means that almost all disabled persons live in a household.

According to the California Community Care Licensing Division, two adult residential care facilities are located in the City. They have a combined capacity of 10 beds.

An ARF is a residential home for adults 18 to 59 with mental health care needs or who have physical or developmental disabilities and require or prefer assistance with care and supervision.

In addition, the 99-bed Imperial Heights Healthcare & Wellness Centre is located in Brawley.

2. Separate Living Quarters

Table A-14 shows that approximately one in four households have a member with a disability. The disabled member, as previously noted, could be the head of household, a spouse, child, relative or other person living in the occupied housing unit. Almost all of the disabled population lives in a housing unit. They do not reside, as reported above, in an institutional setting such as a nursing home or rehabilitation facility.

e. Housing Needs of Disabled Persons

The housing needs of disabled persons may include independent living units with affordable housing costs; supportive housing with affordable housing costs; and housing with design features that facilitate mobility and independence. The shortage of available, accessible, and/or affordable housing is an acute problem for most people with disabilities (PWD).

More specifically, the special needs of disabled persons may include:

- Accessibility and suitability of key 'functional rooms' such as bathrooms, kitchens, toilets (including extra downstairs toilets) which enable disabled people to conduct their own activities of living
- Structural needs such as wheelchair accessibility, no internal stairs, bathroom with grab bars
- Flat, level ground between garage and entryway
- Non-porch stairs
- Modifications to housing unit
- Assistance with maintenance and repairs
- Close proximity to doctors, caregivers
- Housing costs with the means of ability to pay

To meet some of their special needs, renters may request that their landlords approve requests for reasonable accommodations and/or reasonable modifications. Renters may also need to move to find housing that meets their special needs. On the other hand, disabled homeowners may remain in their homes and make physical adaptations.

d. Housing Programs and Services Addressing the Needs of Persons with Disabilities

1. Services that Assist Elderly and Non-Elderly Disabled Persons

The persons living in housing units make their home within a neighborhood. Some have become disabled while they lived in the same neighborhood and home. Some, too, are cared for by family members who live in the same home or relatives who have a home nearby. Still others receive care from the In Home

Supportive Services Program, a program that provides homemaker and personal care assistance to eligible individuals who are Medi-Cal eligible and need assistance with the activities of daily living to remain independent. The program allows eligible elderly, blind, or disabled persons to receive needed care while remaining in their own home. In-Home Supportive Services include bathing, grooming, dressing, housecleaning, shopping, laundry, meal preparation and clean up.

The Imperial County In Home Supportive Services Public Authority administers the program.

To be eligible for IHSS, an individual must:

- Fall within the financial eligibility guidelines
- Be blind, disabled, or age 65 and older
- Meet eligibility requirements for federally funded Medi-Cal
- Be unable to live at home safely without help

The financial eligibility criteria include:

- Persons receiving SSI/SSP
- Persons not receiving SSI/SSP may be eligible, but might be required to pay part of the costs.

Social workers meet at the eligible applicant's home and discuss their medical conditions, living arrangements and any help already received from family, friends or others.

2. Community Based Transition Services

Under the landmark 1999 U.S. Supreme Court Olmstead decision, the state of California is required to accommodate people with physical, mental or developmental disabilities who live in institutions, or are at risk of doing so, in the least restrictive settings possible. Living in "institutions" is considered living in a segregated setting - that is, all other persons living in the institution are disabled.

The "institutional" setting in the Olmstead decision was a psychiatric hospital. Additional institutional settings include "institutions for mental disease," mental health rehabilitation centers, hospitals and rehabilitation centers, and nursing facilities. Some disabled persons living in a nursing facility may qualify for living in a community setting with attendant care.

Access for Independence is an Independent Living Center with an Imperial Valley Branch Office located in El Centro. Access for Independence is able to assist individuals with physical disabilities who reside in institutional settings to regain their independence within their community. Institutional settings include:

- Nursing Home
- Rehabilitation Facility
- Transitional or supported Housing (minimal assistance available for step-down transition options)

The service is called "transitions from institutions."

Among the other services offered by Access for Independence are individual living skills for older individuals who are blind, and home modifications.

e. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- Promote and make the community aware of the Reasonable Accommodation Procedure
- Provide information to apartment owners, property management companies and on-site property managers regarding reasonable accommodations, reasonable modifications; and service and companion animals
- Coordinate with the Access for Independence to promote independent living services
- Provide financial assistance, if funding resources become available, to make home modifications
- Implement the Special Needs Housing Program described in Section II

Some of the policies and programs also have the objective of affirmatively furthering fair housing.

Section II describes the programs and policies in greater detail.

3. Persons with Developmental Disabilities

a. San Diego Regional Center Customers

According to Section 4512 of the Welfare and Institutions Code a -

"Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes *mental retardation, cerebral palsy, epilepsy, and autism*. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature." [Emphasis added]

Brawley is located within the service area of the San Diego Regional Center. The California Department of Developmental Services publishes counts of consumers by zip code. The Department serves 464 consumers in Brawley's 92227 zip code: 324 customers are 17 years of age or younger and 157 customers are 18 years of age or older.

b. Living Arrangements of Developmentally Disabled Persons

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The San Diego Regional Center describes several living options appropriate for developmentally disabled persons; some require licensing and others do not.

Requires Licensing

- Community Care Licensed
- Health Licensed
- Adult Residential Facilities (ARF)
- Residential Care Facilities for the Elderly (RCFE)
- Group Homes (GH)
- Intermediate Care Facility/Developmentally Disabled (ICF DD)
- Intermediate Care Facility Developmentally Disabled - Habilitation (ICF DD -H)
- Intermediate Care Facility Developmentally Disabled – Nursing (ICF DD -N)
- Skilled Nursing Facility (SNF)
- State Developmental Center (SDC)

Does Not Require Licensing

- Supported Living
- Independent Living
- Adult Family Home Agency

Table A-16 shows that 437 of the 481 developmentally disabled persons live in the home of a parent, family member, or guardian. An additional 28 persons live in independent or supported living and less than 11 live in a foster/family home. Less than 22 persons live in a group environment such as a Community Care Facility (CCF) or Intermediate Care Facility (ICF).

c. Housing Needs of Developmentally Disabled Persons

According to the State Department of Developmental Services:

Affordable housing is a cornerstone to individuals with developmental disabilities residing in their local communities. Due to the high cost of housing in California, many individuals served by the regional centers require deep subsidies in order to make housing affordable. DDS is actively pursuing projects that will increase capacity and precipitate the construction of new affordable housing.

Rental assistance is a need experienced by many developmentally disabled adults.

d. Services Addressing the Needs of Persons with Developmental Disabilities**1. State Department of Developmental Services**

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The San Diego Regional Center is one of the 21 regional centers.

Table A-16
City of Brawley
Living Quarters of Persons With
Developmental Disabilities: End of June 2019

Home of Parent/Family/Guardian	437
Independent/Supported Living	28
Community Care Facility	<11
Intermediate Care Facility	<11
Foster/Family Home	<11
Other	<11
Age 0-17 years	324
Age 18+ years	157

Source: California Department of Development Services, *Consumer Count by California ZIP Code and Residence Type*, end of June 2019

2. San Diego Regional Center

Persons eligible for services include:

Residents of San Diego or Imperial Counties diagnosed with a developmental disability that originates before age 18, constitutes a substantial handicap and is expected to continue throughout life may be eligible for SDRC services.

Services of the San Diego Regional Center may only be provided when authorized or requested by an adult applicant or client; the parents or guardian of a minor applicant or client; the conservator of an adult applicant or client; or by court order. The responsibilities of a Regional Center include, but are not limited to, the following:

- Case finding and intake
- Assessment, evaluation and diagnosis
- Development of an Individual Program Plan (IPP) for each client
- Purchase of services to meet IPP or IFSP (Individualized Family Service Plan) objectives
- Advocacy for the protection of legal, civil and service rights
- Resource development, program evaluation and community education
- Information and referral services

e. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Explore with the San Diego Regional Center the need for home modifications in homes occupied by persons with developmental disabilities
- Post on the City's website information on the services and resources available from the San Diego Regional Center

- Explore with the Access for Independence the opportunities that may be available to transition developmentally disabled persons from an institutional setting to a home environment
- Implement the Special Needs Housing Program described in Section II

The Planning Department has obtained the following information from the SDRC and makes it available to the public:

- San Diego Regional Center – SDRC Services
- A Client and Family Guide
- A Guide to Living Options

Section 2 – Housing Program – incorporates the above mentioned policies and programs.

4. Large Families

a. Population and Household Characteristics

Large families are households consisting of five or more persons. Table A-17 shows that there are almost 1,200 large families comprising about 18% of all the City's households. Additionally, renters comprise almost 60% of all large families. In contrast to renters, owners have more options by which to add more square footage or rooms to their dwellings.

**Table A-17
City of Brawley
Tenure by Household Size: 2015-2019**

Households Size (Number of Persons)	Owner Occupied	Renter Occupied	Total Households
5	256	426	682
6	92	170	262
7+	134	118	252
Total	482	714	1,196

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25009, Tenure by Household Size

b. Housing Needs of Large Families

The City has more than 700 large family renter households. Renters are constrained by the inability to add space to their housing unit, especially if it is an apartment unit. Large family renters who need more space will probably need to move to a larger rental unit, perhaps a single family home.

Larger families may also need an additional bedroom. Owners, if they have enough income, can pay for a bedroom addition or the construction of an accessory dwelling unit.

Lower income renters and owners face a significant financial barrier to accommodate their space needs with more spacious housing.

c. Housing Programs and Services Addressing the Needs of Large Families

1. Large Family Affordable Housing Developments

The existing housing stock contains 13 large family affordable housing developments with a combined total of 772 lower income housing units. The City will continue to maintain the affordability and habitability of this very important segment of the housing stock.

In addition, the City Council has approved the development of five large family affordable housing developments with a combined total of 348 housing units.

2. Campesinos Unidos Community Action Partnership (CAP)

CAP is a public community action agency that receives funding from the federal Community Services Block Grant (CSBG) Program.

CAP also administers programs and services offering education and wealth building that strengthens families, including large families, such as:

- Earned Income Tax Credit (EITC)
- Parent/Children Poverty Reduction Program
- On the Job Training

Large families that are cost burden can benefit from the poverty reduction programs. These program can lead to increased income and potentially reduce the proportion of family income spent on housing costs.

3. County of Imperial Department of Public Services (DPSS)

The Imperial County Department of Social Services offers public assistance that can benefit large families:

- CalFresh (California's Food Stamp Assistance - SNAP): Provides supplemental food and nutrition for low income families and individuals. Applicants/recipients must meet income and resource requirements and benefits are issued based on household size. Special rules apply to persons who are elderly and/or disabled.
- CalWORKs: Provides cash assistance to families with children who are deprived of the support and care of one or both parents due to death, absence, incapacity or unemployment. Unless exempt from federal and state mandated Welfare to Work (WTW) requirements, the parent(s)/caretaker relative must comply with WTW to find and maintain employment that will result in self-sufficiency. Eligibility is contingent on meeting regulatory income and resource limits.
- Medi-Cal Program: This is California's Medicaid program. This is a public health insurance program which provides needed health care services for low-income individuals including families with children, seniors, persons with disabilities, foster care, pregnant women, and low income people with specific diseases such as tuberculosis, breast cancer or HIV/AIDS. Medi-Cal is financed equally by the State and federal government.

- **General Assistance:** Also known as General Relief (GR) is county funded aid for the relief and support of indigent residents of the county who are not eligible for any other cash assistance program. Assistance is intended for those who are incompetent or incapacitated by age, disease or accident and not supported by any other means.
- **Welfare-To-Work Program:** This program helps family members acquire the skills needed to get a job. The County will determine if a family must participate in Welfare-To-Work activities as a requirement for CalWORKs. Families may also volunteer to participate.

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to maintain the affordability and habitability of the existing housing stock that meets the needs of large families (13 large family affordable housing developments with a combined total of 772 lower income housing units.)
- Continue to support the poverty reduction programs operated by Campesinos Unidos Community Action Partnership (CAP)
- Implement the Special Needs Housing Program described in Section II

5. Farmworkers

a. Population and Household Characteristics

Statewide, farmworker housing is of unique concern and of unique importance. While only a small share of SCAG region jurisdictions have farmworkers living in them, they are essential to the region's economy and food supply. Agricultural and farmworkers are key components of the Imperial Valley economy.

The 2017 Census of Agriculture provides an Imperial County profile:

- 396 farms
- 521,729 acres in farms
- 1,317 acres – average size of a farm
- \$,859,678,000 market value of products sold
- Imperial County ranks fourth among California counties in terms of agriculture sales
- 71% (N=282) of farms hire farm labor

HCD guidance indicates that a housing element should estimate the number of permanent and migrant farmworkers within the community. A farm worker is –

- A person who performs manual and/or hand tool labor to plant, cultivate, harvest, pack and/or load field crops and other plant life.
- A person who attends to live farm, ranch or aqua cultural animals including those produced for animal products.

Source: State of California, Employment Development Department, Labor Market Information Division, Occupational Definitions

Because of their predominantly low incomes, housing affordability is an acute need for farmworkers.

For the 5th Cycle Housing Element, SCAG estimated that 686 farmworkers lived in Brawley. In 2020, using ACS data and NAICS and SOC codes, SCAG estimate that a total of 501 farmworkers reside in Brawley and 363 hold full-time year round jobs. This means that seasonal farmworkers could number 138 individuals.

The estimate may overstate the number of “farm workers” which meet the EDD definition because the farming codes include other workers such as supervisors, inspectors, graders and sorters. It is unlikely that within Brawley’s farmworker estimate there are forest and conservation and logging workers, and fishing and hunting workers.

The *housed* “farmworkers” who reside in the City live in a household and occupy a housing unit. Therefore, they would be among the existing households counted as part of the CHAS housing needs, and estimates of existing and projected housing needs produced by SCAG. That is, the resident farmworker housing needs would be counted as part of the lower income households experiencing problems of overpaying, overcrowding, and living in substandard housing.

b. Farmworker Housing

The Imperial Valley Housing Authority owns the 58-unit Austin Thomas farmworker housing development, which is located in Brawley.

The City has approved two affordable rental housing developments that will include farm worker housing:

▪ Adams Park III	80 units
▪ Ocotillo Springs Apartments	75 units

Three additional farm worker housing developments are located in Imperial County:

▪ Tierra del Sol - El Centro	40 units
▪ Casa de Anza - El Centro	36 units
▪ Sunset Garden Apartments – Heber	40 units

c. Farm Worker Services Coalition

The purpose of the Farm Worker Services Coalition of Imperial County is to seek a networking relationship with service organizations that work with farm workers and their families and to provide up to date information on services, changes, funding sources, volunteer programs, and instructional programs, to share information on changes in the law or regulations that affect this special group. The organization will also assist farm workers and their families to live a healthy and production life.

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to support meeting the housing needs of farmworkers through existing housing and new housing developments.
- Implement the farmworker housing program described in Section II.

6. Female Householders**a. Population and Household Characteristics**

Brawley's female householder characteristics are noted below:

- Total female householders: 1,376 householders (20.5% of all householders)
- Female householders with children: 815 householders (12.2% of all householders)
- Female householders with children under 6 years of age: 174 (2.6% of all householders)

b. Housing Needs of Female Householders

Housing needs often experienced by female householders may include:

- Housing with costs within their ability to pay
- Housing in close proximity to work place
- Access to housing which accommodates children
- Access to housing near parks and open space to serve the needs of female householders with children.
- Access to housing which is designed for security and convenience
- Assistance with maintenance and repairs for elderly women living alone

c. Housing Programs and Services Addressing the Needs of Female Householders**1. Child Care Centers**

The City has the following child care centers:

- 10 Child Care Centers Preschool with a combined capacity of 543 children. Including one Head Start Center (55 child capacity) and one migrant Head Start Center (110 child capacity)
- 25 large family child care homes with a capacity of 14 children each

Data are unavailable regarding small family child care homes.

2. Early Care and Education Programs (ECEP)

The program is the one stop shop for Child Care needs in Imperial County.

The California Department of Education/Early Education and Support Division alongside with the United States Department of Health and Human Services fund the ECEP department. The ECEP department has been operational since 1980 and is committed to families of the Imperial County in meeting their child care needs.

Early Care and Education Programs offers comprehensive child care and development services to Imperial County families. It helps parents explore all of their child care options by providing free child care referrals and information on how to choose quality early education and child care services. ECEP also offers income eligible programs which provide child care financial assistance to low-income families who are employed, participating in job training or educational programs.

The ECEP Department also provides workshops for child care providers on a number of childhood topics and assists with Trustline Registry, a fingerprint clearance program for exempt (unlicensed) child care providers. It provides information on the supply and demand of early education and child care services in Imperial County and statewide.

In addition, ECEP operates subsidized early education State Preschool and Federal Head Start centers and home based programs throughout Imperial County.

3. Child Care Resource & Referral

This state and federally funded program assists parents in Imperial County with finding licensed child care near their home, work, or child's school. The computerized, geographically based program lists over 2,800 licensed centers and family child care homes. The Online Referral System requests the following family and children information:

- Location: near home, near work/school, near child/children's school
- Preferred provider type: family child care home, child care center, or other

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Work with the Inland Fair Housing & Mediation Board. to ensure that female householders are free from housing discrimination on the basis of sex and familial status.
- Post on the City's website information on availability and location of child care services.
- Implement the Special Needs Housing Program described in Section II

Section II describes the programs and policies in greater detail.

7. Families and Persons in Need of Emergency Shelter

a. Meaning of Emergency Shelters

Government Code, § 65582, subd. (d) and Health and Safety Code, § 50801, subd. (e) provide the following definition:

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

A more descriptive definition offered by the pro bono law firm Public Counsel is:

Emergency shelters are temporary housing available to individuals and families experiencing homelessness. Shelters provide the least intensive programs, generally providing meals, a cot and minimum case management services. They often operate from late afternoon to early morning. Individuals and families can typically stay in shelters for up to six months.

b. Estimate of Brawley's Unsheltered Homeless Persons

Unsheltered homeless are defined as those who reside in places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, or on the street.

The City has an estimated 106 unsheltered homeless, according to the *Imperial County 2019 Homeless Point-in-Time County and Survey*.

The PIT Count does not provide estimates of the City's homeless sub-populations (e.g., disabled persons, foster youth, and veterans).

c. Space Requirements for Emergency Shelters

The living space standards of efficiency dwelling units was relied on to calculate an order of magnitude estimate of the square footage needed to accommodate 106 homeless persons. The efficiency dwelling unit standard is 220 square feet for the first occupant and 100 square feet for all additional persons. Thus, somewhat less than 11,000 square feet would be needed to provide enough sleeping space for 106 homeless persons. Additional space would be needed for staff, bathrooms, etc. It is assumed that 12,000 to 13,000 square feet would be sufficient to meet the space needs generated by an emergency shelter housing 106 persons.

d. Capacity to Accommodate the Space Requirements of Emergency Shelters

Individual emergency shelters with a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones. Thus, an individual shelter may require 3,700 to 4,000 square feet of space.

Vacant land, vacant buildings, buildings for sale, and business turnover in the C-1, C-2, and C-3 Zones provide sufficient space to accommodate the development of emergency shelters.

Within the C-2 and C-3 Commercial Zones there are at least nine (9) vacant or for lease buildings that are at least 7,000 square feet in size. or with additional expansion could be at least 7,000 sq. ft.

There at least twenty-four (24) vacant parcels zoned C-1, C-2 and C-3 that would accommodate a 7,000 square foot emergency shelter in order to serve 30 persons.

In addition, there is one vacant parcel in the C-1 Zone.

Attachment A provides details on the vacant sites and vacant building.

e. Brawley Public Services Available to Homeless Persons

There are several services available to homeless persons that are located in Imperial County. The following describes the services which are located in Brawley.

1. Clinicas De Salud Del Pueblo, Inc.

This service is located at 900 Main Street (near City Hall). Main Street is the main east-west corridor in the City.

Clinicas provides numerous services to homeless persons. The services include but are not limited to: crisis management; drug and alcohol treatment; medical assistance; food, clothing and housing referral; and Affordable Care Act sign-ups/counseling.

2. Imperial Valley Housing Authority

The Housing Authority is located on the 1400 block of D Street. It provides rental assistance to extremely low income persons.

3. Campesinos Unidos, Inc.

Campesinos Unidos, Inc. is located on the 1000 block of C Street and offers an Emergency Food and Shelter Program (EFSP) to provide assistance to families/individuals that are homeless or at-risk of homelessness. This service helps to pay past due rent or utilities, and provide emergency food.

Campesinos Unidos, Inc. also partners with the Imperial Valley Food Bank, to provide USDA Commodities distribution at two sites and provide families/individuals with access to healthy food. By helping alleviate these immediate needs, the organization also gains the opportunity to offer additional emergency and social service support to improve socio-economic status and overall wellness of low-income families/individuals in Brawley and Imperial County.

f. Brawley Private Services Available to Homeless Persons

Homeless persons also need to access private services, especially when emergency medical or health events happen.

An Urgent Care service is available on the 600 block of South Brawley Avenue.

The Pioneer Memorial Hospital Emergency Room is located on the 200 block of West Legion Road.

Three pharmacies are located in Brawley: one next to the Pioneer Memorial Hospital; and two on Main Street.

g. Transportation Services

The Imperial Valley Transit operates the Gold Line circulator shuttle within Brawley. Operating Monday through Friday, the Gold Line makes 28 stops within the City, including Walmart, Pioneer Memorial Hospital, and downtown Brawley.

Also located within a block of City Hall is the City of Brawley Transit Transfer Station.

h. Environmental Habitability

Field trips to the vacant parcels and buildings in the three commercial zones revealed no on-site environmental hazards. If there are environmental issues found on a site, the planning staff is able to inform the emergency shelter provider of alternative, suitable sites.

i. Imperial County Emergency Shelters

- Our Lady of Guadalupe Men's Shelter

545 Encinas Ave
Calexico, CA 92231
(760) 357-0894

<http://www.ccdsd.org/programs/homeless-mens-services/>

Located in Calexico, CA, Our Lady of Guadalupe Shelter is a program of Catholic Charities Diocese of San Diego. A 50 bed facility, it provides emergency housing services for men. The program offers case management, social support, information and referral services for employment, medical care, and recovery services.

- House of Hope

1948 W Orange Ave
El Centro, CA 92243
(760) 352-1182

<http://www.ccdsd.org/programs/homeless-womens-services/>

An emergency and short term shelter, House of Hope provides an array of supportive services to aid women and families to become housed and contributing members of the community.

- Neighborhood House Shelter
506 E. 4th Street
Calexico, CA 92231
(760) 357-6875

<http://nhclx.org/>

Neighborhood House Shelter is an emergency shelter for homeless women and children. By providing clients with room, food, clothing and intensive case management, the shelter strives to give homeless women and children the opportunity to become self-sufficient and contributing members of the community.

Neighborhood House Shelter is supported by funds from community donations, the United Methodist Women, and the Emergency Food and Shelter Program.

- WomanHaven/Center for Family Solutions

510 W. Main Street
Suite 106
El Centro, CA - 92243
760-353-6922
24 Hour Hotline: 760-353-8530

The WomanHaven Shelter is available to women and their children. The Womenhaven/Center provides two emergency shelters with a total of 25-beds for abused women and their children or who are homeless for other reasons.

Additional Resources:

[Imperial County Resources for the Homeless](#)

j. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to support the efforts of County and local agencies addressing the needs of the homeless population.
- Post on the City's website information on available homeless resources.
- Implement the Special Needs Housing Program described in Section II

F. PROJECTED HOUSING NEEDS

1. Population Trends and Projections

Between April 1, 2010 to January 1, 2020, Brawley's population grew from 24,953 to 27,349 people for a net gain of 2,396 persons. The population growth represents an almost 10% gain over the decade. The yearly gain of 240 persons is modest.

The City's future population depends on the construction of new housing units and a decrease in the number of vacant housing units. An average population gain of 240 persons would mean that Brawley's population will grow by almost 1,920 persons during the 8-year Housing Element planning period.

2. Employment Trends and Projections

In 2016, 8,000 jobs were located in Brawley, according to SCAG's *Connect SoCal Demographics and Growth Forecast*. By 2045, the growth forecast expects 13,600 jobs to be located in Brawley, a net increase of 5,600 jobs over a 29-year period. The average annual jobs increase of almost 200 jobs means that 1,600 jobs could be added during the 2021-2029 Housing Element planning period.

According to ACS data, the average number of workers per household is 1.22. The worker per household ratio of 1.22 translates to an associated increase of 1,311 households based on job growth alone. (1,600 x 1.22 = 1,311)

3. Share of Regional Housing Needs/Regional Housing Needs Assessment

The SCAG Region's housing need was determined by HCD. The SCAG "region" encompasses the counties of Ventura, Los Angeles, Orange, Riverside, San Bernardino and Imperial.

On August 22, 2019, HCD provided SCAG with a numerical determination of the region's existing and projected housing need (1,344,740) for the 8.3 year period from June 30, 2021 to October 15, 2029.

On September 18, 2019 SCAG transmitted to HCD a letter objecting to HCD's regional housing need determination. The objection letter offered alternative regional housing need determinations ranging between 823,808 and 920,772 housing units.

On October 15, 2019, HCD notified SCAG that it disagreed with SCAG's objection letter and issued the *Final Regional Housing Needs Assessment*, as shown in Table A-18.

Table A-18
SCAG Region:
Final Regional Housing Needs Assessment
June 30, 2021 0 October 15, 2029

Income Group	Number of Housing Units
Very Low	351,796
Low	223,807
Moderate	223,967
Above Moderate	559,267
Total	1,341,827

Source: California Department of Housing and Community Development, SCAG Region, Final Regional Housing Needs Assessment

Given the final determination of the regional housing need, SCAG's responsibility then became establishing a methodology to distribute, meaning allocate, a share of the total regional housing need of 1,341,827 housing units to each county (6) and city (191) in the region.

The total regional housing need is comprised of two components: projected need and existing need.

Three components comprise the regional *projected* need of 504,970 housing units: household growth (466,958); future vacancy need (14,467); and replacement need (23,545).

The regional *existing* need is 836,857 housing units (total need of 1,341,827 minus projected need of 504,970).

SCAG's Regional Council voted to approve a Draft RHN Methodology on November 7, 2019 and transmitted it to HCD for their statutorily required review. On January 13, 2020, HCD completed its review of the draft methodology and found that it furthers the objectives of Regional Housing Need Assessment (RHN).

On March 4, 2020, SCAG's Regional Council voted to approve the Final RHN Methodology.

To determine a jurisdiction's projected need, the allocation methodology uses a three-step process:

- Determine the jurisdiction's regional projected household growth *based on local input*
- Determine future vacancy need based on a jurisdiction's existing composition of owner and renter households and apply a vacancy rate on projected household growth based on the following:
 - ✓ Apply a 1.5% vacancy need for owner households
 - ✓ Apply a 5.0% vacancy need for renter households

- Determine a jurisdiction's net replacement need based on replacement need survey results

For Brawley the RHNNA methodology to determine the City's projected housing need resulted in the following numbers:

▪ Projected Need Based on <i>Local Input</i> :	1,176 housing units
▪ Vacancy Adjustment:	37 housing units
▪ Replacement Need:	31 housing units
▪ Total Projected Need:	1,346 housing units

HCD explains "existing need" as referring to legislative changes which are intended to explicitly address housing production "backlog." The backlog refers to persons living in existing housing units who would live independent of others (a household) if there was sufficient housing production. Government Code Section 65584.01(b)(1) cites two indicators that capture the "backlog" and form the basis for computing "existing need.":

- Overcrowded households: "more than one resident per room in each room in a dwelling."
- Cost burdened: "the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs."

The total existing need of 836,857 housing units was split into two parts:

- 50% was allocated on the basis of population near transit; that is, designated High Quality Transit Areas (HQTAs).

Brawley's share of the regional population within HQTAs is zero housing units.

- 50% allocated on the basis of jobs accessibility.

Brawley's share of the regional jobs accessibility is 77 housing units.

The Final RHNNA Methodology allocates 1,423 housing units to Brawley:

Projected and existing need comprise 95% (1,346) and 5% (77), respectively, of the City's total RHNNA allocation.

After determining a jurisdiction's total RHNNA allocation, the next step is to assign the total allocation into four RHNNA income categories. The four RHNNA income categories are:

- Very low (50% or less of the county median income)
- Low (50-80%)
- Moderate (80 to 120%)
- Above moderate (120% and above)

One RHNNA objective specifically requires that the RHNNA methodology to allocate a lower proportion of housing need in jurisdictions that already have a disproportionately high concentration of those households in comparison to the county distribution. Additionally, another objective, affirmatively furthering fair housing (AFFH), requires that the RHNNA methodology further the objectives of addressing significant disparities in housing needs and access to opportunity in order to overcome patterns of segregation.

With Regional Council's adoption of Connect SoCal in its entirety on September 3, 2020, SCAG distributed the *draft* RHNA Allocation to local jurisdictions on September 4, 2020.

Cities and counties were able to appeal their Draft RHNA allocation. SCAG approved only two of the almost 50 appeals that were submitted. The SCAG Regional Council approved the Final RHNA allocation on March 4, 2021.

Table A-19 shows the City's Final RHNA allocation by income group.

The RHNA projects very low income households, but not extremely low income households.

The projected number of ELI households (N=200) in Table A-19 represents 50% of the projected very low income households (N=399).

Table A-19
City of Brawley
6th Cycle
Share of Regional Housing Needs
June 30, 2021 – October 15, 2029

Income Group	Number	Percent
Extremely Low	200	14.0%
Very Low	199	14.0%
Low	210	14.7%
Moderate	202	14.2%
Above Moderate	615	43.1%
Total:	1,426	100.0%

Source: Southern California Association of Governments, *Final 6th Cycle RHNA Allocation* adopted by Regional Council on, March 4, 2021

ATTACHMENT A
VACANT PARCELS AND VACANT BUILDINGS IN THE
C-1, C-2 AND C-3 ZONING DESIGANTIONS

Vacant Parcels

1. S. Cesar Chavez Street and G Street - southeast corner – vacant parcel – C-1 Zoning
2. N. Eastern Avenue and Main Street (Ben Hulse Highway) - southeast corner- vacant parcel – C-2 Zoning
3. East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street– south side - vacant parcel - C-2 Zoning
4. Main Street (Ben Hulse Highway) between N. Eastern Avenue and Hwy 111 - north side - vacant parcel – C-2 zoning
5. East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street – south side - vacant parcel - C-2 Zoning
6. East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street – south side - vacant parcel - C-2 Zoning (second vacant parcel)
7. West Main Street and N. Las Flores Drive – northwest corner - vacant parcel -C-2 Zoning
8. West Main Street and S. Las Flores Drive – southwest corner - vacant parcel -C-2 Zoning
9. Wildcat Drive and S. Brawley Avenue – South side of Wildcat Drive near the southwest corner- Fourteen (14) vacant parcels - C-2 Zoning (near the Walmart Shopping Center)
10. Main Street (Ben Hulse Highway) between N. Palm Avenue and N. Eastern Avenue - northside - vacant parcels - C-3 Zoning
11. Main Street (Ben Hulse Highway) between N. Palm Ave and N. Eastern Ave - north side - vacant parcel – C-3 Zoning (west of Brawley Tractor Parts)

Vacant Parcel Sites Inventory for Potential Emergency Shelters			
Location	Direction	Type	Zoning
S. Cesar Chavez Street and G Street	southeast corner	vacant parcel	C-1 Zoning
N. Eastern Avenue and Main Street (Ben Hulse Highway)	southeast corner	vacant parcel	C-2 Zoning
East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street	south side	vacant parcel	C-2 Zoning
Main Street (Ben Hulse Highway) between North Eastern Avenue and Hwy 111	north side	vacant parcel	C-2 Zoning
East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street	south side	vacant parcel	C-2 Zoning
East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez Street	south side	vacant parcel (second of side by side vacant parcels)	C-2 Zoning
West Main Street and N. Las Flores Drive	northwest corner	vacant parcel	C-2 Zoning
West Main Street and N. Las Flores Drive	southwest corner	vacant parcel	C-2 Zoning
Wildcat Drive and S. Brawley Avenue	South side of Wildcat Drive near the southwest corner	Fourteen (14) vacant parcels	C-2 Zoning (near the Walmart Shopping Center)
Main Street (Ben Hulse Highway) between N. Palm Avenue and N. Eastern Avenue	north side	vacant parcels	C-3 Zoning
Main Street (Ben Hulse Highway) between N. Palm Ave and N. Eastern Ave	north side	vacant parcel	C-3 Zoning

Vacant Buildings

1. East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez – south side - multiple small vacant buildings - C-2 Zoning
2. East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez – south side exceptionally large vacant building - C-2 Zoning
3. East of the intersection of Main Street (Ben Hulse Highway) and N. Cesar Chavez – north side - vacant building - C-2 Zoning
4. Main Street (Ben Hulse Highway) between North Eastern Avenue and Hwy 111 - north side - vacant building- C-2 zoning
5. West of the intersection of Main Street (Ben Hulse Highway) and N. Palm Avenue – north side - vacant building- C-2 Zoning
6. Main Street (Ben Hulse Highway) and North Eastern Avenue – northwest corner – small vacant building with large vacant lot – C-3 Zoning
7. Main Street (Ben Hulse Highway) between North Palm Avenue and North Eastern Avenue - southside - vacant building – C-3 Zoning
8. Main Street (Ben Hulse Highway) between North Palm Avenue and North Eastern Avenue - northside - vacant building - C-3 Zoning
9. Main Street (Ben Hulse Highway) and N. Eastern Avenue - northwest corner – vacant buildings – C-3 Zoning

Vacant Buildings Sites Inventory for Potential Emergency Shelters			
Location	Direction	Type	Zoning
East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez	south side	multiple small vacant buildings	C-2 Zoning
East of the intersection of Main Street (Ben Hulse Highway) and S. Cesar Chavez	south side	large vacant building	C-2 Zoning
East of the intersection of Main Street (Ben Hulse Highway) and N. Cesar Chavez	north side	vacant building	C-2 Zoning
Main Street (Ben Hulse Highway) between North Eastern Avenue and Hwy 111	north side	vacant building	C-2 Zoning
West of the intersection of Main Street (Ben Hulse Highway) and N. Palm Avenue	north side	vacant building	C-2 Zoning
Main Street (Ben Hulse Highway) and North Eastern Avenue	northwest corner	vacant building	C-3 Zoning
Main Street (Ben Hulse Highway) between North Palm Avenue and North Eastern Avenue	south side	vacant building	C-3 Zoning
Main Street (Ben Hulse Highway) between North Palm Avenue and North Eastern Avenue	north side	vacant building	C-3 Zoning
Main Street (Ben Hulse Highway) and N. Eastern Avenue	northwest corner	vacant building	C-3 Zoning

APPENDIX B
ASSESSMENT OF FAIR HOUSING

A. GOVERNMENT CODE REQUIREMENTS**1. Background****a. HUD's Assessment of Fair Housing**

On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) published a [final rule on Affirmatively Furthering Fair Housing](#) (AFFH rule).¹ The AFFH rule established a process that certain recipients of HUD funding (referred to in the rule as “program participants”) were to use to help them meet their long-standing obligations to affirmatively further fair housing. The AFFH rule created a standardized process for fair housing planning – referred to in the AFFH rule as an Assessment of Fair Housing (AFH).

On January 5, 2018 HUD published a notice in the Federal Register suspending the obligation to prepare and submit an AFH.

In the *Federal Register* notice, HUD claimed that, based on reviews of the 49 initial AFHs submissions, local governments needed additional time and technical assistance to adjust to the AFFH process and complete AFH submissions that HUD could accept. Thirty-five percent of the 49 submissions (17 submissions) were not accepted when first submitted. HUD did not discuss why they were not accepted or how meaningful the deficiencies were.

b. AB 686 (Santiago)

AB 686 was introduced on April 3, 2017. The June 4, 2018 version added the Assessment of Fair Housing to the program requirements of a local housing element, beginning on January 1, 2021. Government Code Section 65583(c)(5) states the housing program shall -

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.[Emphasis added]

AB 686 does not ascribe a quantified meaning to the phrase “throughout” a community.

2. Assessment of Fair Housing Requirements

Appendix B is Brawley’s *Assessment of Fair Housing*. The next page describes the Government Code requirements to affirmatively furthering fair housing and to prepare an assessment of fair housing,

¹ The AFFH rule is published at 80 Fed. Reg. 42,272 and codified at 24 CFR Part 5, along with conforming amendments to Parts 91, 570, and 903. The effective date of the AFFH rule is August 17, 2015.

Affirmatively Furthering Fair Housing/Assessment of Fair Housing**Government Code Section 8899.50**

(a) For purposes of this section, the following terms have the following meanings:

(1) “Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.

Government Code Section 65583(c)(9)(A) states:

Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

- (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.
- (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
- (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
- (iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
- (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

The *Assessment of Fair Housing* analyzes five potential issues that may exist within a jurisdiction:

- Integration and segregation patterns and trends
- Racially or ethnically concentrated areas of poverty
- Disparities in access to opportunity
- Disproportionate housing needs within the jurisdiction
- Displacement risk

Focusing the analysis on "within a jurisdiction" is appropriate because it is the City's goals, priorities and strategies that will guide the actions to be taken to AFFH. It is the City that plans for the housing types; densities; and locations of housing. Regional bodies such as SCAG or Council of Governments or Associations of Governments have no role in decisions concerning housing types, densities, and locations. TCAC, HCD, and AHSC Program have more influence on local housing planning than the regional entities.

The fair housing analysis is hindered because the American Community Survey (ACS) does not produce data for each of the protected classes. For example, data are unavailable from the ACS regarding religious affiliation and the cost burdens experienced by sex of householder or by familial status.

The purpose of the analysis is to provide a basis to identify a "fair housing issue." For example, does segregation exist in the jurisdiction? Are there racially and ethnically concentrated areas of poverty in the jurisdiction?

If there are fair housing issues in the jurisdiction, then the assessment must identify and describe the *factors* that contribute to: 1) limiting or denying fair housing choice or access to opportunity and 2) negatively impact fair housing or civil rights compliance.

The jurisdiction then must identify for each *contributing factor*, the fair housing *priorities* and *goals* and the *strategies* to implement those priorities and goals. Government Code Section 65583(c)(9)(A)(v) provides examples of possible strategies and actions:

- Enhancing mobility strategies
- Encouraging development of new affordable housing in areas of opportunity
- Place-based strategies to encourage community revitalization
- Preservation of existing affordable housing
- Protecting existing residents from displacement

The strategies and actions become necessary when a fair housing issue is identified and the factors that contribute to that issue are known to some degree of certainty.

Government Code Section 8899.50(b) states:

In selecting meaningful actions to fulfill the obligation to affirmatively further fair housing, this section does not require a public agency to take, or prohibit a public agency from taking, any one particular action.

According to Government Code Section 8899.50(c):

This section shall be interpreted consistent with the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to

42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section.

In preparing the AFH, the program participants – primarily Community Development Block Grant (CDBG) entitlement communities – were advised by HUD to use several available resources, including the *AFFH Rule Guidebook*, which was made available to grantees on December 15, 2015.

3. Local Data and Knowledge

Brawley is not an eligible Community Development Block Grant (CDBG) entitlement jurisdiction. Entitlement jurisdictions are required to conduct fair housing planning as a condition of receiving CDBG funds. Since Brawley does not receive CDBG funds, it has no prior knowledge or data base that could have contributed to the preparation of the *Assessment of Fair Housing*.

Local data and knowledge was obtained from local organizations such as, but not limited, to Campesinos Unidos, Inc. the Imperial Valley Housing Authority, Inland Fair Housing and Mediation Board, Access for Independence, Community Access Center, Area Agency on Aging, and San Diego Regional Center.

B. FAIR HOUSING PROTECTED CHARACTERISTICS AND PROTECTED CLASSES

A “protected class” is a group of people with a common characteristic who are legally protected from housing discrimination. According to HUD:

- *Protected Characteristics* are race, color, religion, sex, familial status, national origin, having a disability, and having a type of disability. (24 C.F.R. § 5.152)
- *Protected Class* means a group of persons who have the same protected characteristic; e.g., a group of persons who are of the same race are a protected class. Similarly, a person who has a mobility disability is a member of the protected class of persons with disabilities and a member of the protected class of persons with mobility disabilities. (24 C.F.R. § 5.152)

Federal Protected Classes

- Race
- Color
- National Origin
- Disability: Mental and Physical
- Religion
- Sex
- Familial Status

California Protected Classes

- Marital Status
- Ancestry
- Source of Income
- Sexual Orientation
- Age*
- Gender Identity, Gender Expression
- Genetic Information

- Military or Veterans Status
- Primary Language*
- Citizenship/Immigration Status*

*Covered under the Unruh Civil Rights Act, which applies to most housing accommodations in California.

The federal Fair Housing Act prohibits both intentional discrimination and policies and practices that discriminate against the seven protected classes/groups. According to HUD's Office of General Counsel (OGC), people with limited English proficiency (LEP) are not a protected class under the Fair Housing Act. However, the OGC explains that there is a close link between LEP and certain racial and national origin groups.

Income, per se, is not a protected class. According to HUD:

...the Fair Housing Act does not prohibit discrimination on the basis of income or other characteristics not specified in the Act, and it is not HUD's intent to use the AFFH rule to expand the characteristics protected by the Act.

Source: Federal Register July 16, 2015, page 42283

C. ASSESSMENT OF FAIR HOUSING ENFORCEMENT, OUTREACH AND RESOURCES

The AFFH rule defines "fair housing enforcement and fair housing outreach capacity" to mean "the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights." 24 C.F.R. § 5.152

Under the HUD rules, an *Assessment of Fair Housing* was required of cities that received entitlement grants for CDBG funds; generally cities with a population of 50,000 or more persons, AB 686 changed all that by requiring all cities – ranging from very small to very large – to prepare an AFH as part of their 6th Cycle housing elements. So the vast majority of California cities had no prior fair housing experience as they undertook planning for fair housing via the AFH.

The City of Brawley has neither the authority nor ability to enforce fair housing laws.

Part C discusses the following topics:

- Federal fair housing laws
- State fair housing laws
- Restrictive covenants
- City compliance with fair housing laws
- Fair housing enforcement, outreach, and resources

1. Fair Housing Laws

a. Federal Fair Housing Laws

The Fair Housing Act is a federal law that prohibits housing discrimination on the basis of:

- Race

- Color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap (disability)

The above are known as “protected classes.”

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker if the owner does not own more than three such single-family homes at one time, and housing operated by organizations and private clubs that limit occupancy to members.

In the sale and rental of housing, it is illegal to take any of the following actions based on the protected classes listed above

- Refusal to rent, sell, or negotiate for housing, or otherwise make housing unavailable
- Providing different terms, conditions, privileges, or provision of services or facilities
- Falsely denying that housing is available for inspection, sale, or rental
- Refusal to make necessary reasonable accommodations or modifications
- Statements or advertisements indicating a preference, limitation, or discrimination based upon membership in a protected class
- Restricting or attempting to restrict a person's housing choices, by words or conduct, in connection with seeking, negotiating for, buying, or renting a dwelling (steering)
- Persuading, for profit, an owner to sell or rent their dwelling because of the entry or prospective entry of a particular protected class into the neighborhood (blockbusting)
- Denying or offering less desirable lending (discrimination) terms or conditions for residential real estate transactions (lending), or
- Denying anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

Federal fair housing laws are enforced by HUD and the U.S. Department of Justice (DOJ). The State Department of Fair Employment and Housing (DFEH) also is authorized to enforce the federal fair housing laws.

Six additional federal fair housing laws are briefly described below:

Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974 Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant Program.

Title II of the Americans with Disabilities Act of 1990. Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968 The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975 The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

b. State Fair Housing Laws Enforced by State Department of Fair Employment and Housing (DFEH)

DFEH's statutory mandate is to protect the people of California from employment, housing and public accommodations discrimination, and hate violence and human trafficking, pursuant to the FEHA). Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, and Trafficking Victims Protection Act.

With regard to housing, the FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.

The FEHA also requires housing providers to reasonably accommodate persons with disabilities; and prohibits covered entities from retaliating against any person because the person opposed practices forbidden by the FEHA or filed a complaint, testified, or assisted in any DFEH or court proceeding related to a FEHA claim.

The Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, primary language, citizenship or immigration status.

The Unruh Civil Rights Act contains provisions regulating the establishment of specialized housing designed to meet the physical and/or social needs of senior citizens. Housing that meets these requirements is exempt from the familial status and age provisions of the Fair Employment and Housing Act and may, therefore, legally exclude households with children. Similar provisions are provided for senior citizen mobile home parks under federal fair housing laws.

The Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

DFEH also has jurisdiction to investigate and prosecute violations of statutes (Gov. Code, § 11135 *et seq.*) prohibiting discrimination against recipients of state funding in their activities or programs because of sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), race, color, gender identity, gender expression, religion, creed, ancestry, national origin, ethnic group identification,

age, physical disability, mental disability, medical condition, genetic information, marital status, or sexual orientation

California's Fair Employment and Housing Act states that it is unlawful:

To discriminate through *public or private land use practices, decisions, and authorizations* because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry. Discrimination includes, but is not limited to, restrictive covenants, *zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law* (Title 7 (commencing with Section 65000)), that make housing opportunities unavailable. [Emphasis added]

c. Restrictive Covenants

DFEH established procedures by which illegal restrictive covenants may be removed, but in 2006 the enforcement responsibilities were transferred to local county recorders.

The FEHA expressly prohibits the existence of a restrictive covenant that makes housing opportunities unavailable based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income or ancestry. In conjunction with this prohibition, county recorders, title insurance companies, escrow companies, real estate brokers, real estate agents or associations that provide declarations, governing documents, or deeds to any person are required to place a cover page over the document, or a stamp on the first page of the document, stating that any restrictive covenant contained in the document violates state and federal fair housing laws and is void.

Effective January 1, 2006, any person holding an ownership interest of record in a property that he or she believes is the subject of an illegal restrictive covenant may record a document titled Restrictive Covenant Modification with the county recorder in the county in which the subject property is located. The modification document should include a complete copy of the original document with the unlawfully restrictive language stricken. Following approval by the county counsel, the county recorder will record the modification document (Government Code section 12956.2, subdivisions (a) and (b)).

The restrictive covenants cover page states:

Pursuant to Government Code section 12956.2, subdivision (b) (1), a county recorder, title insurance company, escrow company, real estate broker, real estate agent, or association that provides a copy of a declaration, governing document, or deed to any person shall place a cover page or stamp on the first page of the previously recorded document or documents stating, in at least **14 point boldface type**, the following:

If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

This procedure does not apply to persons holding an ownership interest in property that is part of a common interest development. Pursuant to Civil Code section 1352.5, the board of directors of a common interest development or association is required, without approval of the owners, to delete any unlawful

restrictive covenant and restate the declaration or governing document without the restrictive covenant but with no other change to the document. A board of directors of a common interest development or association is not required to obtain approval from the county recorder prior to removal of restrictive covenant language.

2. City Compliance with Fair Housing Laws (Findings, Lawsuits, Enforcement Actions, Settlements, or Judgments Related to Fair Housing and Civil Rights)

a. City Compliance with Fair Housing Laws

The City of Brawley is not authorized to enforce federal or state fair housing laws. However, it must comply with fair housing laws such as AB 686 (AFH) and planning and zoning law.

b. Fair Housing Complaints

Housing discrimination complaints can be filed directly with HUD. In California the housing discrimination complaints are processed by HUD's San Francisco Office of Fair Housing and Equal Opportunity (FHEO). Brawley residents may also file complaints with the State Department of Fair Employment and Housing (DFEH) and the Inland Fair Housing & Mediation Board (IFHMB).

c. Secretary-Initiated Complaints

According to HUD, a Secretary-initiated complaint is filed when it has evidence that a discriminatory housing practice has occurred or is about to occur. HUD also may file a Secretary-initiated complaint when it has received an individual complaint, but believes there may be additional victims of the discriminatory act or wants to obtain broader relief in the public interest.

A Secretary-initiated complaint has not been filed against the City of Brawley.

d. Complaints Filed Against Recipients of HUD funds

HUD investigates discrimination complaints against recipients of HUD funds to determine whether the recipient violated civil rights laws or civil-rights related program requirements. At the conclusion of the investigation, HUD issues written findings of violations of civil rights laws or program requirements based on its investigation.

The City has received CDBG funds. Section 109 prohibits discrimination in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974. Neither HUD nor the State of California has filed a complaint against the City.

e. Compliance Reviews of Recipients of HUD Funds

HUD conducts compliance reviews to determine whether a recipient of HUD funds is in compliance with applicable civil rights laws and their implementing regulations. HUD may initiate a compliance review whenever a report, complaint, or any other information indicates a possible failure to comply with applicable civil rights laws and regulations. HUD initiates most compliance reviews based on risk analysis, issues raised during a limited monitoring review, or when a civil rights problem is detected through HUD programming.

The City has received CDBG funds from the State of California. HCD has not conducted a compliance review of the City's use of CDBG funds.

f. Fair Housing Discrimination Suits Filed by the Federal Department of Justice or Private Plaintiffs and the California Department of Fair Employment and Housing

The Housing and Civil Enforcement Section of the Civil Rights Division of the federal Department of Justice (DOJ) is responsible for enforcement of the Fair Housing Act (FHA), along with the Equal Credit Opportunity Act, the Service members Civil Relief Act (SCRA), the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and Title II of the Civil Rights Act of 1964, which prohibits discrimination in public accommodations.

Under the Fair Housing Act, the DOJ may bring lawsuits where it has reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance.

The DOJ also brings cases where a housing discrimination complaint has been investigated by HUD and HUD has issued a charge of discrimination, and one of the parties to the case has "elected" to go to federal court.

In Fair Housing Act cases, the DOJ can obtain injunctive relief, including affirmative requirements for training and policy changes, monetary damages and, in pattern or practice cases, civil penalties.

The DFEH enforces California's fair housing laws. The Department may bring law suits concerning the discriminatory practices of private and public persons and entities.

3. Fair Housing Enforcement, Outreach and Resources in Imperial County

a. Meaning of Fair Housing Enforcement, Outreach and Resources

The City is required to identify local and regional fair housing or civil rights agencies and organizations that provide fair housing information, outreach, and enforcement, and to describe their capacity to assist in fair housing analysis and investigation.

The AFFH rule defines "fair housing enforcement and fair housing outreach capacity" to mean "the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights." 24 C.F.R. § 5.152

HUD's *AFFH Rule Guidebook* states the following regarding the lack of private fair housing outreach and enforcement:

The term "local private fair housing outreach and enforcement" refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to underreporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement.

Source: U.S. Department of Housing and Urban Development, *AFFH Rule Guidebook*, December 13, 2015, page 212

b. Enforcement and Outreach Assessment

The City has neither the ability nor the authority to enforce fair housing laws.

The enforcement of fair housing laws is accomplished by HUD, the DFEH and the Inland Fair Housing & Mediation Board (IFHMB)

The City of El Centro contracts with a fair housing provider who provides residents with fair housing services. The IFBMB scope of services addresses HUD's Fair Housing Performance Standards for Acceptance of Consolidated Plan Certifications and compliance with Community Development Block Grant requirements. The program provides fair housing education, outreach, mediation, investigation, enforcement, and counseling. IFHMB's mediation and counseling help bring complaints and disagreements to a satisfactory conclusion in a swift and expeditious manner.

These services are offered through:

- Assisting housing industry groups with the implementation of HUD's "partnerships" for dissemination of information on fair housing
- Educating individuals on first-time homebuyer programs and other equal housing purchase opportunities
- Working with housing industry groups and other professionals to guarantee the right of all people to choose freely where they want and can afford to live
- Providing a comprehensive program of training, education, advertising, and outreach to affirmatively further fair housing opportunities
- Promoting fair housing practices in the community to create a better understanding of the rights and obligations of tenants, landlords, buyers, and sellers under the law.
- Coordinating and encouraging lending institutions and realtors to improve outreach and loan counseling to households where prior discriminatory practices have occurred
- Counsel and/or mediate with individuals alleging discrimination
- Investigating alleged discrimination complaints
- Developing working agreements with HUD and DFEH and discrimination case outcomes

Education includes free workshops to both landlords and tenants, property management companies, apartment owners' associations, and realtors. Education is also provided to various city-based programs, such as Head Start. Workshops and educational outreach are available to limited English proficient individuals and ESL classes.

c. Fair Housing Resources**1. Fair Housing Assistance Program (FHAP)**

FHAP provides funding to State and local agencies that enforce fair housing laws that are substantially equivalent to the Fair Housing Act.

The program assists state and local agencies that administer fair housing laws certified by HUD as "substantially equivalent" to the Fair Housing Act or Title VIII of the Civil Rights Act of 1968, as amended. This assistance includes support for complaint processing, training, technical assistance, data and information systems, and other fair housing projects. The program is designed to build coordinated intergovernmental enforcement of fair housing laws and to provide incentives for states and localities to assume a greater share of the responsibility for administering fair housing laws.

For a state or local law to be certified as "substantially equivalent," the Assistant Secretary for Fair Housing and Equal Opportunity must determine that it provides substantive rights, procedures, remedies, and the availability of judicial review comparable to the federal law. In addition, the agency's performance must meet specific criteria established under the Fair Housing Act and the regulations set forth at 24 CFR part 115.

Generally, when HUD receives a complaint and the complaint alleges violations of a state or local fair housing law administered by an interim certified or certified agency, it will refer the complaint to the state or local agency for investigation, conciliation and enforcement activities. Having fair housing professionals based in the locality (or the same state, district, possession or territory) where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and trends. In addition, the agencies' closer proximity to the site of the alleged discrimination may lead to greater efficiency in case processing.

While certification results in a shift in fair housing enforcement power from the federal government to the state or locality, the substantive and procedural strength of the Fair Housing Act is not compromised. The FHAP is a partnership between the federal government and state and local agencies to provide protection to the public against discrimination in housing.

2. Community Development Block Grants (CDBG)

Fair housing services are an eligible activity for the use of CDBG funds. The City of El Centro is the only jurisdiction in Imperial County that receives CDBG funds, a portion of which is allocated to the Inland Fair Housing & Mediation Board.

4. Fair Housing Issues and Contributing Factors

The fair housing issue is the lack of local enforcement of fair housing laws. The City does not directly provide fair housing enforcement services to its residents. These services are provided by HUD, DFEH, and IFHMB.

The contributing factors include the lack of authority to enforce fair housing laws and the lack of a funding source that would enable the City to provide for, or contract for, enforcement services and associated services such as tenant/landlord counseling.

5. Fair Housing Priorities and Goals

The number one priority is to add a local fair housing resource that Brawley residents can contact. The City staff does not have the knowledge or experience to provide fair housing services to local residents.

The number one goal is to identify one or more funding resources that could fund Brawley's fair housing services.

6. Fair Housing Strategies and Actions

The City of Brawley, when funds become available, will contract with Inland to conduct:

- Fair housing training to City staff
- Fair housing workshop for the benefit of tenants
- Fair housing workshop for the benefit of apartment managers

Staff training was completed on March 30, 2021. One city staff person participated in a fair housing webinar hosted by the Inland Fair Housing & Mediation Board.

D. INTEGRATION AND SEGREGATION PATTERNS AND TRENDS RELATED TO PEOPLE WITH PROTECTED CHARACTERISTICS

Part D provides information on the following:

- Measures of Racial/Ethnic Integration/Segregation and Patterns and Trends (i.e., Dissimilarity Index, Isolation Index, and Divergence Index)
- Integration/Segregation Analysis of Other Protected Groups (i.e., disabled, familial status [households with children])
- Integration/Segregation by Income (i.e., income inequality, lower income population concentration, and areas of affluence)

1. Background

For the purposes of the AFFH rule, “segregation” “means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. 24 C.F.R. § 5.152.

For the purposes of the AFFH rule, “integration” “means a condition in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. 24 C.F.R. § 5.1522

The AFFH rule does not define the meaning of “high concentration” or “not a high concentration.”

2. Measures of Integration/Segregation and Patterns and Trends

a. Dissimilarity Index for Race and Ethnicity

1. Explanation of Dissimilarity Index

The Dissimilarity Index, according to HUD’s *Assessment of Fair Housing Tool for Local Governments*, measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used measure for assessing residential segregation between two groups. The analysis is typically conducted for a city or county based on the racial and ethnic distribution of the population within the census tracts that comprise the jurisdiction. A census tract is a standardized geographic unit with a population of approximately 4,000. Census tracts provide a standardized geographic unit to report census data and compare change over time. The boundaries of census tracts remain the same from one census to the next and only change if there is a major increase or decrease in the population.

The values of the Dissimilarity Index range from 0 to 100. An index value of 0 indicates that a city is completely integrated when measuring for example the distributions of Whites and Blacks, while an index value of 100 indicates the city is completely segregated. The value of the Dissimilarity Index is based on the proportion of the two groups within each census tract relative to the distribution of the two groups in

the city. It is not based on the proportion of the two groups within the city. Table B-1 provides an example that helps to explain the DI.

Table B-1
Dissimilarity Index Example

Census Tract	City A		City B		City C	
	White	Black	White	Black	White	Black
100	3,900	100	0	200	0	200
101	3,900	100	0	200	3,900	100
102	3,900	100	7,800	0	3,900	100
103	3,900	100	7,800	0	7,800	0
Total	15,600	400	15,600	400	15,600	400
Dissimilarity Index	0		100		50	

In each of these hypothetical cities, there are 15,600 Whites (97.5%) and 400 Blacks (2.5%). Because of the small proportion (2.5%) of Blacks, these cities could be labelled as “segregated.” However, the Dissimilarity Index for these cities ranges from 0 to 100.

The difference in the values of the Dissimilarity Index is based on the distribution of the White and Black populations within each of the census tracts. In City A with a Dissimilarity Index of 0, the proportion of Whites and Blacks in each census tract is the same. In City B with a Dissimilarity Index of 100, all the Whites are in two census tracts and all the Blacks are in two census tracts. In City C with a Dissimilarity Index of 50, there is one census tract that is exclusively Black, one census tract that is exclusively White, and two tracts where the proportion of Blacks to White is the same and is relative to the City’s proportion of the two groups.

HUD suggests that a Dissimilarity Index value of less than 40 generally indicates low segregation, while values between 40 and 54 generally indicates moderate segregation, and values between 55 and 100 generally indicates a *high level of segregation*, as shown in Table B-2.

Table B-2
Levels of Segregation

Dissimilarity Index Value	Level of Segregation
< 40	Low Segregation
40 - 54	Moderate Segregation
> 54	High Segregation

2. Regional Dissimilarity Index

The HUD Index of Dissimilarity data and access to opportunity indicators define a Region based on the United States Office of Management and Budget (OMB) identification of Metropolitan Statistical Areas (MSAs). The El Centro MSA encompasses the City of El Centro, all other incorporated cities located in Imperial County, and the unincorporated areas.

Table B-3 shows that within the Region a high segregation level existed in 2000 and 2010 among the White and black populations, Hispanic and Black populations, and the Asian and black populations.

Table B-3
El Centro CA Metropolitan Statistical Area
Index of Dissimilarity: 1990, 2000, and 2010

Racial/Ethnic Dissimilarity Index	1990	2000	2010
White-Black/Black-White	43.2	55.2	55
White-Hispanic/Hispanic-White	45.4	43.4	40.9
White-Asian/Asian-White	38.1	40.3	28
Black-Hispanic/Hispanic-Black	39.4	57.1	56
Black-Asian/Asian-Black	51.3	65.7	58.4
Hispanic-Asian/Asian-Hispanic	32.2	35.5	33.2

Source: Brown University Diversity & Disparities Project

3. *City of Brawley Dissimilarity Index*

Brown University has constructed Dissimilarity Indices for the nation's cities for the same time period and using the same data sources as HUD. In 2000 and 2010, there is a *low level of segregation among the four population group pairings*. A moderate level of segregation existed in the two time periods among the black and Asian populations and the Asian and Hispanic populations. The trends since 1990 show a decreasing level of segregation among the White and Black populations and the White and Hispanic populations. Refer to Table B-4.

Table B-4
City of Brawley
Index of Dissimilarity: 1990, 2000, and 2010

Racial/Ethnic Dissimilarity Index	1990	2000	2010
White-Black/Black-White	56.5	36.5	36.1
White-Hispanic/Hispanic-White	50.6	48.6	42.2
White-Asian/Asian-White	20	8	5.1
Black-Hispanic/Hispanic-Black	5.9	12.7	7.2
Black-Asian/Asian-Black	47.6	32.7	36.5
Hispanic-Asian/Asian-Hispanic	41.6	41.2	41.1

Source: Brown University Diversity & Disparities Project

It is anticipated that the 2015-2019 ACS data would also demonstrate a low level of segregation because the racial/ethnic composition of the City since 2010 has remained about the same

Table B-5 shows the percentage distributions of the population by race and ethnicity in 2010 and 2015-2019.

Table B-5
City of Brawley
Population by Race and Ethnicity: 2010 and 2015-2019

Race/Ethnicity	2010	2015-2019
Non-Hispanic White	14.9%	12.2%
Non-Hispanic Black	1.5%	1.2%
Hispanic	81.5%	83.7%
Asian	0.9%	0.4%
Other	1.1%	2.5%
Total	100.0%	100.0%

Source: U.S. Census 2010 and American Community 5-Year Estimates 2015-2019

b. Isolation Index for Race and Ethnicity

1. Explanation of Isolation Index

The Isolation Index is the percentage of same-group population in the census tract where the average member of a racial/ethnic group lives. It has a lower bound of zero (for a very small group that is quite dispersed) to 100 (meaning that group members are entirely isolated from other groups). It should be kept in mind that this index is affected by the size of the group -- it is almost inevitably smaller for smaller groups, and it is likely to rise over time if the group becomes larger.

By way of elaboration, the Isolation Index is a frequently used measure of residential segregation. Conceptually it is an “exposure measure” of segregation, meaning that it measures the degree of potential contact or *possibility of interaction* between the members of a racial or ethnic group with members of their and other racial and ethnic groups, or inversely the degree to which they are likely to interact only with members of their group.

Scores are produced for combinations of racial and ethnic groups, such as White/Black and Hispanic/Asian. Scores can also be generated measuring the degree members of a racial or ethnic group live with members of their own racial and ethnic group. This combination of members of their own racial and ethnic group measures the degree to which people reside in segregated neighborhood. These can be interpreted as saying, for example, the average Asian lives in a neighbor that is X percent Asian.

The values of the Isolation Index range from 0 to 100. A value greater than 60 is often taken to mean “highly segregated;” a value between 40 and 60 is interpreted as being “moderately segregated;” while a value lower than 40 is interpreted as “not segregated.” However, there is no specific statistical standard for these category labels.

It should be kept in mind, as previously explained, that the index is affected by the size of the group. Groups that represent a large portion of the total population will have higher scores, while those making up very small portions of the population will have small scores.

2. Brawley Isolation Index

The figures below indicate that Hispanics live in areas that are populated heavily by Hispanics. Thus, the average Hispanic lives in an area where over 83% of the residents are fellow Hispanics. It needs to be kept in mind that Hispanics represent over 80% of Brawley's total population.

- Asian/Asian 2.0
- Black/Black 1.8
- Hispanic/Hispanic 83.4
- White/White 23.5

On the other hand, Asians and Blacks make up a very small portion of the population, resulting in very low values. Whites who make up slightly over 12% of the population live in areas that have a proportion of Whites greater than their share of the total population. Specifically, the average White lives in an area where nearly 24% of the population is White.

c. Divergence Index for Race and Ethnicity

According to a UC Berkeley study:

The Divergence Index compares the relative proportions of racial groups (or any other groups) at smaller and larger geographies, looking for the degree of "divergence" between the two geographies, such as between a census tract and a county. For example, consider a census tract with the following racial distribution:

- 76% Black,
- 11.9% Latino,
- 9.3% White, and
- 2.8% Asian.

Now what if that census tract is situated within a CBSA [Core Based Statistical Area] with the following racial distribution:

- 11.9% Black,
- 10.8% Latino,
- 66.7% White, and
- 10.6% Asian.

Such a census tract will have a very high observed level of segregation as measured by the Divergence Index because it "diverges" so greatly from the surrounding region, especially in terms of the differences in proportion of Black residents. Indeed, the formula results show that this tract's Divergence Index value is 1.21.

To calculate the metropolitan CBSA (county, or city) score, we add the scores for each tract in the region, but weigh them by the tract's population. In this case of the tract and region described above, the region's CBSA Divergence Index score is 0.2642 as of 2010.

The lowest possible value of the Divergence Index is "0" when the demographics of a geography does not differ, or *diverge*, from that of the larger geography, suggesting no segregation, whereas higher values suggest higher divergence, and hence higher segregation. As the Divergence Index

is a relatively novel measure of segregation, as of yet, there is no established set of ranges to demarcate the level of segregation in the relevant academic literature.

Stephen Menendian, Arthur Gailes, Samir Gamhirt, *The Roots of Structural Racism: Twenty-First Racial Segregation in the United States*, June 21, 2021, page 30

The Divergence Index calculates three levels of segregation:

- High segregation
- Low-medium segregation
- Racially Integrated

The Divergence Index shows that Brawley's four census tracts have a low/medium level of segregation.

The three indices reveal that Brawley has a low or low/medium level of segregation.

3. Integration/Segregation Analysis of Other Protected Groups

a. Households with a Disabled Member

1. Regional Disabled Households

In the Region (Imperial County), 36% of all households have one or more members with a disability. Brawley has a somewhat higher percentage at 38.6%. However, both the Region and City have similar percentages.

2. Brawley Census Tract Analysis

Table B-6 shows the number households in each census tract with a disabled member. The table also shows the number of households living in each census tract. Columns 3 and 4 show that the census tract percentage distributions of households with a disabled member and all households correspond fairly closely. For example, 29.0% of all households with a disabled member live in census tract 104. This percentage is similar to the 25.1% of all households in the City living in that same census tract. The data demonstrate that there is no concentration in terms of where households with a disabled member live in the City.

The vast majority of disabled persons live in separate living quarters (a housing unit) not in a group quarters setting (nursing home). There are two Adult Residential Facilities (ARF) located in Brawley according to the California Department of Social Services/Community Care Licensing Division. An ARF is a residential home for adults 18 to 59 with mental health care needs or who have physical or developmental disabilities and require or prefer assistance with care and supervision. The two ARFs have a capacity of 10 persons.

Skilled nursing facilities provide a wide range of health and personal care services. Some people stay at a nursing home for a short time after being in the hospital. After they recover, they go home. However, most nursing home residents live there permanently because they have ongoing physical or mental conditions that require constant care and supervision. There is a 99-bed SNF located in census tract 106.

Table B-6
City of Brawley
Segregation/Integration Analysis of Households with a Disabled Member: 2015-2019

Census Tract	Households w/ Disabled Member	All Households	Census Tract Percentage ¹	Citywide Percentage ²
104	769	1,729	25.1%	29.0%
105	789	1,948	28.3%	29.7%
106	642	2,030	29.5%	24.2%
107	455	1,172	17.0%	17.1%
Total	2,655	6,879	100.0%	

¹Census tract total households as a percentage of all households within City (1,729/6,879)

²Households with disabled member as % of all households with disabled member (769/2,655)

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Households

Note: ACS data is only available for entire census tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total household count of 6,879 is slightly less, but almost the same, as the city-wide total of 6,887.

b. Households with Children

1. Regional Households with Children

In the Region, approximately one-third of all households have children (15,097/44,829). Approximately 66% of all households with children are married couple families (9,880/15,097). Female householders comprise 23% of all households with children.

2. Brawley Census Tract Analysis

Brawley has a higher percentage (46.8%) of households with children than the Region (33.7%). Married couple families comprise 57% of all households with children (1,513/2,641). Female householders comprise 28.5% (753/2,641) of all households with children.

Table B-7 shows the number of households with children in each census tract. The table also shows the total number of households living in each census tract. Column 5 shows the percentage distribution of households with children by census tract. They correspond fairly closely with the percentages of all households. For example, 28.3% of all households with children live in census tract 105. That percentage is similar to the 31.1% of all households in the City living in that same census tract. The data demonstrate that there is no concentration in terms of where households with children live in the City.

Table B-7
City of Brawley
Segregation/Integration Analysis of Households with Children: 2015-2019

Census Tract	Households w/ Children	All Households	Census Tract Percentage ¹	Citywide Percentage ²
104	610	1,729	25.1%	23.1%
105	821	1,948	28.3%	31.1%
106	644	2,030	29.5%	24.4%
107	566	1,172	17.0%	21.4%
Total	2,641	6,879	100.0%	

¹Census tract total households as a percentage of all households within City (1,729/6879)

²Households with children as % of all households with children (610/2,641)

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total household count of 6,879 is slightly less, but almost the same, as the city-wide total of 6,887.

4. Integration/Segregation by Income (Patterns and Trends)

Income, per se, is not a protected class. According to HUD:

...the Fair Housing Act does not prohibit discrimination on the basis of income or other characteristics not specified in the Act, and it is not HUD's intent to use the AFFH rule to expand the characteristics protected by the Act.

Source: Federal Register July 16, 2015, page 42283

Income levels at the regional and local level are analyzed with respect to:

- Median household incomes
- Low and moderate income population
- Income inequality
- Areas of affluence

a. Median Household Incomes

Table B-8 shows that the median household incomes of the State, Imperial County and Brawley for two time periods. The State and County median household incomes gained but the City's remained about the same. In 2015-2019, Brawley's median household income was 56% of the State's. The types of jobs, wage rates, seasonal employment and less than full-time employment all can negatively influence the City's median household income.

Table B-8
Median Household Income by Area: 2010-2014 and 2015-2019

Area	2010-2014	2015-2019
State	\$61,489	\$75,235
Imperial County	\$41,772	\$47,622
Brawley	\$41,718	\$42,326

Source: American Community Survey 5-Year Estimates, Table B19013
Median Household Income Past 12 Months (in inflation adjusted dollars)

b. Low and Moderate Income Population

1. Regional and City Income Trends

Almost one-half (48.6%) of the Region's (Imperial County) population have low incomes. Brawley's lower income population is 52.1% of the total population. The City's lower income population comprises 16% of the Regional total (13,320/81,365).

Table B-9 provides data on the City's lower income population for two periods: 2006-2010 and 2011-2015. In both periods, about one-half of the population had lower incomes. In 2012 and 2014, the lower income limit for a 4-person household was \$46,300.

2. Lower Income Population by Census Tract and Block Group

During the two periods, seven block groups experienced a decrease in the percentage of the population with lower incomes. However, nine block groups had an increase. In 2011-2015, the four block groups with the lowest percentage of lower income persons included:

<u>Census Tract</u>	<u>Block Group</u>	<u>Lower Income Percentage</u>
■ 106	3	16.0%
■ 106	4	21.2%
■ 104	1	24.7%
■ 105	3	26.5%

Based on the analysis in "3" on the next page, the counts and percentages are more accurate at the city and more accurate at the census tract level than at block group level. Therefore, about 50% of the City's population has lower incomes. At the census tract level, the lower income population ranges from 31% to 75%.

<u>Census Tract</u>	<u>Lower Income Population</u>	<u>Total Population</u>	<u>% Lower Income</u>
■ 104	5,755	7,625	75.5%
■ 105	2,705	6,690	40.4%
■ 106	2,035	6,540	31.1%
■ 107	2,825	4,725	59.8%
	13,320	25,580	52.1%

Table B-9
City of Brawley
Lower Income Population Comparison
2006-2010 and 2011-2015

Census Tract	Block Group	2006-2010			2011-2015		
		Lower Income	Total Population	% Lower Income	Lower Income	Total Population	% Lower Income
104	1	1,060	1,775	59.7%	190	770	24.7%
104	2	730	1,195	61.1%	790	1,555	50.8%
104	3	685	725	94.5%	605	860	70.3%
104	4	1,190	1,895	62.8%	2,060	2,310	89.2%
104	5	1,060	1,445	73.4%	2,110	2,130	99.1%
105	1	1,165	3,510	33.2%	1,215	3,270	37.2%
105	2	725	1,130	64.2%	495	960	51.6%
105	3	90	735	12.2%	250	945	26.5%
105	4	415	1,190	34.9%	745	1,515	49.2%
106	1	440	1,455	30.2%	905	1,780	50.8%
106	2	550	810	67.9%	365	895	40.8%
106	3	175	1,240	14.1%	165	1,030	16.0%
106	4	505	2,150	23.5%	600	2,835	21.2%
107	1	1,275	1,815	70.2%	545	1,185	46.0%
107	2	940	2,055	45.7%	890	1,495	59.5%
107	3	765	1,190	64.3%	1,390	2,045	68.0%
Total		11,770	24,315	48.4%	13,320	25,580	52.1%

Source: U.S. Department of Housing and Urban Development (HUD), American Community Survey, 2006-2010 and 2011-2015 Low- and Moderate-Income Summary Data (LMISD), All Block Groups

El Centro is the only CDBG entitlement grantee in Imperial County. As a condition of receiving CDBG funds, El Centro must prepare a Consolidated Plan, a planning report that describes housing needs and income patterns, including an identification of “areas of low income concentration.” El Centro, as most cities, defines these areas as block groups that have a 10% higher percentage of low income population than the City as a whole.

In Brawley, four block groups meet the criterion to be deemed “areas of low income concentration.” These areas should not be confused with areas of poverty concentration because lower income households have incomes almost twice as much as poverty income households:

- 4 person *poverty* income threshold: \$26,246
- 4 person *lower income* threshold: \$55,900

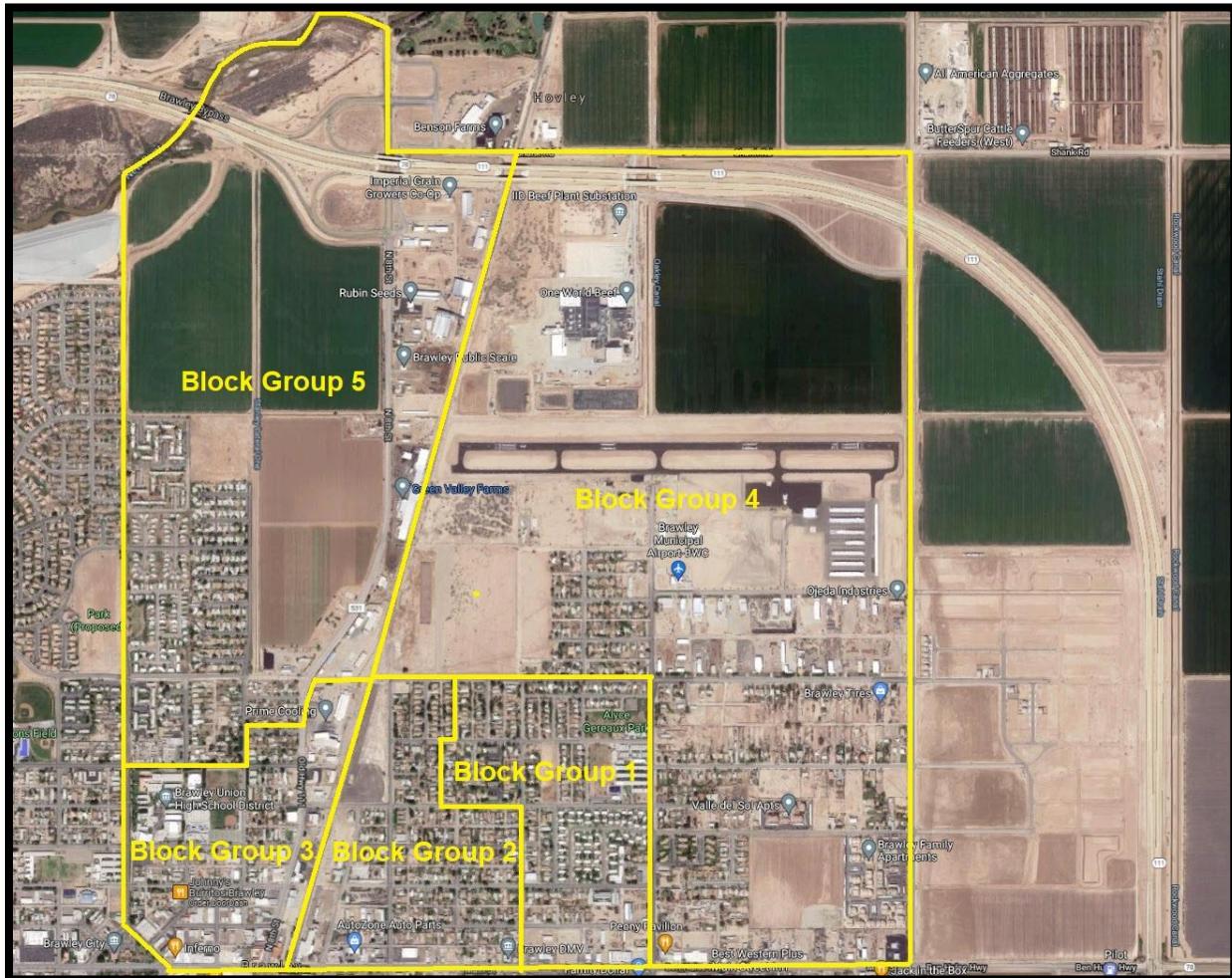
The boundaries of the five block groups are noted below:

<u>Census Tract</u>	<u>Block Group</u>	<u>General Boundaries</u>
104	3	Main Street, UPRR, Imperial Avenue, City limits
104	4	Main Street, Best Avenue, N, Eastern Avenue, River Drive, Palm Avenue, Duarte Avenue
104	5	UPRR, Imperial Avenue, A Street, City limits
107	2	Main Street, S. Eastern Avenue, Malan Street, 11 th Street
107	3	Main Street, Best Avenue, Malan Street, S. Eastern Avenue

The U.S. Census Bureau definitions of census tracts block groups, and blocks are found on page B-26.

Exhibit B-1 shows the block group boundaries of Census Tract 104.

Exhibit B-1
CT 104 Block Group Boundaries



3. Accuracy of the Lower Income Block Group Data

There always needs to be caution when interpreting ACS data particularly for smaller geographic areas such as census tracts and block groups. The ACS was designed to provide estimates of the characteristics of the population not specific counts. Thus, a particular estimate of a characteristic such as the 1,060 lower income population in census tract 104, block group 1 in the City of Brawley should not be taken as an accurate count of the actual lower income population. It is more appropriate to state that 59.7% of the population in that block group is lower income.

However, there is an error in the data because it is collected through a sampling process. This error is referred to as “sampling error.” This error is the difference between an estimate based on a sample and the corresponding value that would have been obtained if the entire population in the subject geographic area were surveyed. Sampling error is reduced as the size of the sample increases. Additionally, the size of the sample in proportion to the total population affects sampling error. For example, to achieve a 1% margin of error (i.e. the estimate is within + or – 1% of the population value) would require a sample size of approximately 900 for a population of 1,000 (the size of an average block group) while it would require a sample size of approximately 9,600 for a population of 50,000,000 (a population greater than the state of California’s).

Due to resource limitations, it would be impossible to sample nearly 90% of the population of all block groups to ensure the results are within plus or minus 1%. Thus, the magnitude of the error increases as the size of the geographic area of the estimate decreases. An estimate for the state is more accurate than an estimate for a county, and an estimate for a county is more accurate than an estimate for a city, and an estimate for a city is more accurate than an estimate for a census tract and a block group. Additionally, values for a particular characteristic such as income can vary significantly from one survey to the other. It should also be noted that the ACS estimates are controlled and weighted to independent county level housing unit and population estimates. The census tract and block group are not controlled to any such estimates, requiring more caution in their use.

c. Income Inequality

The income gap between the rich and the poor has been rising in regions, cities and country. According to the Pew Research Center:

Income inequality may be measured in a number of ways, but no matter the measure, economic inequality in the U.S. is seen to be on the rise. One widely used measure – the 90/10 ratio – takes the ratio of the income needed to rank among the top 10% of earners in the U.S. (the 90th percentile) to the income at the threshold of the bottom 10% of earners (the 10th percentile). In 1980, the 90/10 ratio in the U.S. stood at 9.1, meaning that households at the top had incomes about nine times the incomes of households at the bottom. The ratio increased in every decade since 1980, reaching 12.6 in 2018, an increase of 39%.

Source: Pew Research Center, *Trends in Income and Wealth Inequality*, January 9, 2020, page 11

If this 90/10 ratio goes up, the gap between rich and poor is growing.

Table B-10 shows that the statewide ratio exceeds that of all southern California counties. The reason is that the Bay Area has a high 90/10 ratio, meaning that region has a greater income inequality than SoCal.

Brawley's 90/10 ratio of 11.1 is about the same as those of the other southern California counties. Thus, income inequality is about the same – not greater than the Region's – but less than Statewide ratio.

Table B-10
Income Inequality Measures by Region and Area: 2015-2019

Region/Area	90 th Percentile	10 th Percentile	90-10 Ratio
Statewide	\$262,000	\$21,000	12.3
Inland Empire	\$190,000	\$20,000	9.7
Riverside County	\$182,000	\$16,000	11.5
Orange County	\$289,000	\$25,000	11.8
Los Angeles County	\$234,000	\$20,000	11.8
<i>Brawley</i>	<i>\$120,000</i>	<i>\$10,800</i>	<i>11.1</i>

Table Household Income in the Past 12 Months (in 2019 Inflation Adjusted Dollars)
Calculations by William F. Gayk, Ph.D.

Note: Inland Empire includes Imperial, Riverside and San Bernardino Counties

Source: Public Policy Institute of California, Income Inequality in California, January 2020, 2 pages

d. Areas of Affluence

HCD defines an area of affluence as a census tract with a White, not Hispanic population of 80% or more and a median household income of \$125,000 or more.

There are no areas of affluence located in Imperial County or Brawley.

Census Tract

Census Tracts are small, relatively permanent statistical subdivisions of a county or equivalent entity. The primary purpose of census tracts is to provide a stable set of geographic units for the presentation of statistical data.

Census tracts generally have a population size between 1,200 and 8,000 people, with an optimum size of 4,000 people. A census tract usually covers a contiguous area; however, the spatial size of census tracts varies widely depending on the density of settlement. Census tract boundaries are delineated with the intention of being maintained over a long time so that statistical comparisons can be made from census to census. Census tracts occasionally are split due to population growth or merged as a result of substantial population decline.

Census tract boundaries generally follow visible and identifiable features. They may follow nonvisible legal boundaries, such as minor civil division (MCD) or incorporated place boundaries in some states and situations, to allow for census-tract-to-governmental-unit relationships where the governmental boundaries tend to remain unchanged between censuses

Brawley has four census tracts: 104, 105, 106, and 107.

Block Groups

Block Groups (BGs) are statistical divisions **of census tracts**, are generally defined to contain between 600 and 3,000 people, and are used to present data and control block numbering. A block group consists of **clusters of blocks within the same census tract**.

A BG usually covers a contiguous area. Each census tract contains at least one BG, and BGs are uniquely numbered within the census tract. Within the standard census geographic hierarchy, BGs never cross state, county, or census tract boundaries but may cross the boundaries of any other geographic entity.

Five block groups are located in Census Tract 104.

Blocks

Blocks (Census Blocks) are statistical areas bounded by visible features, such as streets, roads, streams, and railroad tracks, and by nonvisible boundaries, such as selected property lines and city, township, school district, and county limits and short line-of-sight extensions of streets and roads. Generally, census blocks are small in area; for example, a block in a city bounded on all sides by streets. Census blocks nest within all other tabulated census geographic entities and are the basis for all tabulated data.

19 blocks are located in block group 1 of census tract 104.

3. Fair Housing Issues

There are no fair housing issues pertaining to segregation/integration.

Brawley does not have a “high” segregation level according to the Dissimilarity Index, the Isolation Index and the Divergence Index.

The City does not have a “high” geographic concentration of disabled households or families with children.

About one-half of the City’s population has low incomes. And four block groups could be considered “areas of low income concentration.”

Although belonging to a certain income group is not a fair housing protected class, issues associated with income are addressed as a part of the anti-poverty reduction strategies.

E. RACIALLY/ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAPS)

Part E describes -

- The meaning of R/ECAPs and the negative consequences of living in neighborhoods with concentrated poverty, particularly on children
- Demographic patterns and trends (population by race and ethnicity)
- Regional and City R/ECAPs
- Evaluation of the definition of R/ECAPs
- Fair housing issues and contributing factors
- Fair housing priorities and goals
- Fair housing strategies and actions

1. Meaning of R/ECAPs

R/ECAPs refer to census tracts that have –

- A non-white population of 50% or more
- A poverty rate of 40% or more or one that is three times the average tract poverty rate for the metropolitan area

The problems associated with R/ECAPs have been explained as follows:

A large body of research has consistently found that the problems associated with segregation are greatly exacerbated when combined with concentrated poverty. Neighborhoods of concentrated poverty may isolate residents from the resources and networks needed. Concentrated poverty has also been found to have a long-term effect on outcomes for children growing up in these neighborhoods related to a variety of indicators, including crime, health and education and future employment and lifetime earnings. An R/ECAP analysis is consistent with addressing concerns raised in the legislative history of the Fair Housing Act. The 1968 Kerner Commission on Civil Disorders acknowledged that “segregation and poverty” create “a destructive environment.”

Source: U.S. Department of Housing and Urban Development, *AFFH Rule Guidebook*, page 68

2. Demographic Patterns and Trends

a. Brawley's Population by Race and Ethnicity

Brawley's population grew by just over 1,100 people between 2010 and 2015-2019. The Hispanic population accounted for almost the entire growth because four groups had a decline in their populations. Refer to Table B-11.

Table B-11
City of Brawley
Population Growth by Race and Ethnicity: 2010 to 2015-2019

Race/Ethnicity	2010	2015-2019	Increase/ Decrease
Hispanic or Latino	20,344	21,828	1,484
Not Hispanic or Latino			
White Alone	3,724	3,186	-538
Black or African American Alone	369	316	-53
American Indian and Alaska Native Alone	86	85	-1
Asian Alone	235	104	-131
Native Hawaiian and Other Pacific Islander Alone	7	77	70
Some Other Race Alone	17	40	23
Two or More Races	171	440	269
Total	24,953	26,076	1,123

Sources: U.S. Census Bureau; 2010 Census, 2010 Summary File 1, Table P9 Hispanic or Latino, and Not Hispanic or Latino Origin by Race

U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table B03002 Hispanic or Latino by Race

b. Geographic Distribution of the Population by Race and Ethnicity

Tables B-12 and B-13 show the geographic distribution of Brawley's population for two periods: 2011-2015 and 2015-2019.

During the two periods, the White population decreased from 14.9% to 12.2% of the total population. Meanwhile, the Hispanic – predominantly Mexican-American – population increased to 83.7% from 81.5%.

The majority of the White, non-Hispanic population resides in Census Tract 106 – 59% in 2011-2015 and 51.6% in 2015-2019.

The geographic distribution of the Hispanic population was essentially the same for the two time periods. The Hispanic population ranges from 70.0% who live in Census Tract 107 to the 95.5% who live in Census Tract 104.

Table B-12
City of Brawley
Population by Race and Ethnicity (Hispanic) and Census Tract: 2011-2015

Race/Ethnicity	Census Tract 104	Census Tract 105	Census Tract 106	Census Tract 107	Total
White alone	496	903	2,215	148	3,762
Black or African American alone	144	59	0	81	284
American Indian and Alaska Native alone	0	0	0	10	10
Asian alone	3	269	17	0	289
Native Hawaiian and Other Pacific Islander alone	0	19	0	0	19
Some other race alone	0	0	0	0	0
Two or more races:	0	74	123	0	197
Hispanic or Latino	6,998	5,363	4,298	4,490	21,149
Total	7,641	6,687	6,653	4,729	25,710
Percent Hispanic	93.5%	86.5%	66.7%	96.9%	85.4%

Source: American Community Survey 2011-2015 5-Year Estimates, Table B03002, Hispanic or Latino by Race

Table B-13
City of Brawley
Population by Race and Ethnicity (Hispanic) and Census Tract: 2015-2019

Race/Ethnicity	Census Tract 104	Census Tract 105	Census Tract 106	Census Tract 107	Total
White alone	235	1,146	1,637	154	3,172
Black or African American alone	5	176	50	85	316
American Indian and Alaska Native alone	0	35	40	0	75
Asian alone	51	14	39	0	104
Native Hawaiian and Other Pacific Islander alone	38	39	0	0	77
Some other race alone	0	40	0	0	40
Two or more races:	0	124	305	11	440
Hispanic or Latino	6,974	5,847	4,839	4,159	21,819
Total	7,303	7,421	6,910	4,409	26,043
Percent Hispanic	95.5%	78.8%	70.0%	94.3%	83.8%

American Community Survey, 2015-2019 -5-Year Estimates, Table B03002, Hispanic or Latino by Race

By way of elaboration, the Area Agency on Aging has described the Mexican-American share of the Hispanic population as follows:

We would like to provide a local definition on the word and label “Hispanic”. Because this population group is in itself greater than the white population count, it is important to draw down some distinctions as compared to the rest of the State of California. Hispanic refers to an ethnolinguistic group in the United States whose bloodline or cultural origins can stem from South & Central America, the Iberian Peninsula, the Caribbean, as well as the most influential, Mexico. But for the predominant number of American families in the valley whose household members are counted in this way, and particularly in this border region, the reference point is, with a great deal of pride, Mexico and no other Latin location.

For many of these, there is an alignment and identity with the many cultural aspects of our Southern neighbors. For yet another very large number of people, any association with Mexico is merely historical, in the same way that Europe has had an influence on immigration patterns of the past. For both of these groups there is a large degree of assimilation in the way of life in the United States. We have ventured therefore to say that in the Imperial Valley, where many people want to be referred to as having a Mexican background or Mexican roots, this generic population may be thinking in this way and with these distinctions:

- American (Mexican ancestral roots) -- having a generational presence in the U.S., less likely to initially identify with Mexican culture
- Mexican/American -- recently naturalized U.S. citizens, originally from Mexico, or, born in the U.S. with Mexican or Mexican immigrant parentage
- Mexican (green card) -- Mexican nationals legally present, but subject to some severance in benefits
- Mexican (illegal) -- Mexican nationals not having legal status and subject to deportation

Certainly, other Latin identities could be described without an association with Mexico. But for all intents and purposes, this would not have a bearing on our planning activities, except as it relates to limited English skills. This discussion may need to be refined, but we feel it is relevant to the federal changes in benefit status of certain social welfare programs as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or “Welfare Reform”.

Imperial County Area Agency on Aging, *Four-Year Area Plan on Aging 2020-2024*, pages 23 and 24

3. Regional and City R/ECAPs

a. Poverty Income

As noted earlier, an R/ECAP involves two factors – a non-White population of 50% or more and a poverty rate of 40% or more. The poverty thresholds are adjusted annually and are as follows for a 4-person household comprised of two adults and two children less than 18 years of age:

▪ 2015	\$24,036
▪ 2016	\$24,339
▪ 2017	\$24,858
▪ 2018	\$25,465
▪ 2019	\$25,926
▪ 2020	\$26,246

Since 1964, the poverty thresholds have been based on the cost of an Economy Food Plan multiplied by three to obtain the dollar figures for the poverty thresholds.

Full-time employment equals 2,080 hours in a year. Therefore, a worker with hourly wages of \$12.61/hour would have a poverty income (2,080 hours X \$12.61/hour = \$26,246

b. R/ECAPS in Brawley and Imperial County

In 2015, HUD estimated that in Imperial County 13,169 persons lived R/ECAPs. Approximately 90% of the total population was Hispanic.

Table B-14 shows that in 2011-2015, Brawley did not have an R/ECAP. In 2015-2019, Brawley had one of two R/ECAPs located in Imperial County.

Table B-15 shows that Census Tract 104 – which has a population of 7,303 - meets the thresholds of poverty and minority population percentage – to be identified as an R/ECAP. The 2021 TCAC opportunity mapping identifies three block groups within Census Tract 104 as Moderate Resource: BG 2, BG 4 and BG 5. The combined population of the three block groups is 5,058. A neighborhood resource category was not assigned to Block Groups 1 and 3 which have a combined population of 2,245 people.

Table B-16 identifies the R/ECAPs and three near R/ECAPs.

Table B-14
City of Brawley
Racially/Ethnically Concentrated
Areas of Poverty: 2011-2015

Census Tract	Total Population	Poverty Rate	Percent Minority
104	7,641	37.6%	93.5%
105	6,687	21.5%	85.6%
106	6,653	10.1%	66.7%
107	4,729	31.2%	96.9%

Source: 2011-2015 American Community Survey 5-Year Estimates, Table B17020 Poverty Status in the past 12 Months by Age and Table B03002 Hispanic or Latino by Race

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and, therefore, may include areas outside the city limits. As a result, the total population count of 25,710 derived by adding the census tract totals is slightly more than, but almost the same, as the city-wide total of 25,656. In addition, the poverty rate is based on the “population for whom poverty status is determined” and may not be 100% of the census tract’s population.

Table B-15
City of Brawley
Racially/Ethnically Concentrated
Areas of Poverty: 2015-2019

Census Tract	Total Population	Poverty Rate	Percent Minority
104	7,303	47.4%	96.8%
105	7,404	30.6%	84.6%
106	6,818	23.6%	76.3%
107	4,409	32.7%	96.5%

Source: 2018 American Community Survey 5-Year Estimates, Table B17020 Poverty Status in the past 12 Months by Age and Table B03002 Hispanic or Latino by Race

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total population count derived by adding the census tracts of 25,934 is slightly less, but almost the same, as the city-wide total of 25,984.

Table B-16
Imperial County R/ECAPS and Near R/ECAPS: 2015-2019

Census Tract	Area/City	General Boundaries	Population	Percent Minority	Poverty Rate
104	Brawley	See below	7,303	96.8%	47.4%
112.02	El Centro	See below	5,626	95.6%	40.4%
101.02	<i>Verdant</i>	See below	4,108	88.0%	39.3%
114	<i>El Centro</i>	See below	4,507	96.7%	38.6%
115	<i>El Centro</i>	See below	6,227	95.1%	39.3%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B17020 Poverty Status in the past 12 Months by Age and Table B03002 Hispanic or Latino by Race

Census Tract 104 – Main Street, Best Avenue, North Imperial Avenue, Shank Street. Brawley Municipal Airport, Brawley Union High School

Census Tract 112.02 – Between Bradshaw Avenue (North) and Main Street (South) and Imperial Avenue (East) and La Brucherie Avenue (West).

Census Tract 101.02 – Verdant area; partially includes Calipatria. Half of this tract is actually the Salton Sea; it's west of Highway 111, south of the Imperial National Wildlife Refuge; and north of the City of Westmorland

Census Tract 114 - between Villa Avenue (North) and Ross Avenue (South) and Dogwood Road. (East) and Union Pacific Railroad to MainStreet and then 4th Street (West).

Census Tract 115 - Between Villa Avenue to 8th St. then Pico Avenue (North) and Main Street (South) and Union Pacific Railroad (East) and Imperial Avenue West).

4. Evaluation of the R/ECAP Definition

An individual's response to the ethnicity question and the race question is based upon self-identification. The Census Bureau does not tell individuals which boxes to mark or what heritage to write in.

The “racial/ethnic” population concentration part of the R/ECAP definition includes all people who are not White people. In doing so, the definition includes Hispanic people who identify with the White race. In fact, according to the most recent data, 84.1% of Brawley’s Hispanic population identify with the White Alone population. Refer to Table B-17. That means the non-white population comprises less than 18% of the total population on the basis of self-identification.

There is a solid rational to exclude the Hispanic White population from the “non-White” population and include the group as part of the White population.

Table B-17
City of Brawley
Race of Hispanic or Latino and Not Hispanic or Latino Populations: 2015-2019

Race	Hispanic or Latino	Percent	Not Hispanic or Latino	Percent	Total	Percent
White Alone	18,353	84.1%	3,186	75.0%	21,539	82.6%
Black or African American Alone	56	0.3%	316	7.4%	372	1.4%
Asian Alone	86	0.4%	85	2.0%	171	0.7%
American Indian or Alaska Native Alone	0	0.0%	104	2.4%	104	0.4%
Native Hawaiian/Other Pacific Islander Alone	33	0.2%	77	1.8%	110	0.4%
Some Other Race Alone	2,225	10.2%	40	0.9%	2,265	8.7%
Two or More Races	1,075	4.9%	440	10.4%	1,515	5.8%
Total	21,828	100.0%	4,248	100.0%	26,076	100.0%

Source: U.S. Census Bureau; American Community Survey. 2015-2019 5-Year Estimates, Table B03002: Hispanic or Latino Origin by Race

5. Fair Housing Issues and Contributing Factors

a. Fair Housing Issues

The existing population and population growth by race and ethnicity contribute to the creation of a racially/ethically concentrated area (i.e., 50% non-White).

The existence of an R/ECAP in Brawley means, by definition, that there is a fair housing issue. The vast majority of the population residing in each of the City’s four census tracts is Hispanic. The Hispanic percentage share within each census tract is as follows:

Census Tract **Percent Hispanic**

▪ 104	95.5%
▪ 105	78.8%
▪ 106	70.0%
▪ 107	94.3%

According to State Department of Finance, Hispanics will comprise 88.5% of Imperial County's population growth during the 2020-2030 period. Given this demographic growth pattern, it is highly likely that Brawley's four census tracts will remain majority Hispanic and majority non-White. Refer to Table B-18.

Table B-18
Imperial County - Population Change by Race/Ethnicity: 2020-2030

Race/Ethnicity	2020	2030	Numerical Increase	Percent Increase ¹	Percent Increase ²
Not Hispanic or Latino					
White	23,837	25,102	1,265	6.9%	5.3%
Black	4,601	4,850	249	1.4%	5.4%
American Indian/Alaska Native	1,687	1,778	91	0.5%	5.4%
Asian	2,401	2,559	158	0.9%	6.6%
Native Hawaiian or Other Pacific Islander	103	103	0	0.0%	0.0%
Multi-Race	1,162	1,488	326	1.8%	28.1%
Hispanic or Latino (any race)	154,299	170,606	16,307	88.5%	10.6%
Total	188,090	206,486	18,396	100.0%	9.8%

¹Expressed as a percentage of the total increase (e.g. 1,265/18,396= 5.3%)

²Expressed as a percentage of each group's increase (e.g. 1,265/23,837 = 5.3%)

Source: California Department of Finance, Demographic Research Unit, Report P-2D, Population Projections by

By Total Hispanic and Non-Hispanic Race, California Counties 2010-2060, March 2021

b. Contributing Factors

The factors contributing to poverty have been the subject of a considerable body of research and analysis. In fact, two centers on poverty and inequality research are located in California – one at Stanford University and the other at UC Davis.

So the question has frequently been asked: Why has so little progress been made on reducing poverty? Setting aside for the moment the question of *how* progress should be measured, people are income poor for multifaceted reasons. Some folks are too young or too old to work. Some are too disabled to work full or part-time. . Still others are able-bodied but cannot find a decent paying job. And most poor families have jobs but their jobs simply do not pay enough to lift them above the poverty line. In Brawley, seasonal employment probably contributes to poverty level incomes, as well.

Some of the key factors contributing to poverty include:

- Labor market issues
- Lower work rates among men
- Low wages

- Family composition – rising share of children live in female-head families
- Education gap of poor kids
- Less than full participation in public safety net programs

Labor Market Issues: Poverty is very closely tied to conditions in the labor market: availability of jobs and wages paid at those jobs

Work Rates: Low levels of work are a leading cause of poverty. Work rates for men have declined while those of women have increased. Technically speaking, “work rates: are called “employment to population ratios.”

Low wages: Low wages lead to poverty.

Family composition: The percentage of American children who live in female-headed families has been increasing relentlessly for over five decades. Children living in these families are four times more likely to be poor. The higher fraction living in such families exerts an upward pressure on the poverty rate.

Education: A more educated workforce is needed because of technological advances and globalization. Families headed by adults with more education make more money. With a college degree, adult children cut their odds of staying in the bottom fifth all the way down to 16% from 45%.

Less than Full Participation in Public Safety Net Programs: These programs such as the Earned Income Tax Credit can lift families out of poverty. However, not all the people eligible to participate in safety net programs do so.

6. Fair Housing Priorities and Goals

The number one priority is to reduce the poverty rates with a focused effort on reducing the number of income poor people living in Census Tract 104. A reduction in poverty rates will improve the well-being of people living in the neighborhoods and eliminate the one R/ECAP.

The goals are to reduce the poverty rates to the percentages stated below by 2025:

<u>Census Tract</u>	<u>Goal</u>
■ 104	From 47.4% to below 35%
■ 105	From 30.6% to below 25%
■ 106	From 23.6% to below 20%
■ 107	From 32.7% to below 25%

7. Fair Housing Strategies and Actions

a. Fair Housing Strategies

Three strategies will be employed to reduce poverty, increase household income, and improve the well-being of adults and children.

- Increase Participation in Safety Net Programs
- Place-based strategy in Census Tract 104

1. Increase Participation in Safety Net Programs

Full participation in safety net programs is an essential poverty reducing strategy.

At the same time, we find that government programs play a substantial role in alleviating poverty. In the absence of cash-based, in-kind, and tax-based safety net programs, our estimate of child poverty would be 39.0 percent, 13.9 percentage points higher than the actual estimate of 25.1 percent. For working-age and older adults, the combined role of these programs was smaller, but still considerable.

Sources: Public Policy Institute of California, *The California Poverty Measure: A New Look at the Social Safety Net*, October 2013, 26 pages

2. Place-Based Strategy in Census Tract 104

The placed-based strategy will have two components:

- Investment targeting
- Poverty reduction

b. Actions**1. Opportunity Zone Investments**

Census Tract 104 is a Qualified Opportunity Zone.

The 2017 Tax Cuts and Jobs Act created the Opportunity Zones tax incentive, an economic development tool that allows people to invest in distressed areas. This incentive's purpose is to spur economic development and job creation in distressed communities by providing tax benefits to investors. Opportunity Zones offer tax benefits to business or individual investors who can elect to temporarily defer tax on capital gains if they timely invest those gain amounts in a Qualified Opportunity Fund (QOF). Investors can defer tax on the invested gain amounts until the date they sell or exchange the QOF investment, or Dec. 31, 2026, whichever is earlier.

The City will take the following actions:

- The Planning Department and Finance Department will continue to assist the private sector to identify investment opportunities.
- The Planning Department will provide the private sector information regarding the General Plan, Zoning Ordinance, demographics and the Economic Development Element Update

Previous City actions have spurred investment in Census Tract 104 by way of the 74-unit Ocotillo Springs Apartments, which was the first development in Imperial County to be awarded funding from the Affordable Housing Sustainable Communities Program. The project includes the build-out of over 1.6 miles of new sidewalks and 2.3 miles of new Class II bikeways that would connect the community throughout the downtown. In partnership with Calvans, the project will procure 30 vanpool vans to provide vanpool services to the entire community.

In addition, an above moderate income housing development is under construction in Census Tract 104. The Palm River residential development consists of 133 single-family dwellings.

2. *Poverty Reduction Program*

Actions will be undertaken to inform residents of the available safety net programs:

- Posting safety net program information on the City's website
- Holding workshops in neighborhoods to inform residents
- Distributing information at special events
- Providing information at Senior Appreciation Day
- Preparing a brochure on safety net programs available from the Imperial County Department of Social Services and Campesinos Unidos, Inc.

The City will work with Campesinos Unidos, Inc. to ensure that families living in the R/ECAP and lowest resource neighborhood are aware of and make use of the programs available through the American Rescue Plan. Information also will be disseminated on safety net programs that benefit poverty income families such as the Earned Income Tax Credit (EITC), and Supplemental Nutrition Assistance Program (SNAP).

The actions will be taken cooperatively with Campesinos Unidos, Imperial County Department of Social Services, and the Area Agency on Aging.

F. DISPARITIES IN REGIONAL ACCESS TO OPPORTUNITY

Part F provides information on the following:

- Meaning and importance of access to opportunity
- Access to opportunity analysis based on the Imperial County Region
 - ✓ Opportunity indicators
 - ✓ Regional access to opportunity
- Brawley's access to opportunity analysis based on TCAC/HCD data
 - ✓ Opportunity indicators
 - ✓ Regional access to opportunity

1. Meaning of Access to Opportunity

The HUD AFH requires an analysis of “significant disparities in access to opportunity,” including access to education, employment, transportation, low poverty exposure, and environmentally healthy neighborhoods, as well as any overarching patterns relating to access to opportunity in the jurisdiction and region.

The AFFH rule defines “significant disparities in access to opportunity” as “substantial and measurable differences in access to educational, transportation, economic, and other opportunities in a community based on protected class related to housing.” 24 C.F.R. § 5.152.

HUD used a two-stage process for developing the data needed to analyze disparities in access to opportunity. The first stage involves quantifying the degree to which a neighborhood offers features commonly viewed as important opportunity indicators. In the second stage, HUD compares these rankings across people in particular racial and economic subgroups to characterize disparities in access to opportunities. To focus the analysis, HUD developed methods to quantify a selected number of the important opportunity indicators in every neighborhood in a CDBG entitlement community. These dimensions were selected because existing research suggests they have a bearing on a range of individual outcomes.

Invariably, these opportunity indicators do not capture all that is encompassed in an individual's or a family's access to opportunity. In quantifying opportunity indicators, HUD is quantifying features of neighborhoods for the purpose of assessing whether significant disparities exist in the access or exposure of particular groups to these quality of life factors. While these important dimensions are identified by research as important to quality of life, the measures are not without limitations. HUD constrained the scope of HUD-provided data to those that are closely linked to neighborhood geographies and could be measured consistently at small area levels across the country. For example, HUD's measure of school performance only reflects elementary school proficiency. It does not capture academic achievement for higher grades of schooling, which is important to a community's well-being, but may not be as geographically tied to individual neighborhoods as elementary schools.

2. Imperial County Region Population

HUD produced data for the Imperial County Region which in January 2020 had a population of 189,000. Table B-19 shows the population totals for each city and the unincorporated area. Brawley's population of 27,349 persons comprises 14.5% of Imperial County's total population.

Table B-19
Imperial County Population by City
and Unincorporated Area: 2020

City	Population	Percentage Distribution
Brawley	27,349	14.5%
Calexico	40,896	21.7%
Calipatria	6,843	3.6%
El Centro	45,657	24.2%
Holtville	6,359	3.4%
Imperial	19,907	10.5%
Westmorland	2,346	1.2%
Incorporated	149,357	79.1%
Unincorporated	39,420	20.9%
Total	188,777	100.0%

Source: State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020*. Sacramento, California, May 2020.

3. Regional Access to Opportunity Index Scores

Table B-20 provides the specific score for each of the seven indicators for the regional population and the population with incomes below the poverty line by race and ethnicity. It is important to remember that the higher the score the more access to opportunity – a score of 65 compared to 50 demonstrates, for example, better access to public transit,

The values of the indices are best understood as an “interval” level of measurement, similar to a thermometer. It can be said that 90 degrees is hotter than 45 degrees but not twice as hot. A “ratio” level of measurement which has a true zero such as pounds is needed so it can be said that 90 pounds is twice the weight of 45 pounds.

Table B-20
Regional Access to Opportunity Index Scores

El Centro Region	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	39.39	36.51	20.32	29.59	14.36	51.81	23.63
Black, Non-Hispanic	29.18	46.34	6.43	38.15	11.38	25.11	37.59
Hispanic	29.31	26.34	15.53	28.73	16.38	43.76	15.53
Asian or Pacific Islander, Non-Hispanic	45.75	34.32	26.53	29.13	14.35	46.96	15.99
Native American, Non-Hispanic	14.21	8.80	4.98	27.81	14.62	66.99	34.27
Population below federal poverty line							
White, Non-Hispanic	21.58	30.16	10.57	34.37	16.99	48.38	27.88
Black, Non-Hispanic	16.96	22.55	10.99	37.05	22.86	63.60	13.45
Hispanic	21.83	24.36	11.82	31.69	18.38	44.00	14.08
Asian or Pacific Islander, Non-Hispanic	16.01	17.46	10.41	38.95	27.22	60.26	10.87
Native American, Non-Hispanic	12.61	6.53	6.05	24.79	14.87	64.86	31.77

Note 1: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

Note 2: Refer to the Data Documentation for details (www.hudexchange.info).

4. Analysis of Regional Access to Opportunity

Table B-21 on the next page provides an analysis of the scores of each opportunity indicator. A few highlights are noted below:

- Households with incomes below the poverty level score higher than the Regional population with respect to jobs proximity and transit/low transportation costs. The scores may indicate more frequent use of public transportation by the poverty income households.
- Native Americans have particularly low school proficiency scores.
- None of the Environmental Health scores reach 40. Essentially, all population groups experience adverse environmental health conditions.

Table B-21
Imperial County Region
Access to Opportunity Indicators and Analysis

Description of Opportunity Indicators	Index Scores and Values
Low Poverty Index	The low poverty index captures poverty in a given neighborhood. The index is based on the poverty rate and the census tract level. Values are inverted and percentile ranked nationally. The resulting values range from 0 to 100. The higher the score, the less exposure to poverty in a neighborhood.
Low Poverty Exposure Analysis	None of the population groups reach a score of 50. This includes the populations both above and below the federal poverty line. As expected all racial/ethnic populations with incomes below the poverty line are more exposed to poverty than the regional population as a whole.
School Proficiency Index	The school proficiency index uses school-level data on the performance of 4th grade students on state exams as a means to identify the neighborhoods having high-or low performing elementary schools.. The school proficiency index measures the percent of 4th grade students proficient in reading and math on state test scores for up to three schools within 1.5 miles of a census tract's block-group's centroid. The source of the HUD school data is the Great Schools Rating. Values are percentile ranked and range from 0 to 100. The higher the score, the higher the school system quality is in a neighborhood.
School Proficiency Analysis	Also as expected all racial and ethnic populations below the federal poverty line live in neighborhoods with poorer performing schools compared to the regional population. In fact, the neighborhoods where income-poor Native Americans and Asian/Pacific Islanders households live have particularly low scores.
Jobs Proximity Index	The Jobs Proximity Index quantifies the accessibility of a given neighborhood as a function of its distance to all job locations in a Core Based Statistical Area (CBSA), with the larger employment centers weighted more heavily. In effect, the index measures the physical distances between place of residence and location of jobs. The job locations are positively weighted by the size of the employment and inversely weighted by the labor supply residing in that location. Values are percentile ranked at the CBSA level with values ranging from 0 to 100. The higher the index value, the better the access to employment opportunities for the residents in a neighborhood.
Jobs Proximity Analysis	The scores of the population below the federal poverty line are generally higher than the regional population. The scores may demonstrate closer proximity and use of public transit.
Labor Market Engagement Index	The Labor Market Engagement Index is based on three factors: unemployment rate, labor force participation rate and educational attainment (the percent of the population with a bachelor's degree or higher). Values are percentile ranked nationally and range from 0 to 100 with the higher the score the higher the labor force participation and human capital in a neighborhood.

Table B-21 Continued
Imperial County Region
Access to Opportunity Indicators and Analysis

Description of Opportunity Indicators	Index Scores and Values
Labor Market Engagement Analysis	None of the scores exceed 27. Again, the population below the federal poverty line has lower scores than the regional population. The regional Native American and Asian or Pacific Islander populations have very low scores.
Low Transportation Cost Index/ Transit Trips Index	<p>This index is based on estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the region (i.e. CBSA). Transportation costs are expressed as a percent of income for renters. Values range from 0 to 100. Higher values mean lower transportation costs in that neighborhood. Transportation costs may be low for a variety of reasons, including greater access to public transportation and the density of homes, services, and jobs in the neighborhood and surrounding community.</p> <p>The transit trips index is based on estimates of transit trips taken by a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the Region. Annual transit trips are modeled for renters. Index values range from 0 to 100. Higher scores indicate that residents in the neighborhood/census tract are more likely to utilize public transit. The index controls for income such that a higher index value will often reflect better access to public transit.</p>
Transit/Low Transportation Cost Analysis	For both indices, the scores of the population below the federal poverty line are generally higher than the regional population. The scores probably demonstrate closer proximity and use of public transit.
Environmental Health Index	The environmental health index summarizes potential exposure to harmful toxins at the neighborhood level (census tracts). This index combines standardized EPA estimates of air quality carcinogenic, respiratory and neurological hazards. Values range from 0 to 100. The higher the value, the better is the environmental quality of a neighborhood.
Environmental Health Analysis	None of the Environmental Health scores reach 40. Essentially, all population groups experience adverse environmental health conditions.

5. Brawley's Access to Opportunity Based on TCAC/HCD Data

a. Opportunity Indicators

TCAC and HCD created an opportunity map to identify areas in every region of the state whose characteristics have been shown by research to support positive economic, educational, and health outcomes for low-income families — particularly long-term outcomes for children. TCAC intended to adopt this map into its regulations, which it eventually did in December 2017, to accompany new policies aimed at increasing access to high-opportunity areas for families with children in housing financed with 9% Low Income Housing Tax Credits (LIHTCs).

Table B-22 describes the 12 opportunity indicators and their associated measures.

Table B-22
California TCAC/HCD
Housing Opportunity Mapping Indicators and Measures: 2021

Indicator	Measure
Poverty	Percent of the population with incomes above 200% of the federal poverty level
Adult Education	Percent of adults with a bachelor's degree or above
Employment	Percent of adults age 20-64 who are employed in the civilian labor force or in the armed forces
Job Proximity	Number of jobs filled by workers with less than a BA that fall within a given radius (determined by the typical commute distance of low wage workers in each region) of each census tract population weighted centroid
Median Home Value	Value of owner-occupied units
CalEnviroScreen	CalEnviroScreen 3.0 Pollution Indicators
Math Proficiency	Percentage of 4 th graders who meet or exceed math proficiency standards
Reading Proficiency	Percentage of 4 th graders who meet or exceed literacy standards
High School Graduation Rates	Percentage of high school cohort that graduate on time
Student Poverty Rate	Percent of students <u>not</u> receiving free or reduced-price lunch
Poverty	Tracts with at least 30% of the population falling under the federal poverty line
Racial Segregation	Tracts with a racial Location Quotient of higher than 1.25 for Black, Hispanic, Asian, or all people of color in comparison to the county

Source: California Fair Housing Task Force, *Methodology for the 2020 TCAC/HCD Opportunity Map*, December 2020, pages 6 and 7

The TCAC/HCD Opportunity Mapping Tool designates neighborhoods – meaning census tracts – into one of the following six resource categories:

- Highest
- High
- Moderate
- Low
- High Segregation & Poverty

b. Neighborhood Resource Categories for Brawley and Imperial County Cities

Tract-level indices developed by the Opportunity Mapping Tool were summed to the jurisdictional-level by the Southern California Association of Governments (SCAG) using area-weighted interpolation. Using 2013-2017 American Community Survey population data, SCAG determined the share of each jurisdiction's population in each of these five categories.

Table B-23 shows the number of people living in each of the five neighborhood resource categories while Table B-24 shows the percentages.

In Brawley, about two-thirds of the population lives in either a moderate or high resource neighborhood.

Brawley's population living in the moderate resource neighborhoods comprises 41.5% of all of the Imperial County Region's population living in this neighborhood category. (7,945/19,124)

Brawley's population living in the high resource neighborhoods comprises 42.3% of all of the Imperial County Region's population living in this neighborhood category. (4,555/10,775)

Table B-23
Imperial County Region
Neighborhood Resource Categories by City (Number)

City	High Segregation & Poverty	Low Resource	Moderate Resource	High Resource	Highest Resource	Total
Brawley	0	6,707	7,945	4,555	0	19,207
Calexico	0	26,293	0	0	0	26,293
Calipatria	0	50	0	0	0	50
El Centro	4,565	17,820	11,160	4,939	1,791	40,275
Holtville	0	0	0	1,281	0	1,281
Imperial	0	0	1	0	2,627	2,628
Westmorland	0	0	18	0	0	18
Total	4,565	50,870	19,124	10,775	4,418	89,752
Percent	5.1%	56.7%	21.3%	12.0%	4.9%	89,752

Note: Calipatria missing data for 54 persons

Source: Southern California Association of Governments, Final RHNAs Methodology Data Appendix, Population within TCAC Resource Areas, page 44, March 5, 2020

Table B-24
Imperial County Region
Neighborhood Resource Categories by City (Percent)

City	High Segregation & Poverty	Low Resource	Lowest Resource (Seg/Pov+Low Resource)	Moderate Resource	High Resource	Highest Resource
Brawley	0.0%	34.9%	34.9%	41.4%	23.7%	0.0%
Calexico	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
Calipatria	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
El Centro	11.3%	44.2%	55.6%	27.7%	12.3%	4.4%
Holtville	0.0%	0.0%	0.0%	0.0%	200.0%	0.0%
Imperial	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Westmorland	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%

Source: Southern California Association of Governments, Final RHNA Methodology Data Appendix, Population within TCAC Resource Areas, page 44, March 5, 2020

6. Fair Housing Issues and Contributing Factors

Two-thirds of Brawley's population lives in a "moderate" resource neighborhood. One third of the population lives in a "low" resource neighborhood. The factors that contribute to a low resource neighborhood are low scores on the indicators TCAC uses to prepare the Opportunity Mapping and neighborhood resource categories: Improvement in the scores of each indicator will help a low resource neighborhood become a moderate or, perhaps, a high resource neighborhood.

Brawley's analysis focuses on six indicators that the TCAC uses to identify neighborhood resource categories:

- Poverty
- Adult education attainment
- Employment status
- Jobs proximity
- School proficiency
- Student poverty rate

TCAC uses the percent of the population with incomes 200% or higher than the poverty rate. In Imperial County, 52.2% of the population has incomes that are 200% or more than the poverty rate. The ACS does not provide comparable data for the City.

TCAC uses the percent of the adult population with a Bachelor's degree. The percentage of Brawley's adults with a four-year degree (11.7%) is below that of the County (15.2%) and only one-third of the statewide percentage (33.9%). Higher educational attainment usually translates to higher paying jobs and a reduction in poverty. On a census tract basis, the percentages range from a low of 7.75% (CT 104) to a high of 17.5% (CT 107).

The unemployment rates are high, ranging from a low 14.7% (CT 106) to a high of 21.7% (CT 104). However, another worrisome factor is the percent of the population not in the labor force. The

percentages range from a low of 43.4% (CT 107) to a high of 52.0% (CT 104). The average annual salary in 2017 was \$40,440

The “Not in Labor Force” category consists mainly of students, homemakers, retired workers, **seasonal workers** interviewed in an off season who were not looking for work, institutionalized people, and people doing only incidental unpaid family work (less than 15 hours during the reference week).

The high percentage of persons not in the labor force could be due to the seasonal nature of some jobs.

The vast majority of workers commute to work by driving a car alone (81%) or by carpooling (10%). The numbers of workers who bicycle, walk, or work from home outnumber those who use public transit. Almost one-third of all workers both live and work in Brawley. Another 30% work in a different city or unincorporated area in Imperial County.

Unlike Los Angeles County and Orange County, the cities located in Imperial County are not contiguous or near each other. The Brawley workers who work outside the City may need to drive considerable distances to their jobs.

Each Great Schools rating is on a 1-10 scale and is categorized as follows: 1-3 = “below average,” 4-7 = “average,” 8-10 = “above average.” Great Schools publishes school proficiency ratings for the elementary schools, junior high and high school located in Brawley. All five schools are rated as “average” .

Although Brawley’s schools are rated “average,” the majority of schools in California are probably rated average. A majority of the 6 million students educated in California’s public schools are “high need”—low-income, English Learner (EL), homeless, or foster youth. More than half come from low-income households and 19% are English Learners, compared to 8% nationwide.

According to the Public Policy Institute of California:

State test scores are slowly improving, but major gaps persist. *In 2018–19, about 51% of California’s students met or exceeded state standards in English, compared with 40% in math. The shares of students meeting standards have risen 5 to 10 percentage points since new state tests were first administered in 2015, depending on the grade. Proficiency rates in math are lower for African American (21%), Latino (28%), low-income (27%), EL (13%), and disabled (13%) students.* [Emphasis added]

Source: Public Policy Institute of California, *K-12 Education*, January 2019

With regard to student poverty, 89% of Brawley’s elementary students and 75% of Brawley’s high school students, respectively, are eligible for free or reduced price lunches.

7. Fair Housing Priorities and Goals

According to the data compiled by SCAG, approximately one-third of Brawley’s population lives in a “low” resource neighborhood. The priority is to improve the access to opportunity so that the future population resides in a “moderate” resource neighborhood.

The fair housing goal is to improve the score for each Opportunity Mapping indicator (e.g., poverty, adult education, employment status). The City will monitor the Opportunity Mapping and neighborhood scores that TCAC releases in December of each year.

8. Strategies and Actions

a. Strategies

The City will adopt a neighborhood planning strategy that encompasses all neighborhoods but will focus on the one-third of the population living in “low” resource areas.

This strategy will complement other ongoing strategies which are described in Section II – Housing Program Category #2 and *Appendix C Sites Inventory and Analysis*.

For example, the City and project developers have worked cooperatively to locate affordable housing developments in neighborhoods with high and highest resources. As a result of these efforts, one recently constructed development – the 40-unit Malan Street Apartments II – is located in a high resource neighborhood. Additionally, four approved affordable apartments – a total of 203 housing units – are located in high resource neighborhoods.

b. Actions

The neighborhood planning effort will include the following activities:

- Evaluate and select criteria to delineate neighborhood boundaries
- Identify the neighborhoods in developed areas and Specific Plan areas
- Prepare a neighborhood demographic profile (i.e., population, income, etc.)
- Identify and describe neighborhood assets (i.e., parks, churches, etc.)
- Identify community leadership (i.e., organizations, non-profits)
- Describe General Plan and zoning designations
- Prepare a count or census of housing units by type (SFD, MF)
- Inventory vacant land and development potential
- Identify opportunities for placed based investments
- Identify funding resources
- Identify places to physically post and/or distribute City and fair housing information
- Prepare data on each TCAC indicator (e.g., adult education) for each neighborhood (e.g., CT 106).

In addition, during the 8-year planning period, the City will complete the following actions:

- Monitor the annual release of the TCAC Draft Methodology, which is usually released in December of each year.
- Annually update the resource category (highest, high, and moderate) of each neighborhood/census tract.
- Update the sites and site information in each neighborhood/census tract.
- Post all relevant site and neighborhood resource categories on the Planning Department’s website.

G. DISPROPORTIONATE HOUSING NEEDS

1. Background

For purposes of the *Assessment of Fair Housing* -

Disproportionate housing needs refers to a condition in which there are *significant disparities* in the proportion of members of *a protected class* experiencing *a category of housing need* when compared to the proportion of members of any other *relevant groups or the total population* experiencing that category of housing need in the applicable geographic area. For purposes of this definition, categories of housing need are based on such factors as cost burden, severe cost burden, overcrowding, and substandard housing conditions. 24 CFR 5.154 [Emphasis added]

HCD has added the “homeless” to the categories of housing needs.

Therefore, the five categories of housing need include:

- Cost Burden
- Severe Cost Burden
- Overcrowding
- Substandard Housing Conditions
- Homeless Persons

No threshold measures are given by HUD or AB 686 to enable jurisdictions to determine what is “significant.”

2. Analysis of Disproportionate Housing Needs

a. Households Experiencing Housing Problems

The four housing needs or problems are:

- Lacks complete kitchen facilities
- Lacks complete plumbing facilities
- More than one person per room
- Cost Burden greater than 30%

The four *severe* housing problems are:

- Lacks complete kitchen facilities
- Lacks complete plumbing facilities
- More than *1.5 persons per room*,
- *Cost Burden over 50%*

Data are unavailable on the Brawley households experiencing the four housing problems. The Regional data provides insights on the population groups living in Brawley that most likely experience disproportionate housing needs.

About 44.4% of the Region’s households experience one or more housing problem. Hispanic households at 49.5% are the only group that exceeds the Regional percentage of 44.4%. Refer to Table B-25.

About 27.4% of the Region's households experience one or more severe housing problem. Hispanic households at 30.9% is the only group that exceeds the Regional percentage of 27.44.4%

The AFH does not define *significant disparities*. However, Consolidated Plans define a disproportionate housing need as referring to any group that has a housing need which is at least 10 percentage points higher than the total population. Under this definition no racial or ethnic group experiences disproportionate housing problems.

Table B-25
Imperial County Region
Disproportionate Housing Needs

Disproportionate Housing Needs		(El Centro, CA) Region		
Households experiencing any of 4 housing problems		# with problems	# households	% with problems
Race/Ethnicity				
White, Non-Hispanic		2,400	8,560	28.04%
Black, Non-Hispanic		209	753	27.76%
Hispanic		17,320	34,990	49.50%
Asian or Pacific Islander, Non-Hispanic		225	712	31.60%
Native American, Non-Hispanic		99	421	23.52%
Other, Non-Hispanic		110	362	30.39%
Total		20,355	45,800	44.44%
Household Type and Size				
Family households, <5 people		10,225	26,125	39.14%
Family households, 5+ people		5,230	9,260	56.48%
Non-family households		4,900	10,430	46.98%
Households experiencing any of 4 Severe Housing Problems		# with severe problems	# households	% with severe problems
Race/Ethnicity				
White, Non-Hispanic		1,345	8,560	15.71%
Black, Non-Hispanic		85	753	11.29%
Hispanic		10,825	34,990	30.94%
Asian or Pacific Islander, Non-Hispanic		128	712	17.98%
Native American, Non-Hispanic		68	421	16.15%
Other, Non-Hispanic		85	362	23.48%
Total		12,535	45,800	27.37%

Data Sources: CHAS

a. Cost Burden and Severe Cost Burden

Table B-26 describes the number of very low income renter and owner households that experience cost burden and severe cost burden. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

Among very low income *renters*, 79% are cost burdened and about 57% are severely cost burdened. The data also demonstrate that about 81% of all very low income *owners* are cost burdened and about 53% are severely cost burdened.

The high percentages of cost burdens and severe cost burdens means that many fair housing protected groups (e.g., the disabled, families with children) face the same problems. However, data are unavailable to document if one or more of the fair housing protected groups experience disproportionate housing needs.

Table B-26
City of Brawley
Very Low Income (<50% AMI)
Cost Burden and Severe Cost Burden
By Tenure: 2013-2017

Tenure	Total Low Income (<50% AMI)	Number Cost Burdened	Percent Cost Burdened	Number Severely Cost Burdened	Percent Severely Cost Burdened
Renters	1,715	1,355	79.0%	980	57.1%
Owners	650	525	80.8%	345	53.1%
Total	2,365	1,880	79.5%	1,325	56.0%

Note: Low/moderate income means less than 80% of the area median income

Cost burden = 30% or more of income spent on housing costs

Severe cost burden = 50% or more spent on housing costs

Source: Comprehensive Housing Affordability Strategy (“CHAS”) Data, based on 2013-2017 American Community Survey and 2010 Census

b. Cost Burden and Severe Cost Burden within the City

Cost burden estimates are available for owners without a mortgage; owners with a mortgage; and renters:

- Owners without a mortgage 1,205
- Owners with a mortgage 2,378
- Renters 3,036

Tables B-27 and B-28 provide numerical and percentage estimates of cost burdens within the City for four census tracts. A summary is presented below:

Census Tract	Owners with a Mortgage		Renters	
	Cost Burden 30%+	Cost Burden 50+	Cost Burden 30%+	Cost Burden 50%+
104	59.9%	48.3%	73.3%	37.4%
105	43.3%	12.4%	51.3%	29.4%
106	27.5%	8.3%	41.0%	26.4%
107	38.6%	26.2%	57.1%	27.66

The cost burden problem is most acute in Census Tract 104 where almost one-half of all owners with a mortgage are severely cost burdened. Just over 37% of the renters living in census tract 104 are severely cost burdened.

The large number and high percentage of severely cost burdened households living in CT 104 is caused, in part, by poverty level and low incomes. New affordable housing located in this census tract will help to alleviate but certainly not eliminate the cost burden problem.

Table B-27
City of Brawley
Cost Burdened Households by Tenure and Census Tract

Tenure and Housing Expense as % of Income	Census Tract 104	Census Tract 105	Census Tract 106	Census Tract 107
Cost Burdened Owners				
With a Mortgage				
<30%	211	396	655	154
30%-49.9%	61	216	173	31
50% or More	254	86	75	66
Total	526	698	903	251
Without a Mortgage				
<30%	280	182	342	196
30%-49.9%	10	14	35	29
50% or More	15	10	48	44
Total	305	206	425	269
Cost Burdened Renters				
<30%	223	427	401	277
30%-49.9%	300	192	99	190
50% or More	312	257	180	178
Total	835	876	680	645
Owners Not Computed	0	14	8	0
Renters Not Computed	63	154	14	7

Source: American Community Survey, 2015-2019 5-Year Estimates, B25097
Mortgage Status by Selected Monthly Owner Costs as a Percentage of Household Income and B25070 Gross Rent as a Percentage of Household Income in the Past 12 Months

B-28
City of Brawley
Cost Burdened Households by Tenure and Census Tract

Tenure and Housing Expense as % of Income	Census Tract 104	Census Tract 105	Census Tract 106	Census Tract 107
Cost Burdened Owners				
With a Mortgage				
<30%	40.1%	56.7%	72.5%	61.4%
30%-49.9%	11.6%	30.9%	19.2%	12.4%
50% or More	48.3%	12.4%	8.3%	26.2%
Total	100.0%	100.0%	100.0%	100.0%
Without a Mortgage				
<30%	91.8%	88.3%	80.5%	72.9%
30%-49.9%	3.3%	6.8%	8.2%	10.8%
50% or More	4.9%	4.9%	11.3%	16.3%
Total	100.0%	100.0%	100.0%	100.0%
Cost Burdened Renters				
<30%	26.7%	48.7%	59.0%	42.9%
30%-49.9%	35.9%	21.9%	14.6%	29.5%
50% or More	37.4%	29.4%	26.4%	27.6%
Total	100.0%	100.0%	100.0%	100.0%
Owners Not Computed	0	14	8	0
Renters Not Computed	63	154	14	7

Source: American Community Survey, 2015-2019 5-Year Estimates, B25097
Mortgage Status by Selected Monthly Owner Costs as a Percentage of Household
Income and B25070 Gross Rent as a Percentage of Household Income in the Past 12
Months

c. Overcrowding by Race and Ethnicity

About 12% of Brawley's households are overcrowded. Hispanic households comprise 68% of all the City's households and 83% of the overcrowded households. Consequently, the Hispanic households have disproportionate housing needs.

Table B-29
City of Brawley
Disproportionate Housing Needs Analysis
Overcrowding by Race and Ethnicity

Race/Ethnicity	Number of Households	Number Overcrowded	Percent Overcrowded
Hispanic	5,217	737	14.1%
Some Other Race Alone	538	115	21.4%
Black/African American	112	0	0.0%
Asian	46	0	0.0%
White Alone, Not Hispanic or Latino	1,374	32	2.3%
Two or More Races	308	0	0.0%
American Indian/Alaska Native	59	0	0.0%
Native Hawaiian/Pacific Islander	0	0	0.0%
Total	7,654	884	11.5%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table B25014 B-I, Occupants Per Room

d. Overcrowding within the City

Overcrowding (1.01+ persons per room) affects 769 households in the City: 213 owners and 556 renters. Approximately one in nine households are overcrowded, which is not an unusually high number given that more than 80% of the population is Hispanic. A group that usually has a high percentage of large families.

Just over one in five households living in CT 104 are crowded. About 48% of all the Brawley's overcrowded households live in CT 104.

Table B-30
City of Brawley
Overcrowding by Census Tract: 2015-2019
(1.01 or More Persons Per Room)

Census Tract	Owner	Renter	Total	All Households	Percent of All Households
104	130	236	366	1,729	21.2%
105	39	156	195	1,948	10.0%
106	30	107	137	2,030	6.7%
107	14	57	71	1,172	6.1%
Total	213	556	769	6,879	11.2%

¹Refers to all owner and renter households living in the census tract

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25014, Tenure by Occupants Per Room

e. Substandard Housing

Data are unavailable on the substandard housing units occupied by the fair housing protected classes. Two of the four housing problems pertain to substandard housing. However, the number of households that are cost burdened and severely cost burden greatly exceeds the number living in substandard housing units.

f. Homeless Persons

The 2019 Point in Time Homeless Count is limited to persons for the entire County and each city. The PIT Count does not provide estimates of the homeless sub-populations (e.g., race, disability). The PIT Count reveals that the vast majority of homeless persons are families: 1,225 homeless persons live in households with adults and children. Five homeless persons are living with HIV.

The City has no local knowledge on the number of homeless persons by sub-population group.

3. Fair Housing Issues and Contributing Factors

Overcrowding is the category of housing need disproportionately experienced by Hispanic and Some Other Race households. The factors that contribute to overcrowding are the number of large families and the lack of an abundant supply of market rate housing units with three and four bedrooms.

Large families are households consisting of five or more persons. Almost 1,200 large families - comprising about 18% of all households – live in Brawley. Additionally, renters comprise almost 60% of all large families. In contrast to renters, owners have more options by which to add more square footage or rooms to their dwellings.

4. Priorities and Goals

The priority is to accelerate the production of new housing with three or four bedrooms, a housing unit size that can accommodate the needs of large families.

The goal is to produce 370 housing units with three or four bedrooms. The goal aligns with the overall quantified objectives for new construction and represents 30% of the housing production target.

5. Strategies and Actions

The Housing Program (Section 2) includes programs that accommodate the needs of large families in order to alleviate overcrowding. These programs include:

- 2.1 Rental Assistance
- 2.2 First Time Home Buyer Program
- 2.3 Section 502 Direct Loan Program (USDA)
- 2.6 Affordable Rental Housing Construction Program
- 2.9 Assistance for Special Needs Populations
- 2.10 Farm Worker Housing Program

H. DISPLACEMENT RISK

Displacement risk factors include, but are limited, to:

- Constructive evictions
- Expiration of national and state eviction moratoriums
- Foreclosures
- ELI/severely cost burdened households

A constructive eviction occurs when a landlord takes actions that interfere with the tenant's use and enjoyment of the premises such as cutting off the tenant's utilities or other essential services; harassing the tenant, whether verbally, physically, or emotionally; or blocking the tenant's access to the unit, such as changing the locks.

Data are unavailable on the number of renters confronting the issue of constructive eviction.

Although eviction moratoriums have expired as of October 1, 2021, CalMatters estimated that 10,000 evictions happened in the State during a 9-month period. The number of evictions that happened in Imperial County is unknown. However, there were 112 confirmed evictions in Riverside County and 898 in San Bernardino County,

Foreclosures have greatly diminished since 2010. Between 2007 and 2018, there were 760 foreclosures. The peak number of 136 foreclosures occurred in 2010. In 2017, there were only 12 foreclosures. As a consequence, the displacement risk associated with foreclosures is not as severe as it was a decade ago.

Severely cost burdened extremely low income households are at a high risk of displacement because they face serious difficulties each month to pay the rent. When they can't make the rent payment, they may be forced to move to a motel or temporarily live with friends or relatives. If their financial circumstances don't improve, homelessness could be the only option available to them.

According to the 2013-2017 CHAS data, 18% of Imperial County's renters had extremely low incomes and were spending 50% or more of their income on rent (N=3,610).

The displacement risk in Brawley is more acute when compared to the County: 22% of all the City's ELI renter households were severely cost burdened (N=725).

The City will work with the Imperial Valley Housing Authority, Inland Fair Housing and Mediation Board, and Campesinos Unidos, Inc. to develop ways to mitigate displacement risk.

I. OTHER RELEVANT FACTORS

The foregoing analysis has identified fair housing issues and the factors that contribute to the issues. In the past decade, the City and associated fair housing issues have not changed significantly.

Ninety-five percent of Brawley's housing stock was built before 2010. One growth spurt happened between 1990 and 2000 when about 900 housing units were added to the housing stock. Almost 1,200 housing units were added to the housing stock between 2000 and 2010.

ATTACHMENT A
DEFINITIONS OF FAIR HOUSING PROTECTED CLASSES
AND DISCRIMINATION EXAMPLES

1. Race

The Fair Housing Act does not define “race”. Data on race is required for many federal programs and the Census Bureau collects race data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB) and these data are based on self-identification. The racial categories included in the census form generally reflect a *social definition* of race recognized in this country, and are not an attempt to define race biologically, anthropologically or genetically. In addition, the Census Bureau recognizes that the categories of the race item include both racial and national origin or socio-cultural groups. Census 2010 and the American Community Survey provide for six race categories: White; Black, African American or Negro; American Indian or Alaska Native; Asian; Native Hawaiian or Other Pacific Islander; and Some Other Race.

Example: Discrimination against African-Americans by a Caucasian apartment manager.

2. Color

The Fair Housing Act does not define “color”. However, it probably refers to the complexion of a person's skin color or pigmentation. The 2010 racial categories can be traced to Statistical Policy Directive No.15, promulgated by the OMB on May 12, 1977. “The four racial categories stipulated in the (1977) directive parallel the classic nineteenth-century color designations of black, white, red (American Indian or Alaska native), and yellow (Asian or Pacific Islander); there is no brown race in the American ethno racial taxonomy.” [Victoria Hattam, “Ethnicity & the Boundaries of Race: Re-reading Directive 15,” *Daedalus*, Winter 2005, page 63]

Example: Discrimination against a dark-skinned African-American by a light-skinned African-American.

3. National Origin

“National origin” means the geographic area in which a person was born or from which his or her ancestors came. The geographic area need not be a country for it to be considered someone’s “national origin,” but rather can be a region within a country, or a region that spans multiple countries. In general, national origin discrimination can occur even if a defendant does not know, or is mistaken about, precisely from where the plaintiff originates.

Example: Discrimination against a Puerto Rican individual by a Mexican property owner.

4. Disabled/Disability

The term “disability” means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

Disability does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Example: Not allowing a disabled individual to have a service animal in a renter's apartment.

5. Religion

"Religion" refers to all aspects of religious belief, observance, and practice. According to the United States Department of Justice (DOJ), this prohibition covers instances of overt discrimination against members of a particular religion as well as less direct actions, such as zoning ordinances designed to limit the use of private homes as places of worship.

Example: Discriminating against non-Catholics (Muslim, Buddhist, etc.) because of their religion.

6. Sex

The protected group includes gender (male or female), gender identity, and gender expression. California's Fair Employment and Housing Act defines "sex" as including, but not limited to, pregnancy, childbirth, medical conditions related to pregnancy or childbirth and a person's gender, as defined in Section 422.56 of the Penal Code. Government Code Section 12926(p)

Example: A property manager refusing to rent an apartment to a female householder.

7. Familial Status

"Familial Status: means one or more individuals (who have not attained the age of 18 years) being domiciled with--

- A parent or another person having legal custody of such individual or individuals; or
- The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. (42 U.S.C. 3602(k))

Example: Forcing families with children to live on the first floor, or not renting to individuals with young children.

ATTACHMENT B
DEMOGRAPHIC SUMMARY

The Demographic Summary contains data on the numbers of people and households who are members of six protected classes under the provisions of both federal and California law. The demographic summary establishes benchmarks that will enable the City to track trends as the American Community is released each year.

1. Race/Color Protected Class

a. Race and Ethnic Categories

Census 2010 and the 2015-2019 American Community Survey provide for six race categories:

- White Alone
- Black, African American or Negro Alone
- American Indian or Alaska Native Alone
- Asian Alone
- Native Hawaiian or Other Pacific Islander Alone
- Some Other Race Alone

Individuals who chose more than one of the six race categories are referred to as the *two or more races* population. All respondents who indicated more than one race can be collapsed into the *two or more races* category, which combined with the six *alone* categories, yields seven mutually exclusive categories. Thus, the six race *alone* categories and the *two or more races* category sum to the total population.

b. Definitions of Non-Minority and Minority Populations

The *non-minority* population includes White persons who are not of Hispanic or Latino origin (e.g., Mexican, Cuban, and Puerto Rican). All other population groups comprise the minority population. The minority population is defined in the same way by the Office of Management and Budget (OMB), Federal Department of Transportation (DOT), Federal Financial Institutions Examination Council (FFIEC), and Council on Environmental Quality (CEQ - environmental justice guidelines).

The race and ethnic categories follow the OMB Policy Directive No. 15 (May 12, 1977) and the 1997 revisions. The OMB's efforts are to standardize the racial and ethnic categories so that federal government agencies can monitor discrimination, as required by the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Equal Credit Opportunity Act of 1974, and the Home Mortgage Disclosure Act of 1975.

Source: Victoria Hattam, "Ethnicity & the American Boundaries of Race: Rereading Directive 15," *Daedalus – Journal of the American Academy of the Arts & Sciences*, Winter 2005, pgs. 61-62

Ethnicity means being of Hispanic or Latino Origin or not being of such origin.

Refer to the next page for definitions of race and Hispanic or Latino origin.

U.S. Census Bureau
Race and Ethnicity Definitions

The U.S. Census Bureau must adhere to the 1997 Office of Management and Budget (OMB) standards on race and ethnicity which guide the Census Bureau in classifying written responses to the race question:

White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American – A person having origins in any of the Black racial groups of Africa.

American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

An individual's response to the race question is based upon *self-identification*. The Census Bureau does not tell individuals which boxes to mark or what heritage to write in. For the first time in Census 2000, individuals were presented with the option to self-identify with more than one race and this continued with the 2010 Census. People who identify with more than one race may choose to provide multiple races in response to the race question. For example, if a respondent identifies as "Asian" and "White," they may respond to the question on race by checking the appropriate boxes that describe their racial identities and/or writing in these identities on the spaces provided.

Hispanic -Hispanic origin can be viewed as the heritage, nationality, lineage, or country of birth of the person or the person's parents or ancestors before arriving in the United States. People who identify as Hispanic, Latino, or Spanish may be any race. In most southern California communities, 80% or more of the Hispanic population is Mexican-American.

c. Brawley's Population by Race and Ethnicity

Attachment B Table B-1 shows the population growth by race and ethnicity between 2010 and 2015-2019. During this period, the Hispanic and persons of two or more races experience the largest numerical population gains.

Attachment B Table B-1
City of Brawley
Population Growth by Race and Ethnicity: 2010 to 2015-2019

Race/Ethnicity	2010	2015-2019	Increase/ Decrease
Hispanic or Latino	20,344	21,828	1,484
Not Hispanic or Latino			
White Alone	3,724	3,186	-538
Black or African American Alone	369	316	-53
American Indian and Alaska Native Alone	86	85	-1
Asian Alone	235	104	-131
Native Hawaiian and Other Pacific Islander Alone	7	77	70
Some Other Race Alone	17	40	23
Two or More Races	171	440	269
Total	24,953	26,076	1,123

Sources: U.S. Census Bureau; 2010 Census, 2010 Summary File 1, Table P9 Hispanic or Latino, and Not Hispanic or Latino Origin by Race

U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table B03002 Hispanic or Latino by Race

d. Race of Hispanic or Latino and Not Hispanic or Latino Populations

Attachment B Table B-2 shows that in 2015-2019, about 21,800 persons identified themselves as being of Hispanic or Latino Origin. With respect to race –

- About 84% (18,353/21,828) of the Hispanic population said that their race was White Alone
- About 10% said they belonged to Some Other Race Alone
- About 5% identified themselves as having Two or More Races

The majority of Brawley' population is White because about 84% of the Hispanic population identifies with the White Alone race category,

Attachment B Table B-2
City of Brawley
Race of Hispanic or Latino and Not Hispanic or Latino Populations: 2015-2019

Race	Hispanic or Latino	Percent	Not Hispanic or Latino	Percent	Total	Percent
White Alone	18,353	84.1%	3,186	75.0%	21,539	82.6%
Black or African American Alone	56	0.3%	316	7.4%	372	1.4%
Asian Alone	86	0.4%	85	2.0%	171	0.7%
American Indian or Alaska Native Alone	0	0.0%	104	2.4%	104	0.4%
Native Hawaiian/Other Pacific Islander Alone	33	0.2%	77	1.8%	110	0.4%
Some Other Race Alone	2,225	10.2%	40	0.9%	2,265	8.7%
Two or More Races	1,075	4.9%	440	10.4%	1,515	5.8%
Total	21,828	100.0%	4,248	100.0%	26,076	100.0%

Source: U.S. Census Bureau; American Community Survey. 2015-2019 5-Year Estimates, Table B03002: Hispanic or Latino Origin by Race

2. Sex of Householder Protected Class

Federal and State fair housing laws prohibit discrimination based on a person's sex. The United States Department of Justice (DOJ) has stated:

The Fair Housing Act makes it unlawful to discriminate in housing on the basis of sex. In recent years, the Department's focus in this area has been to challenge *sexual harassment* in housing. Women, particularly those who are *poor*, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes.

In addition, *pricing discrimination* in mortgage lending may also adversely affect women, particularly minority women. This type of discrimination is unlawful under both the Fair Housing Act and the Equal Credit Opportunity Act. [Emphasis added]

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, pages 2 and 3

Attachment B Table B-3 presents data on the number of householders by type. Female householders comprise approximately about 21% of all householders. The largest numbers of householders are married couples (3,266) and female householders (1,431).

Attachment B Table B-3
City of Brawley
Number of Households by Type: 2015-2019

Household Type	Number	Percent
Married Couples	3,266	47.4%
Female Householders	1,431	20.8%
Male Householders	672	9.8%
Householder Living Alone	1,302	18.9%
Householder Living w/Others	216	3.1%
Total	6,887	100.0%

Source: U.S. Census Bureau; American Community Survey.
2015-2019 5-Year Estimates, Table S2501 Occupancy
Characteristics

3. National Origin/Ancestry Protected Class

The Fair Housing Act and California Fair Employment and Housing Act prohibit discrimination based upon national origin. According to the United States Department of Justice, such discrimination can be based either upon the country of an individual's birth or where his or her ancestors originated.

a. Foreign Born Population by Region of Birth

The foreign-born population includes anyone who is not a U.S. citizen or a U.S. national at birth, including respondents who indicated they were a U.S. citizen by naturalization or not a U.S. citizen. Attachment B Table B-4 indicates that Brawley' foreign born population consists of approximately 6,770 persons. Of this total number nearly 97% were born in Latin America.

b. Origins of the Hispanic or Latino Population

About 21,800 Hispanic or Latino persons reside in Brawley. Attachment B Table B-5 shows that Mexico is the origin of nearly 97% of all Hispanic persons.

Attachment B Table B-4
City of Brawley
Foreign Born Population by Region of Birth: 2015-2019

Region	Number	Percent
Europe	50	0.7%
Asia	68	1.0%
Africa	117	1.7%
Oceania	0	0.0%
Latin America	6,538	96.5%
North America	0	0.0%
Total	6,773	100.0%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics in Brawley

Attachment B Table B-5
City of Brawley
Persons of Hispanic Origin: 2010 and 2015-2019

Hispanic Origin	2015-2019	
	Number	Percent
Mexican	21,102	96.7%
Puerto Rican	10	0.0%
Cuban	15	0.1%
Other Spanish/Hispanic	701	3.2%
Total	21,828	100.0%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP05: ACS Demographic and Housing Characteristics

4. Familial Status Protected Class

a. Background

The Fair Housing Amendments Act of 1988 prohibits discriminatory housing practices based on familial status. In most instances, according to the United States Department of Justice, the Act prohibits a housing provider from refusing to rent or sell to families with children. However, housing may be designated as housing for older persons (55 years + of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, may operate as “senior housing” and exclude families with children.

The Act protects families with children less than 18 years of age, pregnant women, or families in the process of securing custody of a child under 18 years of age. The Department of Justice has stated:

In addition to prohibiting the outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with

children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 3

b. Population Characteristics

About 38% of all households have children. The majority of families with children are married couples (1,513) and female householders with no husband present (753). Refer to Attachment B Table B-6.

Attachment B Table B-6
City of Brawley
Households with Children: 2015-2019

Household Type	Households	With Children	Percent With Children
Married Couples	3,266	1,513	46.3%
Cohabiting Couples	413	170	41.2%
Female Householders, No Husband Present	1,968	753	38.3%
Male Householders, No Wife Present	1,240	205	16.5%
Total	6,887	2,641	38.3%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics

Non-family households do not have children. A non-family household is a householder *living alone* or with *nonrelatives* only. Unmarried couple households, whether opposite-sex or same-sex, with no relatives of the householder present are tabulated in nonfamily households.

4. Handicap/Disability Protected Class

a. Background

The Fair Housing Act prohibits discriminatory housing practices based on handicap/disability. Among other prohibitions, the Act is intended to prohibit the application of special restrictive covenants and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice. Fair housing laws, therefore, make it illegal to deny a housing opportunity on the basis of disabilities.

In addition, the law prohibits applying one standard to one class of individuals while applying a different standard to another class of individuals. For example, it would be illegal to ask a disabled individual applying for an apartment to provide a credit report if non-disabled applicants do not have to provide one.

Housing opportunities for disabled persons are impeded by practices in both the private and public sectors. For instance, “denied reasonable modification/accommodation” is often cited as an alleged act in housing discrimination complaints. Additionally, apartment rental ads often state “no pets allowed,” even

though disabled persons may have service or companion animals. In the public sector, housing opportunities can be impeded because a community has not adopted a reasonable accommodation procedure, or if adopted has not made the procedure widely known in the community.

The United States Department of Justice has indicated a major focus of its efforts is on public sector impediments that may restrict housing opportunities for disabled persons. The Department has stated:

The Division's enforcement of the Fair Housing Act's protections for persons with disabilities has concentrated on two major areas. One is insuring that zoning and other regulations concerning land use are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act's accessibility requirements so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 4

b. Population and Household Characteristics

About 4,500 residents have one or more disability, a number that represents 17.4% of Brawley's total population. The disability prevalence rate, or percent disabled, steadily increases with age. Two thirds of the senior population 75 years old or older has a disability. Attachment B Table B-7 presents the number and percent of disabled persons by age group.

Attachment B Table B-7
City of Brawley
Disability Prevalence Rates by Age Group: 2015-2019

Age Group	With a Disability	No Disability	Total Population	Prevalence Rate
Under 5 years	18	2,321	2,339	0.8%
5 to 17 years	554	5,925	6,479	8.6%
18 to 34 years	669	5,157	5,826	11.5%
35 to 64 years	1,609	6,578	8,187	19.7%
65 to 74 years	756	1,009	1,765	42.8%
75 years +	917	471	1,388	66.1%
Total	4,523	21,461	25,984	17.4%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B18101, Sex by Age by Disability Status

Attachment B Table B-8 shows that 2,660 households have one or more member with a disability, a number that equals nearly 40% of all households. The member with a disability could be the head of household, a spouse, a child or other related or unrelated person living in the housing unit.

Table B-8
City of Brawley
Disabled Householders: 2015-2019

Household Disability Status	Number	Percent
Households with one or more persons with a disability	2,660	38.6%
Households with no persons with a disability	4,227	61.4%
Total	6,887	100.0%

Source: 2018 American Community Survey 1-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Household

5. Limited English Proficiency (LEP) Protected Class

a. Background

LEP refers to a person's limited ability to read, write, speak, or understand English. Individuals who are LEP are not a protected class under the federal Fair Housing Act. Nonetheless, the Act prohibits housing providers from using LEP selectively based on a protected class or as a pretext for discrimination because of a protected class. The Act also prohibits housing providers from using LEP in a way that causes an unjustified discriminatory effect.

b. LEP Households

A “Limited English speaking household” is one in which no member 14 years old and over (1) speaks only English at home or (2) speaks a language other than English at home and speaks English “Very well.”

Respondents were asked to indicate their English-speaking ability based on one of the following categories: “Very well,” “Well,” “Not well,” or “Not at all.” Those who answered “Well,” “Not well,” or “Not at all” are sometimes referred to as “Less than ‘very well.’”

After data are collected for each person in the household, the limited English-speaking household variable is calculated by checking if all people 14 years old and older speak a language other than English. If so, the calculation checks the English-speaking ability responses to see if all people 14 years old and older speak English “Less than ‘very well.’” *If all household members 14 and over speak a language other than English and speak English “Less than ‘very well,’” the household is considered part of this group that may be in need of English language assistance.*

There are approximately 1,255 limited English speaking households residing in Brawley. All limited English speaking households speak Spanish.

6. Primary Language

In California, “primary language” is a protected class. Primary language means that people whose first language is not English are protected from housing discrimination. Tenants have the right to use their preferred language and private housing providers do not have to provide a translator, but they must speak with a translator if the tenant has one. Tenants whose first language is not English should not be treated differently, harassed, or refused housing/services.

7. Source of Income Discrimination

The California Fair Employment and Housing Act (FEHA) protects people from housing discrimination. The latest amendment to the law regarding source of income protections adds people using a federal, state, or local housing subsidy to this list of protected groups. This means, beginning on January 1, 2020, housing providers, such as landlords, cannot refuse to rent to someone, or otherwise discriminate against them, because they have a housing subsidy, such as a Section 8 Housing Choice Voucher, that helps them to afford their rent.

The new law prohibits discrimination against any applicant because the applicant is using a federal, state, or local housing subsidy to assist with paying rent. Section 8 Housing Choice Vouchers, the HUD- VASH program, Homelessness Prevention and Rapid Re-Housing Programs, Housing Opportunities for Persons with AIDS and security deposit assistance programs, among others, all fall within the scope of the new law's protection. This list of protected subsidies also includes locally funded subsidy programs created by cities, counties and public agencies to address growing homelessness.

APPENDIX C
SITES INVENTORY AND ANALYSIS

A. GOVERNMENT CODE REQUIREMENTS

In Government Code Section 65580(f) the California legislature finds and declares that -

Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals

Guidance on how to complete the sites inventory and analysis is provided by HCD in the following Guidebook:

California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, 44 pages

According to HCD's *Guidebook*:

The purpose of the housing element's site inventory is to identify and analyze specific land (sites) that is available and suitable for residential development in order to determine the jurisdiction's capacity to accommodate residential development and reconcile that capacity with the jurisdiction's Regional Housing Need Allocation (RHNA). The site inventory enables the jurisdiction to determine whether there are sufficient adequate sites to accommodate the RHNA by income category. A site inventory and analysis will determine whether program actions must be adopted to "make sites available" with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Sites are suitable for residential development if zoned appropriately and available for residential use during the planning period. If the inventory demonstrates that there are insufficient sites to accommodate the RHNA for each income category, the inventory must identify sites for rezoning to be included in a housing element program to identify and make available additional sites to accommodate those housing needs early within the planning period.

The land inventory must identify sites that –

- Can be developed for housing within the 8-year planning period of 2021 to 2029
- Sufficient to provide for a jurisdiction's share of the regional housing need for each income level – lower, moderate and above moderate

B. CRITERIA THAT DETERMINE "ADEQUATE" HOUSING SITES

Brawley's share of the RHNA is 1,426 housing units: 609 lower income, 202 moderate income, and 615 above moderate income housing units.

Several criteria must be satisfied by a site to be deemed "adequate" to accommodate the Brawley's share of the RHNA. For example, sites should be neither too small nor too large and they should be zoned at densities that are appropriate to accommodate the RHNA by income group.

1. Types of Sites

A "site" is a parcel or group of parcels that can accommodate a portion of the City's RHNA. There are many types of sites including:

- Vacant sites zoned for residential use (e.g., R-1 zoned lots)
- Vacant sites zoned for nonresidential use that allow residential development
- Residentially zoned sites that are capable of being developed at a higher density (non-vacant sites, including underutilized sites)
- Sites owned or leased by a city, county, or city and county
- Sites zoned for nonresidential use that can be redeveloped for residential use including a program to rezone the site to permit residential use
- Pending, approved, or permitted development

None of the sites identified in the land inventory are owned or leased by a public agency (e.g., Imperial Valley Housing Authority).

2. Size of Sites

To be deemed adequate to accommodate housing for lower income households, the size of sites should be neither too small nor too large.

a. “Small” Sites Are Inadequate

A parcel smaller than one half acre is considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on these sites is realistic or feasible.

None of the sites included in the City’s sites inventory are smaller than one half acre.

b. “Large” Sites Are Inadequate

Parcels larger than 10 acres, according to HCD, are considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on such sites was successful during the prior planning period, or there is other evidence that the site is realistic and feasible for lower income housing.

None of the sites included in the City’s sites inventory are larger than 10 acres.

3. No Net Loss Law

The “no net loss” law encourages cities to identify in the land inventory sites with a total housing unit capacity that exceeds the RHNA allocation for each income group. HCD provides the following guidance:

To comply with the No Net Loss Law, as jurisdictions make decisions regarding zoning and land use, or development occurs, jurisdictions must assess their ability to accommodate new housing in each income category on the remaining sites in their housing element site inventories. A jurisdiction must add additional sites to its inventory if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category.

To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, it is recommended the jurisdiction create a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA. Jurisdictions can also create a buffer by

projecting site capacity at less than the maximum density to allow for some reductions in density at a project level.

Source: California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, page 22

4. Non-Vacant Sites

When a city relies on non-vacant sites, the first step is to demonstrate the existing uses “do not constitute an impediment to additional residential development.” An analysis also must be completed of the City’s track record in facilitating development and market conditions that will encourage new housing development.

None of the sites included in Brawley’s land inventory are non-vacant.

5. Sites to Affirmatively Further Fair Housing

AB 686 requires a jurisdiction’s site inventory “...shall be used to identify sites throughout the community, consistent with...” its duty to affirmatively further fair housing. The identified sites must be evaluated relative to segregation and integration, racially and ethnically concentrated areas of poverty, areas of affluence, access to opportunity, and disproportionate housing needs.

HCD has stated that the California Tax Credit Allocation Committee/California Department of Housing and Community Development Opportunity Maps are one possible resource that jurisdictions may use to identify “low” resource areas and “areas of segregation and concentration”.

Another resource for identifying “acceptable” compared to “non-acceptable” neighborhoods as a location for affordable housing is HUD’s definition of “racially/ethnically concentrated areas of poverty.” The data presented in Appendix B – *Assessment of Fair Housing* – demonstrates that Brawley has one Re/ECAP. TCAC/HCD uses a 30% poverty threshold compared to HUD’s poverty threshold of 40%.

C. SITES TO ACCOMMODATE THE ABOVE MODERATE INCOME RHNA OF 615 HOUSING UNITS

The total RHNA allocation is 1,426 housing units of which 615 are above moderate income housing units. In 2021, a 4-person above moderate income family had an annual income of \$84,851 or more.

Attachment A identifies eight sites that have a combined capacity of 1,912 housing units:

Seven individual projects provide for the development of 763 single family dwellings. One Specific Plan Site is zoned R-1 and has a capacity of 1,149 housing units.

A map identifying the location of the eight sites is included in Attachment A.

D. SITES TO ACCOMMODATE THE MODERATE INCOME RHNA OF 202 HOUSING UNITS

The total RHNA allocation is 1,426 housing units of which 202 are moderate income housing units. In 2021, a 4-person moderate income family had an annual income of no more \$84,850.

Four entitled sites and one zoned site with a combined capacity of 633 housing units accommodate the moderate income housing need.

Entitled Sites

▪ Florentine Springhouse	54 condos
▪ Tangerine Gardens North	35 condos
▪ Los Suenos	30 condos
▪ Main Street Residential	<u>13</u> multifamily units 132 housing units

Zoned Site

▪ La Paloma	511 townhomes
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Attachment B contains information on the five sites and a map of the sites.

The townhome and condominium housing units will likely have prices that are not affordable to lower income households. The prices are likely to be below those of single-family detached homes. Therefore, the housing units will accommodate the needs of moderate income households.

The Main Street residential development will be a market rate rental housing development.

E. SITES TO ACCOMMODATE THE LOWER INCOME RNA OF 609 HOUSING UNITS

The total RNA allocation is 1,426 housing units of which 609 are lower income housing units. In 2021, a 4-person lower income family had an annual income of no more \$55,900.

1. Factors Facilitating the Production of Affordable Housing

Three factors combine to facilitate the production of affordable housing:

- Density
- Project Size
- Parcel Size

Density, project size and parcel size work in tandem to facilitate the production of affordable housing.

Two affordable housing developers were asked to provide input on appropriate densities and project sizes for affordable housing developments. The two developers Chelsea Development Corporation and AMG Land both indicated that a density of 20 dwelling units per acre is not an absolute necessity to facilitate the development of affordable housing.

Chelsea Development Corporation has developed an affordable housing project in Brawley at a density of 15 dwelling units per acre. The project is a 60-unit, two-story apartment development on a four acre site.

The two developers also pointed out that project size is an important factor. The optimum project sizes are in the range of 40 to 80 housing units. Chelsea has developed several projects in Imperial Valley that range from 60 to 80 apartment units. AMG stated that in “tertiary communities” like Brawley the average size project would be 40 to 60 apartment units.

In 2020, the average size of the 387 Low Income Housing Tax Credit projects was 67 housing units.

One developer stated that the company limits apartment buildings to 3-stories in order to avoid putting in elevators.

One developer offered the following as important considerations:

- The size of the lot makes a huge difference as to the product placed on the lot to yield 60 to 80 apartments.
- 3-story buildings are efficient and require no elevators.
- The code should say up to 20 du/acre or provide a range of densities (MF-1: 12 du/acre to 20 du/acre or MF-2: 20 du/acre to 30 du/acre)
- 15 du/acre on 4 acres will generate a two-story walkup with say 12 units per building. (60 apartments)
- 20 du/acre on 4 acres will generate a two-story walkup with 16 units per building. (80 apartments)
- 30 du/acre on 4 acres will generate a three-story walkup with one large building. (we would build 2-60 unit phases)

Both developers suggested that the densities should be expressed as a minimum to a maximum such as:

- 17.0 to 20.0 dus/ac
- 20.1 to 24.0 dus/ac

The City plans to establish a residential district permitting 20.1 to 24.0 dwelling units when the General Plan is updated in 2024-2025.

2. Default Densities Accommodate the Lower Income RHNA

According to HCD, the statute allows jurisdictions to use higher density as a proxy for lower income affordability, as long as certain statutory requirements are met. Parcels must be zoned to allow sufficient density to accommodate the economies of scale needed to produce affordable housing. To make this determination, the statute allows the jurisdiction to demonstrate that the zoning allows a specific density set forth in the statute (default density).

In Brawley, the default density must allow for at least 20 dwelling units per acre.

“At least” means the density range allowed on the parcel by the zone has to include the default density.

The following two developments are zoned at a minimum density of 20 dwelling units per acre.

- Eastern Ridge Apartments 20 du/ac 93 units
- Brawley Senior Apartments 22.95 du/ac 56 units
149 units

3. Approved Developments with Lower Income Rents Accommodate the RHNA

Three approved developments will have monthly rents affordable to lower income households:

▪ Ocotillo Springs Apartments	75 units	AHSC & Joe Serna Farm Worker financing
▪ Adams Park II Apartments	60 units	Low Income Housing Tax Credits
▪ 616 Main Street	<u>4 units</u>	Density bonus units
139 units		

The Ocotillo Springs and Adams Park III apartment developments have obtained financing that requires the monthly rents to be affordable to lower income households.

The Ocotillo Springs Apartments received funding from the Affordable Housing and Sustainable Communities (AHSC) Program which was supplemented by the Joe Serna Farm Worker Program. The AHSC Program requires the development to charge an “affordable rent” including a reasonable utility allowance. Affordable rents are calculated according to the standard set forth in Health and Safety Code Section 50053:

- For extremely low income households the product of 30% times 30% of the area median income adjusted for family size appropriate for the unit.
- For very low income households, the product of 30% times 50% of the area median income adjusted for family size appropriate for the unit.
- For lower income households whose gross incomes exceed the maximum income for very low income households, the product of 30% times 60% of the area median income adjusted for family size appropriate for the unit.

In the past five years ending in 2020, 387 projects were awarded Low Income Housing Tax Credits by the California Tax Credit Allocation Committee. The monthly rents were affordable to the following three income groups:

- Extremely Low Income (less than 30% AMI) 29% of all units
- Very Low Income (30.1 to 50.0% AMI) 46% of all units
- Low Income (50.1 to 80.0% AMI) 25% of all occupants

By law, density bonus units must be affordable to lower income households. The City and developer have signed an agreement that requires the monthly rents to be affordable to lower income households.

4. Sites Zoned at 15+ Dwelling Units Per Acre

In Brawley, affordable housing developments have been developed at less than 20 dwelling units per acre. Adams Park II and Malan Street I Apartments, for example.

Five sites are zoned at densities ranging from 16.94 to 19.55 dwelling units per acre.

Table C-1 identifies the sites accommodating the lower income housing sites by category: default density; lower income rents; and densities that accommodate and facilitate the development of affordable housing.

Table C-1
City of Brawley
Sites Accommodating the Lower Income RHNA
By Category July 1, 2021

Project Name	Number of Housing Units	Category
Brawley Senior Apartments	56	Default Density
Eastern Ridge Apartments	93	Default Density
616 Main Street	4*	Lower Income Rents
Ocotillo Springs Apartments	75	Lower Income Rents
Adams Park II Apartments	60	Lower Income Rents
Toscana	45	R-3 Zoning
Paddock Apartments	50	R-3 Zoning
Adams Park III	80	R-3 Zoning
Meadowbrook	81	R-3 Zoning
La Paloma	140	R-3 Zoning
Total	684	

*Density bonus units

Attachments A, B and C provide the following information for each site included in the inventory:

- Assessor Parcel Number (APN)
- Address
- Land Use Element Designation
- Zone
- Acres
- Density
- Vacant/Non-Vacant Status
- Approved Development (including affordable housing financing)
- Census Tract/Block Group
- Resource Category: High or Moderate Resource

A map identifying the location of the 11 sites is included in Attachment C.

F. SITES TO AFFIRMATIVELY FURTHER FAIR HOUSING

1. Background

Pursuant to AB 686, for housing elements due on or after January 1, 2021, sites must be identified “throughout a community” in a manner that affirmatively furthers fair housing opportunities (Government Code Section 65583(c)(10)).

The Government Code provides no meaningful guidance to either HCD or jurisdictions regarding the practical meaning of “throughout a community.”

Additionally, HCD has stated that the sites identified to accommodate the lower-income need should not be concentrated in low-resourced areas (e.g., lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty.

No guidance has been provided to jurisdictions on what “concentration” really means.

HCD identifies one resource that jurisdictions may use to identify “low” resource areas and “areas of segregation and concentration”. That resource is the California Tax Credit Allocation Committee/California Department of Housing and Community Development Opportunity Maps.

According to the *Guidebook*:

When determining sites to include in the inventory to meet the lower income housing need, HCD recommends that a local government first identify development potential in high opportunity neighborhoods. This will assist the local government in meeting its requirements to affirmatively further fair housing and ensure developments are more competitive for development financing.

As explained in more detail later, projects in fact do not have to be located in high opportunity neighborhoods to be competitive for LIHTC or funding from the AHSC Program.

Within any given TCAC/HCD “region, however,” only 20% of the census tracts are each designated as “highest” and “high” resource. That means that 60% of the census tracts are identified as either moderate or low resource or high segregation and poverty. Therefore, the probability of every city having “highest” and “high” resource neighborhoods is very limited.

In fact, many cities – especially cities small in both population and geographic extent – are comprised entirely of census tracts rated high segregation and poverty and low resource. Applications for Low Income Housing Tax Credits for projects located in high segregation and poverty neighborhoods are often awarded funds in part because the sites are able to garner all the site amenities points (15).

Furthermore, the TCAC/HCD Opportunity Mapping is intended to only define opportunity for large family affordable housing developments. The opportunity mapping should not be interpreted as identifying any level of resource or opportunity in regard to senior housing, supportive housing, transitional housing, SRO housing, or any other housing type not serving low income, large families.

In Brawley, the above described issues do not exist. All of the lower income housing sites are located in either moderate or high resource neighborhoods.

2. Evaluation of Sites Relative to AFFH

a. Integration/Segregation

1. Dissimilarity Index

In 2000 and 2010, there is a low level of segregation among four population group pairings residing in Brawley. A moderate level of segregation existed in the two time periods among the White and Hispanic populations. The trends since 1990 show a decreasing level of segregation among the White and Black populations and the White and Hispanic populations. Refer to Table C-2.

Table C-2
City of Brawley
Index of Dissimilarity: 1990, 2000, and 2010

Racial/Ethnic Dissimilarity Index	1990	2000	2010
White-Black/Black-White	56.5	36.5	36.1
White-Hispanic/Hispanic-White	50.6	48.6	42.2
White-Asian/Asian-White	20	8	5.1
Black-Hispanic/Hispanic-Black	5.9	12.7	7.2
Black-Asian/Asian-Black	47.6	32.7	36.5
Hispanic-Asian/Asian-Hispanic	41.6	41.2	41.1

Source: Brown University Diversity & Disparities Project

More details on the Dissimilarity Index are found in Appendix B, pages B-13 to B-15.

2. Divergence Index

Another way to measure integration/segregation is UC Berkeley's Divergence Index. The lowest possible value of the Divergence Index is "0" when the demographics of a geography does not differ, or *diverge*, from that of the larger geography, suggesting no segregation, whereas higher values suggest higher divergence, and hence higher segregation.

The UC Berkeley Divergence Index calculates three levels of segregation:

- High segregation
- Low-medium segregation
- Racially Integrated

The Divergence Index shows that Brawley's four census tracts have a low/medium level of segregation.

Therefore, none of the sites identified to accommodate the RHNA are located in high segregation neighborhoods.

With regard to socio-economic patterns, the household incomes, housing development consistent with the RHNA will gradually decrease the proportion of the population with lower incomes. The RHNA income distribution is:

▪ Lower Income	42.7%
▪ Moderate and Above Moderate Income	57.3%

b. Racially/Ethically Concentrated Areas of Poverty

Census Tract 104 – which has a population of 7,303 - meets the thresholds of poverty and minority population percentage – to be identified as an R/ECAP. The 2021 TCAC opportunity mapping identifies three block groups within Census Tract 104 as Moderate Resource: BG 2, BG 4 and BG 5. The combined population of the three block groups is 5,058. A neighborhood resource category was not assigned to Block Groups 1 and 3 which have a combined population of 2,245 people.

c. Areas of Affluence

HCD defines “areas of affluence” as census tracts/neighborhoods in which 80% of the population is White, not Hispanic and the median household income is \$125,000 or more. Brawley does not have an area of affluence.

Therefore, none of the sites included in the land inventory are located in an area of affluence.

d. Access to Opportunity

1. Opportunity Mapping Tool

The TCAC/HCD Opportunity Mapping Tool is based on 12 indicators of access to opportunity. Neighborhoods – meaning census tracts – located within the Inland Empire Region are designated into one of the following six categories of access to opportunity.

- Highest
- High
- Moderate
- Moderate (Rapidly Changing)
- Low
- High Segregation & Poverty

2. Opportunity Categories of Housing Sites

The sites identified to accommodate the RHNA are located throughout the City – 24 sites are located in three census tracts. Table C-3 provides the following information for each site included in the inventory:

- Income group accommodated by the site
- Number of housing units
- Housing type
- Neighborhood resource category

One census tract has sites accommodating lower and above moderate income housing needs.

Two census tracts have sites accommodating lower, moderate, and above moderate income housing needs.

The lower income housing sites are not isolated but are integrated with moderate and above moderate income housing sites.

Lower income sites are located in high and moderate resource neighborhoods. None of the lower income housing sites are located in low resource or segregated neighborhoods.

The sites also provide a good mix of housing types – 57% and 43% of the housing units are single-family and multi-family dwellings, respectively.

Table C-3
City of Brawley
Sites Inventory Description

Census Tract	Block Group	Income Group	House Units	Housing Type	Resource Category
104	4	Above Mod	133	SFD	Moderate
104	2	Lower	60	MF	Moderate
104	4	Lower	75	MF	Moderate
104	4	Lower	80	MF	Moderate
104	4	Lower	81	MF	Moderate
106	2	Above Mod	120	SFD	High
106	2/4	Above Mod	250	SFD	High
106	4	Above Mod	4	SFD	Moderate
106	4	Above Mod	32	SFD	High
106	4	Above Mod	96	SFD	High
106	4	Above Mod	128	SFD	High
106	2	Moderate	13	MF	High
106	4	Moderate	35	Condos	High
106	4	Moderate	54	Condos	High
106	4	Moderate	105	Condos	High
106	2	Lower	4	Density Bonus	High
107	3	Above Mod	1,149	SFD	High
107	1	Moderate	30	Condos	Moderate
107	3	Moderate	511	Townhomes	High
107	2	Lower	56	Senior	High
107	3	Lower	45	MF	High
107	3	Lower	50	MF	High
107	3	Lower	93	MF	High
107	3	Lower	140	MF	High

Table C-4
City of Brawley
Housing Type by Census Tract

Census Tract	SFDs	Condos/ Townhouse	Multifamily	Seniors	Total
104	133	0	296	0	429
106	630	194	17	0	841
107	1,149	541	328	56	2,074
Total	1,912	735	641	56	3,344
Percent	57.1%	22.0%	19.2%	1.7%	100.0%

3. TCAC Reliance on Census Tract Opportunity Categories

In making decisions on awarding Low Income Housing Tax Credits to specific projects, TCAC does not use the opportunity mapping as an absolute criterion. The list below shows the distribution of tax credit projects by neighborhood resource category:

▪ Highest Resource	10.1%
▪ High Resource	11.1%
▪ Moderate Resource	19.4%
▪ Low Resource	31.2%
▪ High Segregation and Poverty	27.9%

The majority of developed and approved LIHTC projects are not located in the “high” and “highest” resource neighborhoods. The Termer Center found that 21% of the new construction 9% LIHTC projects built between 2008 and 2019 was located in the “highest” and “high” resource census tracts. However, more projects were approved in “high segregation and poverty” neighborhoods (27.9%) than in the “highest” and “high” neighborhoods combined (21.2%)

More recently, 63 applications were submitted to TCAC in the 2020 Round 1. Five of the 63 applications were located in either a highest or high resource census tract. Three of the five projects were awarded tax credits and they are located in Reedley, Santa Monica, and Alpine.

Consequently, based on past history and practice, it is very likely that a tax credit application for a project located in Census tract 104 would not be denied an award of tax credits based on the fact that is located in a racially-ethnically concentrated area of poverty.

In other words, the Tax Credit Allocation Committee would not consider that approving a tax credit application for a project located in Census Tract 104 is “exacerbating” a problem.

Moreover, the AHSC Program targets funding to low income, disadvantaged neighborhoods. The Ocotillo Springs Apartments was the first project in Imperial County to be awarded AHSC funding. The apartment development is located in Census Tract 104.

e. Disproportionate Housing Needs

The impact on disproportionate housing needs of affordable housing developments at the lower income housing sites cannot be foreseen because of two reasons: 1) the types of affordable housing (e.g., senior, family) that will be developed during the 8-year planning period are unknown; and 2) the race and ethnicity of future occupants is unknown.

The types of projects awarded Low Income Housing Tax Credits provide insights on the housing types that could be built on the affordable housing sites. In the past five years, tax credits have helped to finance the following housing types:

▪ Large Family	47.8%
▪ Special Needs	27.4%
▪ Seniors	15.5%
▪ At-Risk	8.5%
▪ SRO	0.8%

It is assumed that the affordable housing developments will reduce the cost burdens of all fair housing classes that occupy the housing.

It is not possible to project how the development of housing accommodating the three income groups would change Brawley's segregation index scores. The percentage of future occupants by race and ethnicity is unknown.

G. INFRASTRUCTURE

The 11 lower income housing sites (Attachment C) have or will have adequate infrastructure to begin development later in 2021. Infrastructure was determined to be adequate during the Site Plan Review process, which was completed prior to approval of the development by the Planning Director, Planning Commission, or City Council.

The City of Brawley provides wastewater collection, treatment, and disposal services for residential, commercial and industrial uses. The Public Works Department plans, constructs, and maintains the sewage system.

DOF estimates Brawley's current population to be 27,326 persons (1/1/21). The Wastewater Master Plan (WWMP) projects an average daily flow of 5.83 MGD for a population of 39,873. The capacity of the existing wastewater treatment plant is 5.9 MGD, which is more than existing average flow of 3.84 MGD.

There is enough capacity to handle the population growth resulting from the RHNAs. The population growth resulting from the RHNAs added to the current population will not reach the WWMP population of 39,873.

New developments are responsible for adding or upgrading infrastructure, if needed. Future developments are responsible for the costs of the sewer infrastructure within and directly benefitting their project. This infrastructure may include sewer laterals connected to new structures, collection mains with manholes, pump stations, and new mains, if required, all of which collect sewage directly from the project.

The City of Brawley provides potable water treatment and distribution within the city limits and Sphere of Influence boundaries.

The existing storage volume of 9MG exceeds the average annual demand of 5.7 MG resulting from the City's current population of 27,326 and the added population of 4,200 resulting from RHNAs growth.

Water distribution systems within new developments are developer-driven and are paid for by developers as development occurs. The infrastructure may include storage facilities, pumps, water mains, and distribution pipelines, all of which provide water directly to the project site.

H. DRY UTILITIES

Electric: The City coordinates the provision of electricity and other services for new development to ensure that adequate rights-of-way, easements, and improvements are provided. Electricity is provided by Imperial Irrigation District (IID).

Telecommunications: AT&T (formerly SBC) provides telecommunications service to the City. The California Public Utilities Commission sets the performance standard through a series of established tariffs.

Natural Gas: The City coordinates with the natural gas supplier, Southern California Gas Company when new development occurs to ensure adequate rights-of-way and easements are provided. The City has developed policies to promote energy conservation, and new development is required to conform to State Title 24 Energy Regulations. Natural gas supply and infrastructure are well established and can be extended as development proceeds.

I. ENVIRONMENTAL CONDITIONS

Environmental analysis was completed prior to the approval of the vacant sites/projects listed Attachments A, B, and C. Likewise, environmental analysis was completed prior to the approval of the *Brawley Downtown Specific Plan*.

The environmental analysis found no conditions that would constrain development of the sites. The sites are well suited to residential development and no major grading is required on these parcels. Also, the sites are not located within the floodplain of the Tijuana River Valley and none are known to be situated directly over the fault lines. Finally, none of the identified parcels fall under the provisions of the Williamson Act and, therefore, are located within agricultural preserve.

Attachment A
List of Sites Accommodating the Above Moderate Income Housing Need

1. Project: Latigo Ranch

APN: 048-411-011

Address: West of Dogwood Rd., east of future Western Ave. south of future Wildcat Dr.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 77.79 acres

Vacant/Non-Vacant: Vacant

Approved Development: 250 single family dwellings remain to be built

Census Tract: 106 Block Groups 2, 4

Resource Category: High

2. Project: Palm River

APN: 047-060-031

Address: NWC of River Dr. and N. Palm Ave.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 24.49 acres

Vacant/Non-Vacant: Vacant

Approved Development: 133 single family dwellings -- 47 SF lots and 86 zero lot lines

Census Tract: 104 Block Group 4

Resource Category: Moderate

3. Project: South Pointe

APN: 048-240-027

Address: East of Legion St., adjacent to SW edge of city limits

Land Use Element Designation: Rural Residential

Zone: R-E (Residential Estate)

Acres: 6.88 acres

Vacant/Non-Vacant: Vacant

Approved Development: 4 single family estate lots

Census Tract: 106 Block Group 4

Resource Category: High

4. Project: Victoria Park

APN: 048-250-075

Address: South of Malan St., west of Dogwood Rd., north of proposed Panno St.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 76.6 acres

Vacant/Non-Vacant:

Approved Development: 120 single family remain to be built

Census Tract: 106 Block Group 2

Resource Category: High

5. Project: Malan Park

APN: 048-250-067

Address: South of Malan St., west of Victoria Park subdivision, east of Gateway, north of future Wildcat Dr.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 63.34

Vacant/Non-Vacant:

Approved Development: 96 units approved and remain to be developed

Census Tract: 106 Block Group 4

Resource Category: High

6. Project: Tangerine Gardens South

APN: 048-240-020

Address: South of Tangerine Gardens MHP

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 7.73

Vacant/Non-Vacant: Vacant

Approved Development: 32 SF units (4.13 dus/ac)

Census Tract: 106 Block Group 4

Resource Category: High

7. Project: Gateway (name of prior approved Specific Plan)

APN: 048-420-001

Address: Brawley Avenue/Future Western Avenue

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 25.5

Vacant/Non-Vacant: Vacant

Approved Development: None

Housing Capacity: 128 units (based on prior Specific Plan approval)

Census Tract: 106 Block Group 4

Resource Category: High

8. Project: La Paloma (name of prior approved Specific Plan)

APN: 049-270-026, 049-270-027, 049-270-035, 049-270-036, 049-270-030, 049-270-031, 049-270-032, 270-270-033,

Address: Malan Street/Cesar Chavez Street/Eastern Avenue

Zone: R-1

Acres: 243.08

Vacant/Non-Vacant:

Approved Development: None

Housing Capacity: 1,149 single family dwellings

Census Tract: 107 Block Group 3

Resource Category: High

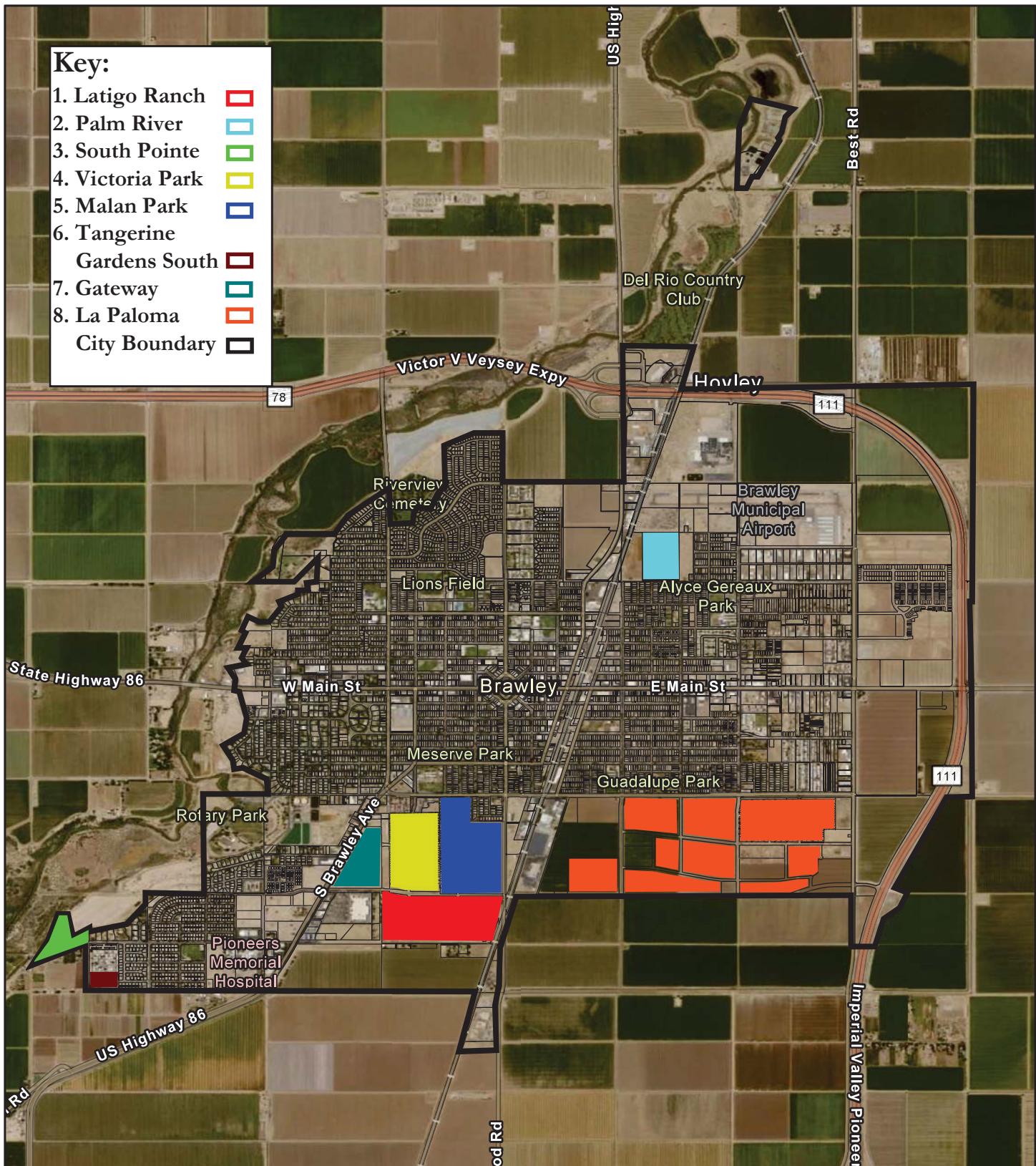


Exhibit A-1:
Map of Above Moderate Income Housing Sites

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



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Attachment B
List of Sites Accommodating the Moderate Income Housing Need

1. Project: Florentine (Springhouse)

APN: 048-250-097, 048-460-111 & 112

Address: West of Hwy 86, east of Willard Ave., south of Del Norte Chevrolet

Land Use Element Designation: Medium Density

Zone: R-3

Acres: 17.67

Vacant/Non-Vacant: Vacant

Approved Development: 54 condos @ 9 dus/ac remain to be constructed

Census Tract: 106 Block Group 4

Resource Category: High

2. Project: Tangerine Gardens North

APN: 048-450-036 & 020

Address: 335 W. Legion Street (adjacent to existing mobile home park @ 335 W. Legion St.)

Land Use Element Designation: Medium Density

Zone: R-3

Acres: 1.61

Vacant/Non-Vacant: Vacant

Approved Development: Map approved for 35 condos

Census Tract: 106 Block Group 4

Resource Category: High

3. Project: Main Street Residential

APN: 049-023-002

Address: 616 Main Street

Land Use Element Designation: Mixed use

Zone: CM Civic Center Main Street

Acres: .34 (15,000 SF)

Vacant/Non-Vacant: Existing 2-story building

Approved Development: 13 multi-family units and 4 density bonus units

Census Tract: 106 Block Group 2

Resource Category: High

4. Project: Los Suenos

APN: 047-320-027

Address: 1663 I Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 1.95

Vacant/Non-Vacant: Vacant

Approved Development: 30 condo units (15.38 dus/ac)

Census Tract: 107 Block Group 1

Resource Category: Moderate

5. Project: La Paloma (name of prior approved Specific)

APN: 049-049-270-028, 049-270-037, 270-065, 049-270-067

Address: Malan Street/Cesar Chavez Street; Malan Street/Eastern Avenue

Land Use Element Designation: La Paloma Specific Plan

Zone: TH-12

Acres: 46.72

Vacant/Non-Vacant Agriculture

Approved Development: None

Housing Capacity: 511 town homes

Census Tract: 107 Block Group 3

Resource Category: High

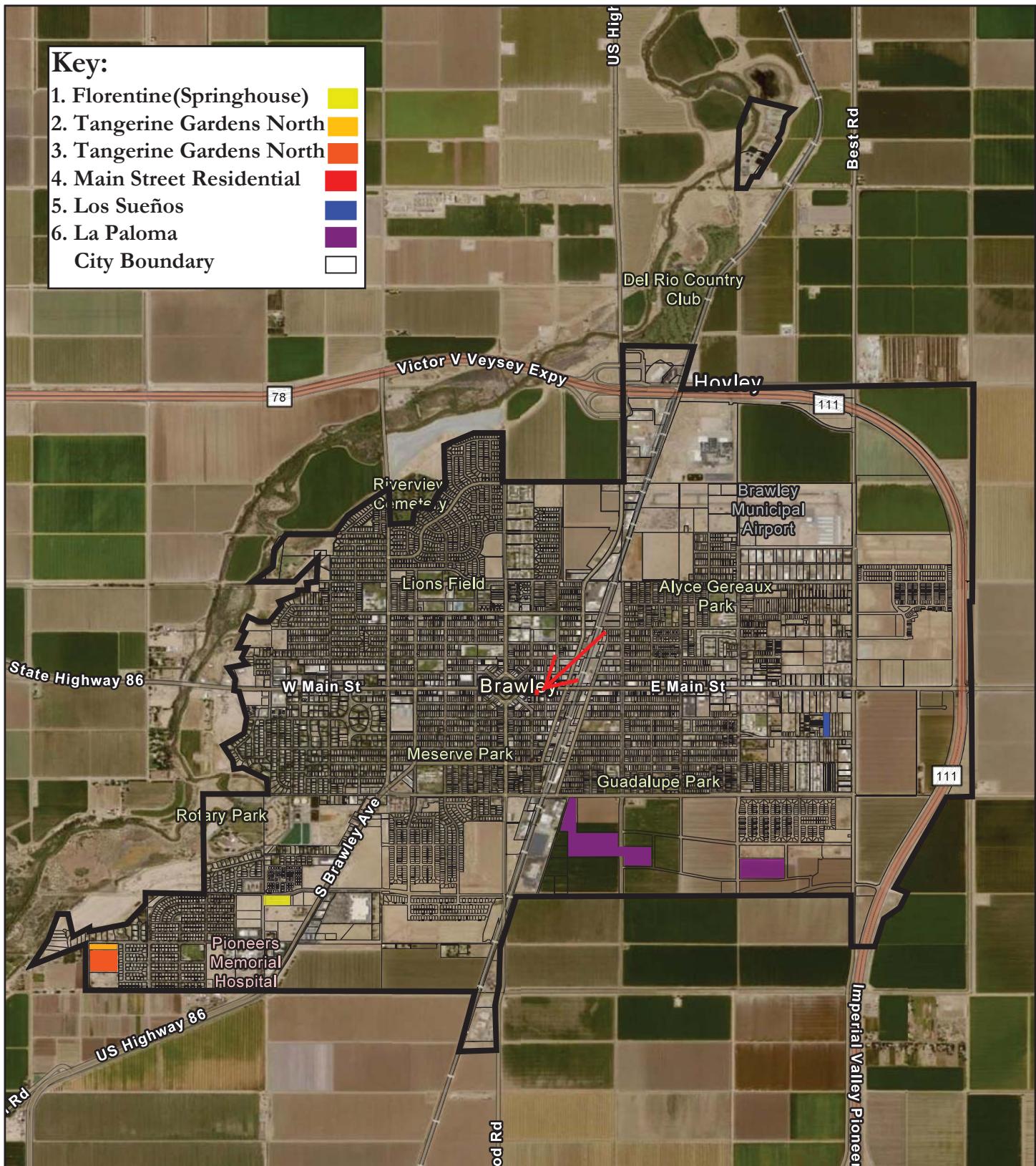


Exhibit B-1

Map of Moderate Income Housing Sites

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

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Attachment C
List of Sites Accommodating the Lower Income Housing Need

1. Project: Adams Park II (Serenita Apartments)

APN: 047-480-039

Address: 1598 C Street (south side of C St, west of Best St., east of N. Eastern Ave.)

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 4.085

Density: 15 dus/ac; approved at 20 dus/ac

Approved Development: 60 multifamily units; LIHTC equity financing

Vacant/Non-Vacant: Vacant

Census Tract: 104 Block Group 4

Resource Category: Moderate Resource

2. Project: Ocotillo Springs Apartments

APN: 047-320-103

Address: 350 18th Street (**1520 Jones St.**)

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 3.78

Density: 19.84 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 75 multifamily units; AHSC financing, Joe Serna Farmworker Housing Grant; and USDA financing

Census Tract: 104 Block Group 4

Resource Category: Moderate Resource

3. Project: Adams Park III (Serenita Apartments)

APN: 047-480-039

Address: 1598 C Street (south side of C St, west of Best St., east of N. Eastern Ave.)

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 4.092

Density: 19.55 dus/ac; approved at 20 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 80 multi-family apartments; Lot 3 (Phase 3 of affordable housing project)

Census Tract: 104 Block Group 4

Resource Category: Moderate Resource

4. 616 Main Street Density Bonus Units

APN: 049-023-002

Address: 616 Main Street

Land Use Element Designation: Mixed Use

Zone: Civic Center Main Street

Acres: 0.34 acres (15,000 square feet)

Density: N/A

Vacant/Non-Vacant: Non-Vacant (vacant building)

Approved Development: 4 density bonus units (total project = 17 housing units)

Census Tract: 106 Block Group 2

Resource Category: High

5. Project: Eastern Ridge Apartments

APN: 047-380-047 and 047-380-048

Address: 1556 I Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 4.64

Density: 20.0 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 93 multi-family apartments

Census Tract: 107 Block Group 3

Resource Category: High

6. Project: Paddock Apartments

APN: 047-380-031

Address: 1603 Malan Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 2.92

Density: 17.12 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 50 units

Census Tract: 107 Block Group 3

Resource Category: High Resource

7. Project: Brawley Senior Apartments

APN: 049-060-016, 039 &040

Address: 151 & 205 South Eastern Avenue

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 2.44

Density: 22.95 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 56 senior apartments

Census Tract: 107 Block Group 2

Resource Category: High Resource

8. Project: R-3 Zoned Site (formerly Meadowbrook)

APN: 047-430-010, 11, 12, 15

Address: 1510-1514 River Drive

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 4.78

Vacant/Non-Vacant: Vacant

Approved Development: None

Housing Capacity: 81 units

Census Tract: 104 Block Group 4

Resource Category: Moderate Resource

9. Project: R-3 Zoned Site (formerly Toscana)

APN: 047-320-061

Address: 1545 I Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 2.62

Vacant/Non-Vacant: Vacant

Approved Development: None

Housing Capacity: 45

Census Tract: 107 Block Group 3

Resource Category: High Residential

10. Project: La Paloma (name of prior approved Specific Plan)

APN: 049-270-041

Address: Malan Street/Old State Highway 111

Land Use Element Residential: La Paloma Specific Plan

Zone: MF-17

Acres: 8.2

Density: 17.07 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: None

Housing Capacity: 140 multi-family housing units

Census Tract: 107 Block Group 3

Resource Category: High Resource

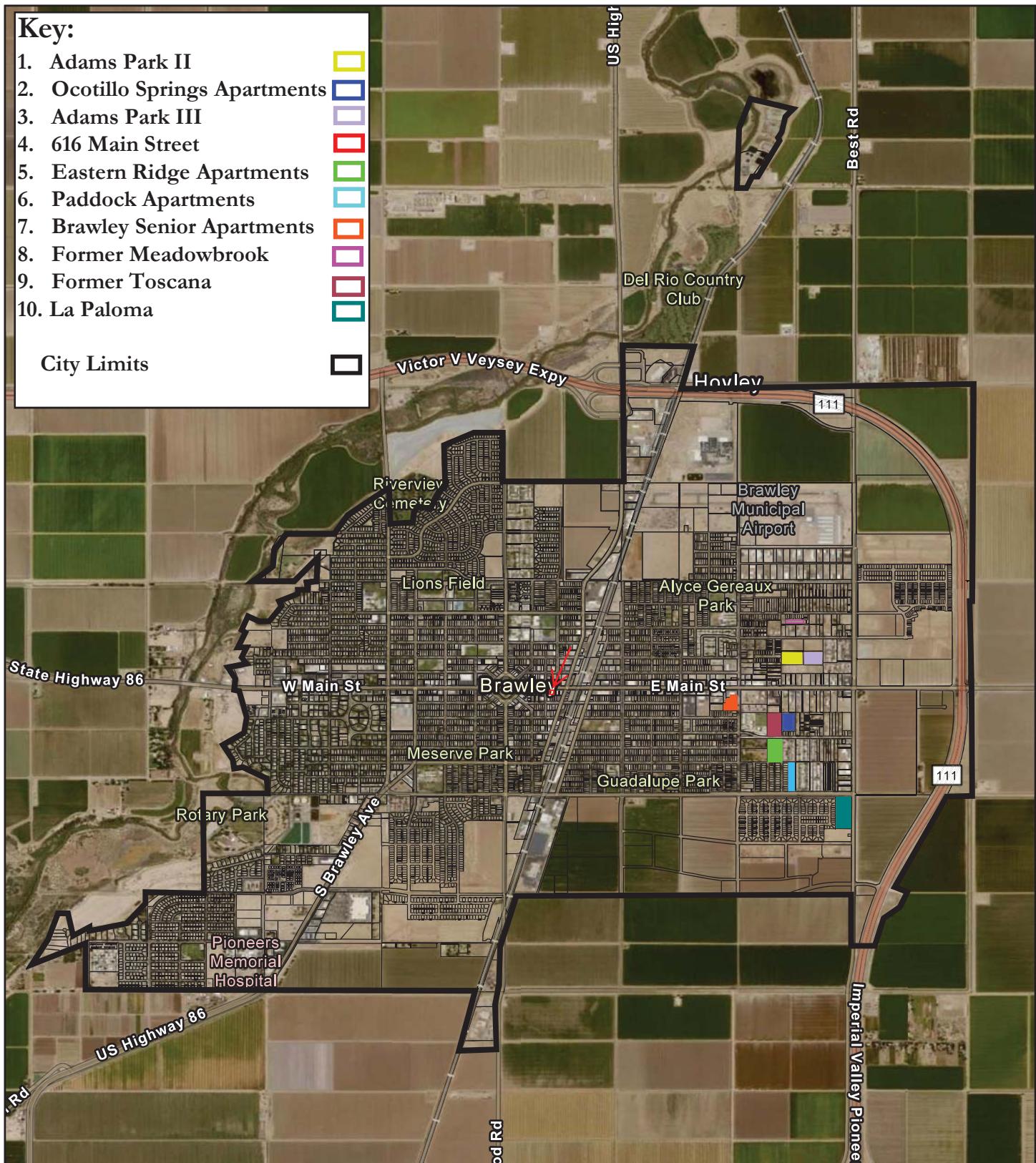
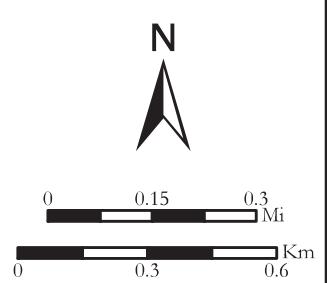


Exhibit C-1
Map of Lower Income Housing Sites

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



APPENDIX D
GOVERNMENTAL CONSTRAINTS ANALYSIS

A. SCOPE OF THE GOVERNMENTAL CONSTRAINTS ANALYSIS

Government Code 65583(a)(5) requires -

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, local processing and permit procedures*, and any *locally adopted ordinances that directly impact the cost and supply of residential development*. The analysis shall also demonstrate *local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need* in accordance with Section 65584 and from meeting *the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters* identified pursuant to paragraph (7). [Emphasis added]

Government Code Section 65583(c)(1) identifies the “types of housing” that must be permitted by the City’s Zoning Ordinance:

- Multifamily rental housing
- Factory-built housing
- Mobile homes
- Housing for agricultural employees
- Supportive housing
- Single-room occupancy units
- Emergency shelters
- Transitional housing

Government Code Section 65583(a)(7) requires –

An analysis of any special housing needs, such as those of ...persons with disabilities, including a developmental disability

In addition to the previously mentioned types of housing, Government Code Sections 65852.2 and 65852.22 provide for the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

Finally, Government Code Section 65660 et. seq. requires that local jurisdictions allow “low barrier navigation centers” by right in areas zoned for mixed use and in non-residential zones permitting multifamily residential uses, if they meet the requirements specified in Government Code Section 65662.

The Government Code requirements provide an outline for the governmental constraints analysis as follows:

- Zone Districts Permitting a Variety of Housing Types (Part B)
- Land Use Controls - Residential Zones (Part C)
- Land Use Controls – Specific Plans (Part D)
- Building Codes and Their Enforcement (Part E)
- On- and Off-Site Improvements (Part F)
- Fees and Other Exactions (Part G)

- City Processing and Permit Procedures (Part H)
- Analysis of Adopted Ordinances that Directly Impact the Cost and Supply of Housing (Part I)
- Description of Efforts to Remove Governmental Constraints that Hinder the City from Meeting its Share of the Regional Housing Need (Part J)
- Description of Efforts to Remove Governmental Constraints that Hinder the City from Meeting Special Housing Needs (Part K)

B. ZONE DISTRICTS PERMITTING A VARIETY OF HOUSING TYPES

1. Description of Residential Zones

The Zoning Ordinance establishes seven residential districts:

- Zone R-A (Residential-Agricultural). Provides for subdivisions with large lots of one acre or larger.
- Zone R-E (Residential-Estate). Provides for subdivisions with large lots. which are 20,000 square feet or larger.
- Zone R-1 (Single-Family Residential). Provides for residential areas to be developed exclusively for single-family dwellings on lots 6,000 square feet or larger.
- Zone R-2 (Low Density Multiple-Family Residential). Provides for areas suitable to accommodate low density single-family and multiple-family residential developments. One-family and two-family dwellings may be established, subject to the size of the lot or parcel of land to be built upon.
- Zone R-3 (Medium Density Multiple-Family Residential). Provides for areas suitable for location of medium-density residential developments in the form of apartment buildings and condominiums.
- Zone MHS (Mobilehome Subdivision). Provides for areas where mobile homes can be placed as permanent dwelling units on individual lots, tracts, or parcels.
- Zone MHP (Mobilehome Park). Provides for areas suitable for development of mobile home parks and travel trailer parks.

2. Housing Types Permitted by Residential Zones

Table D-1 shows the zones that allow the different types of housing listed in Government Code Section 65583(c)(1). The summary below describes the zones permitting different housing types:

- Apartments are permitted by right in the R-3 Zone. The Downtown Specific Plan permits by right attached single-family and multi-family residential units.
- Manufactured factory-built housing is permitted by right in all zones permitting single family homes. The development standards for a conventional stick-built home and a factory-built home are the same.

Table D-1
City of Brawley
Zone Districts Permitting a Variety of Housing Types

Type of Housing	R-A	R-E	R-1	R-2	R-3	MHS	MHP
Multifamily Rental Housing	X	X	X	X	P	X	X
Factory Built Housing	P	P	P	P	P	X	X
Double-wide Mobilehomes	P	P	P	P	P	P	P
Single-wide Mobilehomes	X	X	X	X	X	P	P
Housing for Ag Employees	TBA						
Supportive Housing	P	P	P	P	P	P	P
Single Room Occupancy	TBA						
Transitional Housing	P	P	P	P	P	P	P

Source: City of Brawley Zoning Ordinance

X = Use is prohibited

P = Use is permitted by right

TBA = to be added following a Zoning Ordinance Amendment

- Double-wide mobilehomes are permitted by right in all residential zones whereas single-wide mobile homes are permitted in mobilehome subdivisions and mobile home parks. The Zoning Ordinance defines a mobilehome as a residential dwelling unit at least 12 feet in width and designed to be movable on its own wheels and capable of being placed either on a permanent foundation or on other approved supports.
 - ✓ A mobilehome subdivision means a subdivision of land with lots or parcels created for the purpose of locating individual mobilehomes on each lot or parcel.
 - ✓ A mobilehome park means any lot or parcel of land where mobile home spaces are rented or leased for the placement of two or more mobilehomes, regardless of whether or not a charge is made for such accommodations.
- Supportive housing is permitted by right in all residential zones.
- Transitional housing is permitted by right in all residential zones.
- Individual emergency shelters having a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones.

3. Zoning Ordinance Amendments to Provide Additional Housing Types

HCD has stated that California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds.

The Zoning Ordinance will be amended to provide for “employee housing” as required by Sections 17021.5 and 17021.6 of the Health and Safety Code.

The Zoning Ordinance does not define SROs. The list of permitted uses in the Residential and Commercial Zones do not include SROs. In addition, development standards for SROs have not been established. The adopted *2013-2021 Housing Element* includes an action program to amend the Zoning Ordinance to include provisions for SRO housing.

“Low barrier navigation centers” are service enriched shelters providing temporary living to individuals experiencing homelessness. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of Government Code Section 65662(a)-(d). The Zoning Ordinance will be amended to provide for low barrier navigation centers.

Licensed group homes – residential care facilities – serving six or fewer persons will be permitted in all residential zones permitting single-family homes. Residential care facilities serving seven or more persons will be permitted pursuant to a conditional use permit.

Under California law -

Licensed group homes serving six or fewer residents must be treated like single-family homes or single dwelling units for zoning purposes. In other words, a licensed group home serving six or fewer residents **must be a permitted use in all residential zones in which a single-family home is permitted**, with the same parking requirements, setbacks, design standards, and the like. No conditional use permit, variance, or special permit can be required for these small group homes unless the same permit is required for single-family homes, nor can parking standards be higher, nor can special design standards be imposed. The statutes specifically state that these facilities cannot be considered to be boarding houses or rest homes or regulated as such. Staff members and operators of the facility may reside in the home *in addition* to those served. [Emphasis added]

This rule appears to apply to virtually all licensed group homes. Included are facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 – 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1, pediatric day health facilities (Health & Safety Code 1267.9; 1760 – 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

Barbara Kautz, Goldfarb & Lipman LLP, *Select California Laws Relating to Residential Recovery Facilities and Group Homes*, pages 2 and 3, presented at the Third Annual Fair Housing and Public Accommodations Symposium, Golden State University, April 22, 2011

State law -- as the summary below explains -- allows cities to require a conditional use permit for residential care facilities for seven or more persons.

Because California law only protects facilities serving six or fewer residents, many cities and counties restrict the location of facilities housing seven or more clients. They may do this by requiring use permits, adopting special parking and other standards for these homes, or prohibiting these large facilities outright in certain zoning districts. While this practice may raise fair housing issues, no published California decision prohibits the practice, and analyses of recent State legislation appear to assume that localities can restrict facilities with seven or more clients. Some cases in other federal circuits have found that requiring a conditional use permit for large group homes violates the federal Fair Housing Act. However, the federal Ninth Circuit, whose

decisions are binding in California, found that *requiring a conditional use permit for a building atypical in size and bulk for a single-family residence* does not violate the Fair Housing Act. [Emphasis added]

Barbara Kautz, Goldfarb & Lipman LLP, *Select California Laws Relating to Residential Recovery Facilities and Group Homes*, pages 3, presented at the Third Annual Fair Housing and Public Accommodations Symposium, Golden State University, April 22, 2011

The City does not consider requiring a CUP as a constraint on residential care facilities serving seven or more persons. Housing serving seven or more disabled persons may request relief through the reasonable accommodation procedure to avoid use permit requirements or to obtain modifications to traditional zoning requirements.

C. LAND USE CONTROLS – RESIDENTIAL ZONES

1. Residential Development Standards

Development standards create the parameters for building the types of housings allowed by the residential zones. The minimum lot sizes, maximum lot coverage, and setbacks establish how much of a lot a building is able to consume. The maximum building height and housing unit sizes establish the maximum number of housing units that can be built. The cumulative effect of the development standards can constrain a developer's ability to achieve the maximum density allowed by a residential zone.

The development standards are found in the Zoning Ordinance, Section 27.73 Residential Development Standards, pages 30-32.

a. Lot Sizes

Lot area or size means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land. The lot sizes for the seven residential zones are typical for a rural community located in Imperial County. Lot sizes for single family homes range from one acre to 6,000 square feet. Mobile homes located in a subdivision must be located on a lot having a minimum of 5,000 square feet. A mobile home park must have an area slightly larger than one acre. Townhomes must be located on a lot of at least 6,000 square. Finally, a triplex can be built on a 7,500 square foot lot.

Zone	Lot Size
R-A	1 acre
R-E	20,000 sf
R-1	6,000 sf
R-2	6,000 sf
R-3	7,500 sf
MHS	5,000 sf
MHP	45,000 sf

b. Setbacks

Setback means the required minimum horizontal distance between the building line and the related front, side, or rear property line. Setbacks provide for safety and privacy and a minimum distance from adjacent homes or residential buildings. All development in Brawley – single family homes, duplexes, mobile homes, and apartments – were built in conformance with the setback requirements.

Zone	Yard Setbacks		
	Front	Side	Rear
R-A	25'-35'	7'-10'	25'
R-E	25'-35'	7'-10'	25'
R-1	20'-35'	5'	20'-25'
R-2	20'	5'	20'
R-3	15'	5'	20'
MHS	20'-30'	10'	20'
MHP	20'-30'	10'	20'

c. Maximum Building Coverage

Building coverage, according to the Zoning Ordinance, "...means the percent of lot area which may be covered by all the footprints of buildings or above ground structures on a lot."

The maximum building coverage is 55% in the following zones:

- R-A
- R-E
- R-1
- R-2
- MHS

The maximum building coverage of the MHP Zone is 60%.

The maximum building coverage of the R-3 Zone is 65%.

d. Open Space Requirements

Section 27.180 of the Zoning Ordinance requires:

All multi-family projects containing four or more units shall provide a tot lot. The minimum area for tot lots shall be dependent upon the number of residential units in the project

For example, a project of 50 to 74 units is required to create 900 SF tot lot.

The City exempted the Brawley Senior Apartments from the tot lot requirement.

All multi-family projects shall provide at least 25% of the net site area as landscaped open space area for use by residents of the development.

e. Parking Space Requirements

According to HCD:

Excessive parking standards that are not reflective of actual parking demand can pose a significant constraint to housing development by increasing development costs and reducing the potential land available for project amenities or additional units. Therefore, the housing element should include an analysis of the jurisdiction's parking standards by zone.

HCD suggests that the analysis should -

- Examine whether parking standards impede a developer's ability to achieve maximum densities
- Examine if there are provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development
- Verify that the density bonus ordinance complies with parking requirements per Government Code Section 65915.

Table D-2 lists the parking space requirements by housing type.

Table D-2
City of Brawley
Parking Space Requirements by Housing Type

Housing Type	Parking Space Requirement
Single-family dwellings	2.0 spaces for each dwelling unit.
Two-family (duplex) dwelling	2.0 spaces for each dwelling unit.
Apartment houses and condominiums containing three or more units	1.5 spaces for each studio unit
	1.75 spaces for each one bedroom unit
	2.0 spaces for each unit with two or more bedrooms
Mobilehome parks	1.0 parking space for each mobilehome space, and in addition 1.0 parking space for each two mobilehome spaces in the park for guest parking.
Mobilehome subdivisions	2.0 parking spaces for each lot occupied by a single mobilehome.
Senior housing	1.2 spaces per dwelling unit.

Source: City of Brawley Zoning Ordinance, Section 27.143 Required Parking Spaces

The SB 2 Planning Grant provided resources to the City to conduct research on parking demand and parking space requirements. Research demonstrated that vehicle ownership is directly associated with parking demand. The application of the American Community Survey (ACS) data on vehicle ownership provides a way to estimate the need for parking spaces.

The ACS data shows that vehicle ownership alone would generate a need for 89 parking spaces for a 50 unit multifamily housing development. Some parking spaces in addition to the 89 would be needed to accommodate guest and visitor parking. Brawley does not have a separate guest/visitor parking space requirement. Additionally, some apartment residents own RVs, a vehicle type that consumes more than one parking space.

The City's parking standards would require 100 parking spaces for a 50-unit apartment development if the development was comprised entirely of two and three bedroom apartments (2 parking spaces per unit). Therefore, the parking space requirements align with the number of vehicles owned by Brawley's households.

The City allows a multifamily development to meet 25% of the parking requirement with compact parking spaces.

Finally, Brawley does not require that apartment and condominium developments build covered parking spaces.

The parking space requirements for studio and one-bedroom apartments have not posed a constraint to new housing development. Developers have been able to achieve maximum densities without having to request a reduction in parking space requirements. In some developments, the developers have provided more than the required number of parking spaces. For example, a 75-unit development had a requirement of 150 parking spaces. However, 152 parking spaces were provided: 133 standard, 10 ADA, and nine compact.

The majority of apartment housing in Brawley meets the needs of large families. Seniors and special needs populations often live in studio and 1-bedroom units. Pursuant to Program 3.6, the Planning Commission will be permitted to reduce parking for developments housing seniors and special needs populations, subject to an applicant submitting information that demonstrates fewer parking spaces are able to meet the demand for parking,

f. Minimum Housing Unit Sizes

Minimum housing unit sizes can cause construction costs to be higher than necessary if they are larger than needed to accommodate the space needs of different household types and housing habitability standards.

The Zoning Ordinance currently does not establish minimum or maximum housing unit sizes. However, the City must abide by the housing unit size standards set forth by State codes and regulations.

1. California Building Standards Code (Title 24) Dwelling Unit Size Standards

The California Residential Code Section R202 defines a “dwelling unit” as -

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling units must meet all the minimum requirements found with the CBSC, including a minimum of one room with at least 120 square feet of gross floor area and a net floor area of not less than 70 square feet for all other habitable rooms.

The CBSC standards allow an “Efficiency Dwelling Unit” to comply with the following minimum requirements:

- A living room of not less than 220 square feet of floor area, and an additional 100 square feet of floor area for each occupant of the unit in excess of two.
- A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches, and a separate closet.

Source: California Department of Housing and Community Development, Division of Codes and Standards, *Information Bulletin on Tiny Homes*, May 9, 2016, 6 pages

The Zoning Ordinance will be amended to provide for “efficiency dwelling units” as defined by the CBSC.

2. Low Income Housing Tax Credit Unit Size Standards

Tax credit financed developments built in Brawley have and will continue to meet the minimum unit size standards established by the regulations adopted by the California Tax Credit Allocation Committee.

The minimum housing unit sizes for affordable large family, senior and special needs housing developments are as follows::

▪ SRO Units	200 to 500 square feet
▪ One-bedroom	450 square feet

▪ Two Bedrooms	700 square feet
▪ Three bedrooms	900 square feet
▪ Four bedrooms	1,100 square feet

3. ADU and JADU Housing Unit Size Standards

The Zoning Ordinance will be amended not only to provide for the creation of ADUs and but will also incorporate the required housing unit size standards.

According to HCD:

A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code § 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency's adopted ordinance.

California Department of Housing and Community Development, *Accessory Dwelling Unit Handbook*, September 2020, page 10

The maximum size for a JADU is 500 square feet.

4. Compact Housing Units

The Zoning Ordinance will be amended to provide for the development of “compact housing units,” a housing type encompassing SROs, micro-units, and small studio units. The housing unit size will range between 350 and 500 square feet.

A maximum unit size of 500 SF aligns with California Tax Credit Allocation Committee’s maximum unit size for an SRO unit.

g. Building Heights

Building height means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. The maximum height in the residential zones is 35 feet and it is 17 feet in the mobilehome zones.

In the R-3 Zone, one apartment complex under construction achieved 3 stories within the 35 foot building height limit.

Zone	Maximum Height
R-A	2 S/35' ¹
R-E	2 S/35' ¹
R-1	2 S/35' ¹
R-2	35'
R-3	35'
MHS	1 S/17'
MHP	1 S/17'

h. Maximum Densities

The Zoning Ordinance provides for seven different densities that correspond to the different housing types. In the R-3 Zone, as described below, the maximum density of 17.4 dwelling units per acre can be attained on lots than meet the minimum lot size standard.

Zone	Maximum Density
R-A	1 du/acre
R-E	2.1 du/acre
R-1	7.2 du/acre
R-2	14.5 du/acre
R-3	17.4 du/acre
MHS	8.7 du/acre
MHP	17.4 du/acre

2. Cumulative Impact of Residential Development Standards

The projects listed in Table D-3 are approved and the applicants did not request variances regarding increases to maximum building coverage or to reductions in setbacks and parking space requirements.

The Ocotillo Springs apartment development is a 3-story development that will be built within the 35 foot height limit. The approved Brawley Senior Apartments has a building height of 40 feet and seven inches. The increase in height was an incentive because of the density bonus units included in the project.

The R-3 density of 17.42 dwelling units per acre was achieved by all developments except for Malan Street Apartments II. The Malan Street Apartments were was approved as an 81-unit development on five acres (16.2 dus/ac). The City approved a parcel map (minor subdivision) in order to subdivide the property for two tax credit finance phases of the approved apartment development. Phase 1 involved the development of 41 units at a density of 13.67 dwelling units per acre. In Phase 2, 40 units were constructed at a density of 20.41 dwelling units per acre.

The R-3 zoned developments have been planned for lots with a variety of configurations: narrow and long; rectangular; and consolidated lots. The lot configurations did not impede the maximum density possible under the R-3 residential development standards.

3. Impact of Residential Development Standards on Affordable Housing

Five of the six apartment developments were approved as affordable housing developments.

Ocotillo Springs Apartments and Brawley Senior Apartments were granted density bonuses and achieved densities of 19.84 and 22.95 dwelling units per acre. The two developments reached these densities without having to increase lot coverage or reduce setbacks and parking requirements. The Brawley Senior

Apartments was granted a building height of 40 feet seven inches, which is five feet and seven inches above the 35 foot standard.

Malan Street Apartments II achieved a density of 20.41 dwelling units per acre on the 1.96 acre site. The density was achieved without a developer request to increase the lot coverage, or reduce the number of parking spaces.

Table D-3
City of Brawley
Cumulative Impact of Residential Development Standards

Project Name	Address/APN	Size (Acres)	Dimensions	Units	Density	Building Height	Parking Spaces Required/Provided
Paddock Apartments	1603 Malan St. 047-380-031	2.92	790.2' by 161' 127,222 +/- SF	50	17.12	2 Stories	100/105
Ocotillo Springs Apts.	350 18th St. 047-320-103	3.78	322.02' by 498.5' 22.7' by 128.54' 163,445 +/- SF	75	19.84	3 Stories	152/152
Malan Street Apartments I	SWC 1st Street & Malan Street 048-275-055 (portion of)	3.00	N/A	41	13.67	2 Stories	82/82
Malan Street Apartments II	180 Malan St. 048-275-057	1.96	N/A	40	20.41	2 Stories	80/80
Adams Park I	1598 C Street 047-480-039	4.00	N/A	80	20 ¹	2 Stories	152/152
Brawley Senior Apartments	151 & 205 South Eastern Avenue 049-060-016, 039 & 040	2.44	194' by 159.8' 150' by 249.8' 60' by 150' 106,571 SF	56	22.95	3 Stories 40'7"	74/74

Note: N/A means dimensions are not available

¹Adams Park I was approved at a density of 20 dus/ac; however, the developer built the apartments at a density of 15 dus/ac

Sources: Development Services Department staff reports; project site plans; and California Tax Credit Allocation Committee staff reports

4. Brawley Emergency Shelter Development Standards

Emergency shelters are permitted by right in the C-1, C-2 and C-3 Commercial Zones. The development standards are as follows:

1. Emergency shelters shall be limited to a maximum of 30 beds.
2. Parking requirements shall be the same as for nursing homes and convalescent hospitals as described in Section 27.143 of Article XI.

3. All waiting and intake areas shall be within an enclosed building and shall have a legal occupancy rating of 8 people.
4. Each emergency shelter shall accommodate a minimum daytime staff of one staff member per 8 occupied beds (1-8 beds = 1 staff; 9-18 beds = 2 staff; etc.) and a minimum nighttime staff of one staff per 12 occupied beds (1-12 beds = 1 staff; 13-24 beds = 2 staff; etc.).
5. No parcel with an emergency shelter use shall be established closer than 300 feet from another parcel with an emergency shelter use.
6. The length of stay within an emergency shelter shall be limited to a maximum of 6 months.
7. The exterior lighting of the building housing the emergency shelter shall be provided to adequately illuminate all sides of the building to allow for security to monitor all sides of the structure.
8. Security staff or electronic cameras with video monitors that can be viewed by nighttime staff shall be provided to monitor the exterior of the building housing the emergency shelter. The exterior of the building shall be monitored by security staff or electronic cameras between 10:00 pm and 6:00 am.

SB 2 (Government Code Section 65583) permits a development standard concerning the proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. Development standard #5 does not require emergency shelters to be greater than 300 feet apart.

Government Code 65583(a)(4)(A)(ii):

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.

The City's parking standards are as follows:

- Each emergency shelter shall accommodate a minimum daytime staff of one staff member per 8 occupied beds (1-8 beds = 1 staff; 9-18 beds = 2 staff; etc.) and a minimum nighttime staff of one staff per 12 occupied beds (1-12 beds = 1 staff; 13-24 beds = 2 staff; etc.).
- Parking requirements shall be the same as for nursing homes and convalescent hospitals as described in Section 27.143 of Article XI.
- One parking space for each three beds licensed to be located in the facility. In addition, one space for each employee on the largest shift.

Therefore: a 30-bed emergency shelter would require four (4) staff members

A total of 14 parking spaces – 4 for staff and 10 based on the number of beds – would be required for a 30-bed emergency shelter. The number of parking spaces for staff is adequate while the number for homeless persons (10) may exceed actual need.

D. LAND USE CONTROLS – SPECIFIC PLANS**1. Downtown Specific Plan**

The City adopted the *Downtown Specific Plan* in December 2012. Exhibit D-1 shows the three Districts comprising the Downtown Specific Plan: Civic Center, West Village and East Village

The Specific Plan establishes development standards for eight frontage types of which six permit residential uses. The following describes the key development standards:

Uses Permitted: Attached single-family and multi-family residential units are allowed only on upper floors or within ground floor locations that do not have street frontage.

Density and Number of Housing Units: A maximum density of 25 dwelling units per acre is permitted within the Civic Center District. Within the West Village District and East Village District the maximum densities are 20 units and 18 units per acre, respectively.

Height Limit: The maximum building height is five stories within the Civic Center District, three stories in the West Village District and four stories in the East Village District.

Parking: The Specific Plan sets forth standards for surface, underground, tuck-under and above ground structure parking. Off-street parking is provided at a ratio of one space per 1,000 square feet.

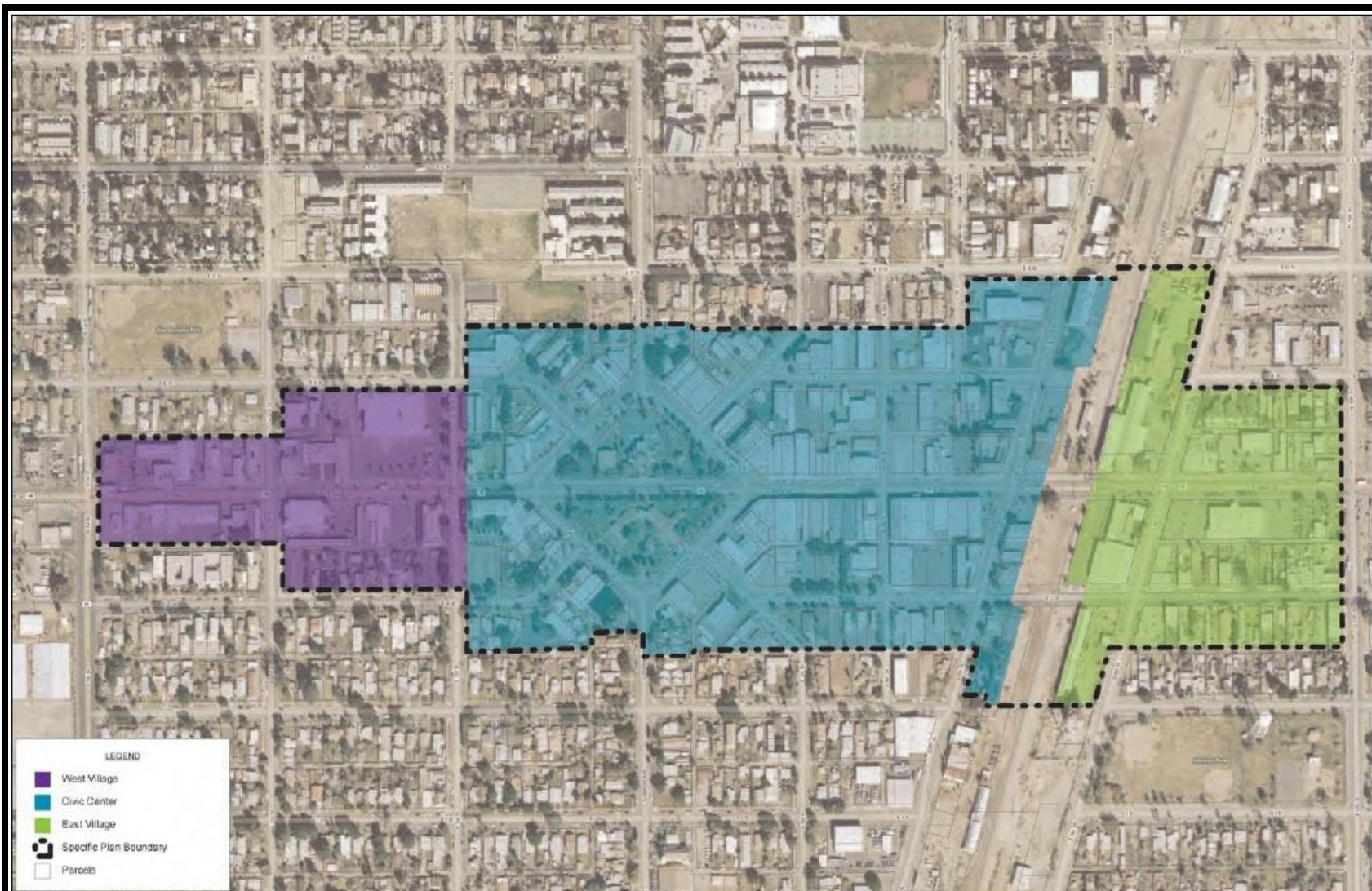
Setbacks: Table D-4 shows the setback requirements by District and Frontage Type.

In early 2019, a 17-unit residential development which includes four density bonus units was approved. It is located in Downtown at 616 Main Street in the Civic Center Main Street Zone.

Table D-4
Brawley Downtown Specific Plan: Required Setbacks

District/ Frontage Type	Front Yard	Side Yard	Rear Yard
Civic Center-Main Street Frontage	None	None	None
Civic Center Neighborhood Frontage	5-15'	None Maximum of 10% of Lot Width	None
West Village-Main Street Frontage	0-5'	None	None
West Village-Neighborhood Frontage	10-20'	None Maximum of 20% of Lot Width	None
East Village-Main Street Frontage	5-15'	None	None
East Village-Neighborhood Frontage	10-20'	None Maximum of 20% of Lot Width	None

Source: City of Brawley, Downtown Specific Plan, December 2012



2. La Paloma Specific Plan

Development standards such as lot sizes, setbacks, lot coverage, and building height were all designed to achieve the densities and housing capacity described in the Specific Plan, which was adopted in 2004.

Exhibit D-2 shows the land uses included in the Specific Plan.

Exhibit D-2
La Paloma Specific Plan



Table D-5 shows the residential land use types as well as the number of acres, density and housing capacity. Development standards were specifically designed for the La Paloma community to accommodate 4,000 and 5,000 square foot lots. The 4,000 square foot lots are intended to be for attached housing or zero lot line homes.

Table D-5
La Paloma Specific Plan: Residential Land Use Types

Residential Land Use	Lot Size	Acres	DU/Acre	Housing Capacity
Single Family				
SF-6	6,000 SF	132.35	4.32	572
SF-5	5,000 SF	86.66	4.90	425
SF-4	4,000 SF	24.07	6.31	152
Total		243.08		1,149
Multifamily				
TH-12	Townhomes	46.72	10.94	511
MF-17	Apartments	9.60	14.58	140
Total		56.32		651

Source: La Paloma Specific Plan, 2004

The SF-6 development standards are the same as those of the R-1 Zone. Table D-6 describes the SF-4 and SF-5 development standards. Two parking spaces must be provided for each single family home.

Table D-6
La Paloma Specific Plan
SF-4 and SF-5 Development Standards

Development Standard	SF-4	SF-5
Minimum Density (DU/AC)	10.9	8.7
Minimum Net Lot Area (SF)	4,000	5,000
Lot Width (in feet)	50	50
Lot Depth (in feet)	80	100
Corner Lot Depth (in feet)	55	55
Cul-de-sac Lot Width (in feet)	30	30
Front Yard Setback (in feet)	15	15
Side Yard Setback (in feet)	0/10	5/5
Side Yard Setback Street Side	0/10	5/5
Rear Yard Setback (in feet)	15	20
Lot Coverage Maximum	50%	50%
Building Height Maximum (in feet)	35	35
Garage Front Setback	18	18

Source: La Paloma Specific Plan, Land Use Plan, page 3-15

A garage setback of 18-feet or greater is required for all single and attached family homes.

The goal of the Specific Plan is to have street front character that resembles a front-porch community and avoid the garage as the focus of each home.

The development standards of the TH-12 and MF-17 residential land use types are the same as the R-3 Multifamily Zone.

E. BUILDING CODES AND THEIR ENFORCEMENT

The California Building Standards Code, 2019 edition ("code"), as adopted by the California Building Standards Commission, is being utilized as the Building Code of the City of Brawley. The purpose and intent of adopting the Building Code is to -

- Regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standards of supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use
- Provide for the condemnation of buildings and structures unfit for human occupancy and use and demolition of such structures
- Provide for the issuance of permits and collection therefore

The City did not adopt local amendments to the California Building Standards Code. As this Code is a model code, the City finds that no governmental constraints are caused by its adoption.

The Development Services Department is responsible for building inspection and plan checking. The Department also is responsible for code enforcement to improve the safety and appearance of the City. The Department also provides for the improvement of the quality of life for low and moderate income households by the elimination of blight and rehabilitation of the housing stock with a variety of methods, including low interest loans, grants and homeownership assistance.

Code Enforcement is essentially a combination of reactive and proactive. The City staff addresses complaints first. We will also note any violations while out on other business/inspections. Lastly, if time permits and staff is adequate we will occasionally actively look for violations.

F. ON- AND OFF-SITE IMPROVEMENTS

For residential projects, the City requires both on- and off-site improvements. Required improvements may include curb/gutter and drainage facilities, sidewalks, paved streets, landscaping and water and sewer service. Development of, and connection to, municipal water and sewer services are required as a condition of approving tract maps. Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater.

On-site improvements could include necessary extensions of utilities from the street to serve each individual unit, driveways, front yard landscaping, and perimeter fencing. Apartment developments must provide on-site parking spaces.

Developers of residential subdivisions typically construct the residential streets which have a minimum right of way of 60 feet. This street type provides direct access to abutting properties and gives access from neighborhoods to the local street and collector street system. The local collector street is designed to connect local streets with the adjacent collectors or arterial street system. The minimum right of way is 70

feet. The collector roadways are designed for intra-county travel as a link between the long haul facilities and the collector/local facilities. The minimum right of way is 84 feet.

The Transportation Facilities Impact Fee pays for various roadway improvements including rights of way, signals, paving and bridges.

The on-site and off-site improvements do not create a governmental constraint as they are necessary to create livable neighborhoods and apartment communities and to connect the newly developed areas to the balance of the community.

G. FEES AND OTHER EXACTIONS

Fees and exactions include:

- Land Use Application Fees
- Development Impact Fees
- Water Capacity and Waste Water Capacity Fees
- Building permit and plan check fees
- Public works fees

In addition, the Brawley School District charges a developer fee on residential construction, including accessory dwelling units (ADUs).

1. Land Use Application Fees

Table D-7 shows the 2020 land use application fee schedule, which has remained unchanged since 2012.

Developers make a deposit for the planning services associated with processing one or more of the applications requested by a project applicant. Time and materials charges accrue when project processing time exceeds 10% of the application fee. The charges include, but are not limited to, staff time (administrative and support staff) and costs for photocopies, mail, faxes, phone calls, and travel. Major projects, as determined by the Development Services Department, require a minimum deposit of \$10,000.

Table D-7
City of Brawley: Schedule of Land Use Application Fees

Fee	Amount
Zone Change	\$2,000
General Plan Amendment	\$2,100
General Plan Amendment if part of a Zone Change	\$100
Specific Plan Review	\$4,000
Site Plan Review	\$600
CUP Planning Commission Action	\$2,000
CUP Planning Director Action	\$1,000
Tentative Parcel Map (up to 4 parcels)	\$1,000
Final Parcel Map (up to 4 parcels)	\$500+T/M
Tentative Tract Map (more than 4 parcels)	\$2,500
Final Tract Map (more than 4 parcels)	\$1,200+T/M

Source: City of Brawley Land Use Application Fee Schedule, effective 1/1/19

Examples of recent projects that have gained approval of one or more land use application include:

- Brawley Senior Apartments – General Plan Amendment, zone change, site plan, and density bonus - 2015
- Malan Street Apartments – parcel map approval (minor subdivision) – 2016
- Adams Park Apartments – General Plan Amendment, zone change, tentative tract map, and site plan - 2017
- Ocotillo Springs Apartments – site plan approval and density bonus - 2019

2. Development Impact Fees

The levy of impact fees is one authorized method of financing the public facilities necessary to mitigate the impacts of new development. A fee is –

...a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project..." (California Government Code, Section 66000).

A fee may be levied for each type of capital improvement required for new development, with the payment of the fee typically occurring prior to the beginning of construction of a dwelling unit or non-residential building. Fees are often levied at final map recordation, issuance of a certificate of occupancy, or more commonly, at building permit issuance.

Source: David Taussig & Associates, *City of Brawley Development Impact Fee Justification Study*, September 20, 2010, page 2

Table D-8 shows the individual and total impact fees for a single family (almost \$4,000) and multifamily housing (almost \$2,900) unit.

Table D-8
City of Brawley
Residential Development Impact Fees

Fee	Single Family (\$ per unit)	Multifamily (\$ per unit)
General Government Facilities	\$180.18	\$135.30
Library Facilities	\$281.82	\$211.53
Parks and Recreation Facilities	\$1,096.26	\$822.03
Police Facilities	\$239.25	\$179.52
Fire Facilities	\$224.40	\$168.30
Animal Control Facilities	\$10.89	\$16.50
Transportation	\$1,836.45	\$1,285.68
Storm Water Facilities	\$93.39	\$47.52
Administration	\$16.17	\$11.55
Total	\$3,978.81	\$2,869.68

Source: City of Brawley, Development Impact Fee Implementation Schedule

3. Water Capacity and Waste Water Capacity Fees

In addition to the above fees, there is a Water Capacity Fee and a Wastewater Capacity Fee. The purpose of the fees is to mitigate the impact of a growth in customers (i.e., new service connections) to the existing public water system and existing public wastewater system. The charge is directly related to the need for expanded water service capacity caused by new development.

The two fees are based on the meter size required by a new housing unit. Assuming a 2,000 square foot single family residence, and assuming a 3/4 inch water meter, the water capacity fee would be \$7,914.20 and the wastewater capacity would be \$6,451.20.

Table D-9 lists the capacity fees associated with different meter sizes.

Table D-9
City of Brawley
Water Capacity and Wastewater Capacity Fees

Meter Size Per Water Meter	Water Capacity Fee	Wastewater Capacity Fee
5/8 x 3/4 inch	\$5,275.90	\$4,279.80
3/4 inch	\$7,914.20	\$6,451.20
1 inch	\$13,190.10	\$10,752.00
1-1/2 inch	\$26,379.50	\$21,504.00
2 inch	\$42,207.20	\$4,406.40

Note: Over 2 inches the water capacity fee is \$6.27 of average day demand.
 Over 2 inches the wastewater capacity fee is \$15.32 of average day demand.

Source: City of Brawley, Development Impact Fee Implementation Schedule

According to the City's *2018 Service Area Plan*:

Development impact fees are expected to finance 37.14% of the wastewater facilities demands discussed in the DIF Study for future development within the City through 2030. The remaining 62.86% of the facilities also discussed in the DIF (Development Impact Fee) Study will be funded through other sources. New developments are responsible for adding or upgrading infrastructure, if needed, as discussed in the 2013 Wastewater Master Plan. *Future project proponents will be responsible for the costs of the sewer infrastructure within and directly benefiting their project within the SOI (Sphere of Influence). This infrastructure may include sewer laterals connected to new structures, collection mains with manholes, pump stations, and forced mains, if required, all of which collect sewage directly from the respective study areas.* Recommended funding sources include the Border Environment Infrastructure Funding (BEIF) from the Border Environment Commission. {Emphasis added}

Source: City of Brawley. *Final Service Area Plan*, August 2018, page 4.8-6 and 7

4. Building Permit and Plan Check Fees

Building permit fees are based on the total valuation of the building constructed. Table D-10 shows the building valuation schedule

The building permit fee is \$2,393.75 for a single-family home with a \$350,000 building valuation. Building plan check fees are based on 65% of the building permit fee. Therefore, a single family home with a valuation of \$350,000 would have building permit and plan check fees calculated as follows:

▪ Base Permit Fee	\$993.75 (\$100,000 valuation)
▪ Additional Fee	<u>\$1,400.00</u> $(\$350,000 - \$100,000 = \$250,000 / \$1,000 = 250 \times \$5.60)$
▪ Total Permit Fee	\$2,393.75
▪ Plan Check Fee	<u>\$1,555.94</u> $(\$2,393.75 \times .65)$
▪ Total Fees	\$3,949.69

5. Public Works Fees

Public Works Fees are due when final tract map/Improvement plan is submitted. They cannot be estimated on a per unit basis. A plan check fee of 1.5% of improvement value is charged as well as an inspection fee of 2% of estimated off-site improvements as approved by the City Engineer.

For instance:

- \$1,000,000 off-site improvement value
- 1.5% = \$15,000
- 2.0% = \$20,000
- Total: \$35,000
- 20-unit Project = \$1,750 per unit

Table D-10
City of Brawley
Valuation Schedule for Building Permit Fees

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Source: City of Brawley Building Department Building Permit Fees

6. School Impact (Developer) Fees

New residential construction is subject to a developer fee charged by the Brawley Elementary School District and Brawley Union High School District. These fees help to provide school facilities to accommodate new residential development. According to the law, the fee is determined by square footage of assessable space.

Accessory Dwelling Units (“ADUs”) are separate residential units that can house a new family that generates new students. ADUs are not considered additions to existing residential structures. Fees are assessed against all new ADU square footage in the same manner as with other new residential construction.

Both Districts have adopted a developer fee of \$1.17 per square foot of assessable space.

7. Estimate of Total Per Unit Fees, Charges and Exactions

Table D-11 provides an estimate of the total per unit fees, charges and exactions for a single family dwelling and a multifamily apartment unit. The estimates are intended to give an “order of magnitude” estimate because assumptions were made regarding water and wastewater capacity fees and off-site improvement values. An additional assumption was made that the public works fee was the same for each housing type.

Table D-11
Estimate of Per Unit Single-Family and Multifamily Fees

Fee	SFD¹	Multifamily¹
Development Impact Fees	\$3,978.81	\$2,869.68
Water Capacity Fees	\$7,914.20	\$2,861.30
Wastewater Capacity Fee	\$6,451.20	\$3,428.82
Building Permit Fee ²	\$2,393.75	\$1,553.75
Building Plan Check Fee ³	\$1,555.94	\$1,009.93
Public Works Fee ³	\$1,750.00	\$1,750.00
School Fee ²	\$2,340.00	\$1,170.00
Total	\$26,383.90	\$14,643.48

Source: Tables 4, 5 and 6

¹Single family building valuation of \$350,000

¹Multifamily building valuation of \$200,000

²Single family unit size of 2,000 SF

²Multifamily unit Size of 1,000 SF

³Off-site improvement value of \$ 1,000,000

The total fees for a single-family unit are approximately \$26,400. The fee amount represents 7.5% of single family home with a sales price of \$350,000. The fee percentage may be slightly overstated as new housing is selling for between \$370,000 (1,914 SF) and \$410,000 (2,281 SF).

The total fees for a multifamily unit are approximately \$14,600. The fee amount represents 7.3% of an apartment unit costing \$200,000. As noted below, the City Council has approved the deferral of water capacity and wastewater capacity fees for affordable housing developments. For these developments the

fee is reduced from approximately \$14,600 to \$8,350. The latter amount of \$8,350 represents 4.2% of an apartment unit costing \$200,000.

Both multifamily fee percentages may be somewhat overstated as the five tax-credit financed apartment developments had total development costs in the range of \$199,000 to \$361,000.

8. Fee Waivers and Deferrals

The City Council has waived and deferred fees when housing developments confer public benefits such as road improvements and affordable housing.

In September 2019, the City Council voted to waive the transportation portion of development impact fees for housing units within the boundaries of Victoria Park and Malan Park subdivisions. The waived fee was \$1,836.45 per unit. There are approximately 120 units between the two subdivisions totaling approximately \$367,290 in fee waivers.

The City Council has also approved the deferral of water capacity and waste water capacity fees for affordable housing developments:

▪ Brawley Senior Apartments	\$186,442 (project was not awarded tax credits)
▪ Malan Street Apartments I	\$238,879
▪ Malan Street Apartments II	\$233,053
▪ Adams Park I	\$618,229

The fee deferrals help projects applying for LIHTC garner points in the “public funds section.” The points are awarded for the “Waiver of fees resulting in quantifiable cost savings and not required by federal or state law.”

H. CITY PROCESSING AND PERMIT PROCEDURES

1. Site Plan Review Procedures

The Zoning Ordinance requires a site plan review of all proposed new residential construction. A site plan consists of plans, drawings, diagrams and pictures indicating the land uses, and the architecture, forms, and dimensions of all buildings and structures. A site plan may be approved by either the Planning Director or Planning Commission. Planning Director action does not require a public hearing. Site plan approval by the Planning Commission is necessary if a proposed housing development requires a zone change, variance, or conditional use permit. Planning Commission action on a site plan requires a public hearing.

The Planning Director or Planning Commission shall either:

- Approve the submitted site plan
- Approve the submitted site plan with conditions
- Disapprove the submitted site plan

The Planning Department has outlined the following site plan procedures

1. Applicant confers with planning staff to determine the site plan requirements based on the Zoning Ordinance, residential zone and associated development standards.
2. Applicant submits the site plan, and, if applicable, landscape plan, which complies with the City's Water Efficient Landscape Ordinance to the Planning staff, and pays the required filing fees.
3. The Planning staff then schedules a Development Review Committee (DRC) meeting to discuss the site plan and its conformity to the Zoning Ordinance, development standards and other ordinance requirements. Review and decision-making criteria consist of objective and predictable standards established in the Zoning Ordinance such as heights and setbacks in addition to health and safety criteria and conformance to the general plan.
4. If all standards and requirements are satisfied, the Planning Director and DRC can approve or conditionally approve the site plan.
5. If the project requires a zone change, conditional use permit, or variance, the Planning Director and DRC will forward recommendations to the Planning Commission.
6. The Planning Commission will hold a public hearing and then approve, conditionally approve, or disapprove the site plan.

The Development Review Committee is composed of the following departments: Planning Department, Community Development Services, Public Works, Parks & Recreation, Police Department and Fire Department. The School Districts, Imperial Irrigation District, and other agencies may be involved in the review of individual development applications. The DRC has the authority to approve certain applications pursuant to the Municipal Code and/or standards.

Compatibility refers to appropriate separation from uses that are loud, noxious, or other health and safety issues that can negatively affect residents.

Approval certainty is facilitated because the Development Review Committee meets with applicants prior to a formal submittal. Additionally, no housing developments have been disapproved in recent years.

2. Parcel Map Review Process

“Parcel map” refers to a map made for the purpose of showing the division of a parcel of property into four or less lots, tracts, or parcels. A final parcel map shows detailed design and survey information, and certificates and dedications (if required).

The review process is as follows:

1. The Planning Director and City Engineer will review the application materials and tentative parcel map for completeness.
2. If the application and map are complete, the DRC members will review the map. Depending on the complexity of the project, this may require a meeting. The applicant or legal representative must attend this meeting or delays in processing may result. The DRC will either recommend approval or disapproval of the project and refer it to the Planning Commission.
3. The Planning Commission, at a public hearing, will review the project and recommend approval or disapproval. The Planning Commission shall disapprove any parcel map that is not consistent with the Brawley General Plan or any specific plan.
4. The applicant may appeal the Planning Commission’s decision to the City Council.

The Final Parcel Map requirements are as follows:

1. Final Parcel Maps shall be submitted within 24 months of tentative parcel map approval.
2. The Planning Commission may grant an extension of the tentative parcel map not to exceed an additional 12 months.
3. Final Parcel Maps shall contain the following statements:
 - (a) Engineer's (surveyor's) statement
 - (b) A certificate or statement by the city engineer
 - (c) If required, by the Planning Commission:
 - (1) Street Plans
 - (2) Drainage Plans
 - (3) Water Plans
 - (4) Sewer Plans

3. Typical Approval Findings and Review Times

Findings that are typically applied to General Plan Amendments, zone changes and tentative tract maps are described below:

1. The proposal is prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Article 6.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts as referenced in the Mitigated Negative Declaration
3. Approval of the Mitigated Negative Declaration, tentative tract map and zone change will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The tentative map and zone change is consistent with the character of the area for that type of land use.
5. The size of the new parcel is consistent with the Zoning Ordinance.
6. The size of the new parcel is consistent with the General Plan.
7. The Tentative Tract Map/Zone Change was performed in compliance with the Subdivision Map Act and Subdivision Ordinance requirements.

The findings for approval or disapproval of a site plan are based upon the following:

1. Every use and development of land, buildings or structures shall be in compliance with the applicable provisions of the zoning ordinance.
2. Every use, and development of land, buildings or structures shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development shall be arranged so as to avoid traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, and shall be in conformity with all elements of the general plan.
3. The architectural character and style of the proposed buildings and structures shall be compatible with other land uses and structures in the immediate area.

The findings for approval or disapproval of a conditional use permit (CUP) are described below:

1. The proposed conditional use shall not be in conflict with the general plan or any specific plan.
2. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed conditional use shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings or structures.
3. The site for a proposed conditional use shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this zoning ordinance, or as required by the planning commission as a condition in order to integrate said use with the uses in the neighborhood.
4. The site for a proposed conditional use shall be served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.

The findings for approval or disapproval of a variance are described below:

1. That there are special circumstances applicable to the property including size, shape, topography, location or surroundings;
2. That the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
3. That the variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;
4. That the variance granted does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations applicable to the property;
5. That the proposed variance will not be materially detrimental to the public welfare or detrimental to the health and safety of persons located in the vicinity of the subject property; and
6. That the proposed variance is consistent with the character of the area in which the variance is granted in that previous variances have been granted, lot sizes are large, landscaping is mature and architecture is varied.

The findings regarding General Plan Amendments, zone changes, tentative tract maps and site plans have not impeded the approval of housing developments with sufficient capacity to accommodate the RHNA. The City has approved by-right zoning for almost 4,000 housing units (refer to pages D-25 and D-26).

The findings in connection with CUPs and variances follow standard practices for the two applications.

4. Reasonable Accommodation Findings

Section 28.183 of the Zoning Ordinance describes the findings as follows:

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with the Acts, shall, if granted, be granted to an individual and shall not run with the land (unless the Planning Director or designee determines that much a modification is physically integrated into the residential structure and cannot easily be removed), and shall be based on consideration of the following factors:

- a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities under the Acts;
- b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;
- c. Whether the requested accommodations would impose an undue financial or administrative burden on the City;
- d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program and;
- e. Whether there are any alternative reasonable accommodations which may provide an equivalent level of benefit to the applicant.

All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodations in the appeals process as set forth in Section 27.335.

5. State Required Ministerial Review of Local Housing Developments

a. Senate Bill 35 – Streamlined Ministerial Approval Process

In 2017, the State enacted Senate Bill 35, establishing a streamlined ministerial approval process for qualifying multifamily housing projects. SB 35 authorizes proponents of residential developments that meet specified statutory criteria to apply for approval under a streamlined, ministerial approval process (Government Code Section 65913.4(a)). This means that a city cannot require a conditional use permit or other discretionary approval for projects meeting these criteria. Moreover, as ministerial actions, these approvals are statutorily exempt from CEQA.

The following definitions apply to SB 35 streamlining:

“Ministerial processing” or “*ministerial* approval” means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

“Multifamily” means a housing development with two or more attached residential units. The definition does not include accessory dwelling units unless the project is for new construction of a single-family home with attached accessory dwelling units in a zone that allows for multifamily.

Please note, accessory dwelling units have a separate permitting process pursuant to Government Code section 65852.2.

“Objective standards” or “objective planning standards” means an objective zoning, objective subdivision and objective design review standard as those terms are defined in Section 102(r).

“Objective zoning standard”, “objective subdivision standard”, and “objective design review standard” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or development proponent and the public official prior to submittal, and includes only such standards as are published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application.

Source: California Department of Housing and Community Development, Draft Updated Streamlined Ministerial Approval Process Guidelines, July 17, 2020, page 4
Color highlighted text reflect revisions

The City is subject to the streamlined ministerial approval process because of insufficient progress toward the above moderate income RHNA. The City must adhere to the streamlined ministerial review process for proposed projects with at least 10% affordability.

The Planning Department has prepared information explaining the process for applying and receiving ministerial approval, the data and materials an applicant is required to include in an application, and the relevant objective standards to be used when City staff evaluates the application.

b. Assembly Bill 2162 - Government Code Sections 65650 et seq.

In 2018, the Legislature responded to the State’s homelessness crisis, in part, by establishing another ministerial approval process specifically for *qualifying* supportive housing developments. For a city the size of Brawley, a supportive housing development only qualifies for the “by right” procedures if the development contains no more than 50 units. Supportive housing is linked to onsite or offsite services that assist residents in retaining housing, improving health, and maximizing the ability to live and, when possible, work in the community.

c. SB 330 Compliance (Housing Crisis Act of 2019)

On October 9, 2019, Gov. Gavin Newsom signed the Housing Crisis Act of 2019 into law, commonly known as Senate Bill 330 (Chapter 654, Statutes of 2019) to respond to the California housing crisis. Effective January 1, 2020, SB330 aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. This new law makes a number of modifications to existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act, and institutes the Housing Crisis Act of 2019. Many of the changes proposed last for a 5-year period and sunset on January 1, 2025. Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development.

The City has complied with the requirements of SB 330 for housing developments approved or considered after January 1, 2020:

- No demolitions – loss of residential units – have been required by housing developments approved or considered by the Planning Commission and City Council.

- None of the housing developments approved or considered by the Planning Commission and City Council have included “protected units.”
- None of the housing developments approved or considered by the Planning Commission and City Council have required the replacement of “protected units.”
- The City has implemented a preliminary application process.
- The City has limited its review of housing developments to fewer than five public hearings.
- Upon receiving a complete application for a housing development project, the City determines in writing that the application is complete or incomplete.
- The City has met the 90-day timeframe for approving or disapproving a housing development and the 60-day timeframe for tax credit projects.
- The City has met the 90-day timeframe for informing applicants that their projects are consistent or inconsistent with applicable plan, program, policy, ordinance, standard, requirement or similar provision.

6. Status of Processing Approved “By-Right Housing Developments

a. Meaning of “By-Right” Housing Development

By-right, ministerial non-discretionary approvals contribute to accelerating housing production. At a League of California Cities Conference it was explained that –

From the State’s perspective, local discretionary approval processes potentially create barriers to the production of housing. To reduce such barriers, the Legislature has established ministerial approval processes for various housing types. In some instances, the State has established the criteria that make a housing project application eligible for streamlined approvals. In other instances, the State has authorized cities to establish the development standards to qualify for streamlined ministerial approval.

Source: League of California Cities, *Navigating Housing Development in the New Era*, May 9, 2019, page 20

According to HCD:

By right means the jurisdiction shall not require:

- A conditional use permit
- A planned unit development permit
- Other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act “CEQA”)

However, if the project requires a subdivision, it is subject to all laws, including CEQA.

This does not preclude a jurisdiction from imposing objective design review standards. However,

the review and approval process must remain nondiscretionary and the design review must not constitute a “project” as defined in Section 21100 of the Public Resources Code. For example, a hearing officer (e.g., zoning administrator) or other hearing body (e.g., planning commission) can review the design merits of a project and call for a project proponent to make design-related modifications, but cannot exercise judgment to reject, deny, or modify the “residential use” itself. (See *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2019) 31 Cal.App.5th 80.)

For reference, CEQA applies when a governmental agency can exercise judgment in deciding whether and how to carry out or approve a project. This makes the project “discretionary” (CEQA Guidelines, §15357.) Where the law requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is called “ministerial,” and CEQA does not apply. (CEQA Guidelines, §§ 15268(a), 15369.)

Source: California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, page 12.

b. Status of Brawley’s Approved By-Right Housing Developments

The City completed a comprehensive by right analysis of housing developments and residential sites. The by-right zoning analysis has identified six categories of sites which are described below:

- Category A: Approved Projects Under Construction: As of early December 2020, the three listed projects are under construction.
- Category B: Approved Projects that Require Only a Building Permit: The listed projects have been fully approved and some housing units within the project boundaries have been built. Some of the remaining project approved housing units require building permit approvals.
- Category C: Final Tract Map and Building Permits: The listed projects have been approved. They now require the submittal by the developer of final tract map and its approval by the Planning Commission. Following approval of the final tract map, plans may be submitted for building permit approval.
- Category D: Planning Director Site Plan Review & Approval and Building Permit: The listed projects require the submittal by the developer of a site plan and its approval by the Planning Director.
- Category E: Tentative Tract Map, Final Tract Map, Planning Director Site Plan Review & Approval, Building Permit: The listed projects have been approved and require the usual sequence of approval steps, starting with the submittal by the developer of a Tentative Tract Map.
- Category F: Tentative Parcel Map, Final Parcel Map, Planning Director Site Plan Review & Approval, Building Permit: The sites listed are large sites (10+ acres) as defined by HCD and should be subdivided into four or fewer parcels,

None of the sites listed in the six categories require a General Plan Amendment, zone change, conditional use permit, variance or CEQA document.

Table D-12 shows the number of housing units in by-right zoned sites by category and housing type.

Table D-12
City of Brawley
Number of Housing Units by Type in By-Right Zoned Sites: December 2020

Category	Number of Sites	Number of Single Family Units	Number of Condominiums	Number of Multifamily Units
A	3	0	0	175
B	11	598	89	203
C	2	32	30	0
D	2	0	0	126
E	4	1,277	616	0
F	4	0	0	890
Total	26	1,907	735	1,394

Source: SB 2 Planning Grant, By-Right Zoning Analysis

Additional information on the sites listed in Table D-12 is provided in Appendix C – Sites Inventory and Analysis. Generally speaking, the by-right zoned sites accommodate the RHNA as follows:

- Single-family homes accommodate the above moderate income housing need
- Townhomes and condominiums accommodate the moderate income housing need
- R-3 zoned sites accommodate the lower income housing need

I. ANALYSIS OF ADOPTED ORDINANCES THAT DIRECTLY IMPACT THE COST AND SUPPLY OF HOUSING

The City has not adopted the following types of ordinances:

- Moratoria or other prohibitions that would impede the development of multifamily housing
- Growth control measures restricting the supply of housing
- Short-term rentals
- Rent control
- Crime-Free Multifamily Housing
- Inclusionary housing

It should be noted that Brawley's urban growth boundary coincides with the official Sphere of Influence (SOI). However, all the sites included in the Sites Inventory and Analysis (Appendix C) are located within the City limits.

To reduce the cost of housing, density bonus units have been approved for the following multifamily housing developments:

▪ Ocotillo Apartments	65 to 75 units, + 10 density bonus units
▪ Adams Park 1	68 to 80 units, + 12 density bonus units
▪ Brawley Senior Apartments	43 to 56, + 13 density bonus units
▪ Main Street Residential	13 to 17, + 4 density units

To further reduce housing costs and increase the housing supply, the City has adopted a Density Bonus Ordinance and an Accessory Dwelling Unit Ordinance.

The Zoning Ordinance also will be amended to provide for the creation of “compact housing units,” which will include SROs, micro-units, and small studio units ranging in size from 350 to 500 square feet.

J. DESCRIPTION OF EFFORTS TO REMOVE GOVERNMENTAL CONSTRAINTS THAT HINDER THE CITY FROM MEETING ITS SHARE OF THE REGIONAL HOUSING NEED

In Appendix C - Sites Inventory and Analysis – sites have been identified that have a sufficient capacity to accommodate Brawley’s share of the regional housing need.

The SB 2 Planning Grant has identified the status of all sites with by-right zoning. These latter by-right zoned sites also have sufficient capacity to address the RHNA.

Efforts to accelerate housing production on the identified sites include:

- Promoting the ADU and Density Bonus Ordinances
- Including incentives for the production of ADUs in the *2021-2029 Housing Element*
- Facilitating the production of housing in the Qualified Opportunity Zone
- Supporting the efforts of developers to secure tax credit equity financing; Affordable Housing Sustainable Communities funding; and infill infrastructure grants
- Creating an Economic Development Element that leads to income gains by local residents and increase the demand for housing in Brawley

K. DESCRIPTION OF EFFORTS TO REMOVE GOVERNMENTAL CONSTRAINTS THAT HINDER THE CITY FROM MEETING SPECIAL HOUSING NEEDS

Government Code 65583(a)(5) requires the *2021-2029 Housing Element* to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

1. Reasonable Accommodation Procedure (RAP)

a. City Adopted Reasonable Accommodation Procedure

According to HCD, the housing element must demonstrate the City’s efforts to provide for reasonable accommodations and to remove or ameliorate constraints on public or private efforts to providing housing for persons with disabilities.

Title II of the ADA, Section 504, and the federal Fair Housing Act, as well as state laws such as California’s Fair Employment and Housing Act and Unruh Civil Rights Act, require local governments to make reasonable accommodations for people with disabilities in the land use and zoning areas when necessary to allow them to access housing. A reasonable accommodation may be as simple as changing a setback requirement to allow a ramp to be built or as complex as modifying a variety of provisions to allow a group home or housing with supportive services to locate in a particular neighborhood.

The City has adopted a reasonable accommodation procedure that was modeled after the recommendations of the Mental Health Advisory Services, Inc. Section 27.183 of the Zoning Ordinance describes the Reasonable Accommodation Procedure.

b. Ensuring Community Awareness of the Reasonable Accommodation Procedure (RAP)

HCD, HUD and the California Attorney General Office all recommend that cities and counties make the community aware of the RAP. HCD recommends that jurisdictions ensure information is available for people who wish to request a reasonable accommodation with respect to zoning, permit processing, or building laws.

The Planning Department prepared a brochure/pamphlet describing the Reasonable Accommodation Procedure and instructions on how to complete the application requesting an accommodation with respect to zoning and building standards and regulations.

The Reasonable Accommodation Procedure and the brochure/pamphlet will be posted on the Planning Department's webpage. The webpage notifies readers that planning and building staff are available to assist the disabled person or their representative to complete the application.

The above actions have the purpose of affirmatively furthering fair housing.

c. Reasonable Accommodations/Reasonable Modifications in Apartment Housing

The scope of the adopted Reasonable Accommodation Procedure is limited to City standards and regulations. Some residents of apartment housing are unaware of their right to request from their landlord or on-site property manager a reasonable accommodation or reasonable modification.

To inform the community of renters, the Planning Department will post on its webpage information describing how an apartment renter can request a reasonable accommodation or reasonable modification. Additionally, contact information will be provided for the Inland Fair Housing & Mediation Board, which is located in El Centro, and is able assist residents with their request.

The above actions have the purpose of affirmatively furthering fair housing.

d. Model Written Reasonable Accommodation and Reasonable Modifications Policies

Many, if not the majority, of private sector apartment owners probably do not have written policies regarding service and companion animals, reasonable accommodations or reasonable modifications. The City will request information from the Inland Fair Housing & Mediation Board on model written policies. The City and/or Inland will distribute the model written policies to the owners, property management companies, and/or on-site property managers.

The above actions have the purpose of affirmatively furthering fair housing.

e. Imperial Valley Housing Authority (IVHA) Reasonable Accommodation/Reasonable Modifications

Approximately 395 Brawley families are assisted in public housing and by Section 8 Housing Vouchers.

It is the policy of the IVHA to provide reasonable accommodations and to permit tenants with disabilities to make reasonable modifications upon request, with provision of appropriate documentation of the need for the accommodation and/or modification to provide an equal opportunity to use and enjoy IVHA's housing programs. Modifications apply only to families living in public housing as Section 8 assisted families must apply to their landlord or on-site property manager.

Reasonable accommodations are considered for an individual with a verified disability who is currently participating in IVHA's Section 8 Housing Choice Voucher Program. A participant may obtain a request form from the Brawley IVHA office. The application form is available on the IVHA website.

IVHA's policies re-enforce the City's policies that have the objective of enabling disabled persons to use and enjoy housing appropriate to their needs.

2. Ensuring Accessible Housing

Accessible housing requirements are set forth in California Building Code 2019, Chapter 11A Housing Accessibility. Buildings or portions of buildings within the scope of the Code shall be accessible to persons with disabilities. The provisions of the Code apply, but are not limited, to all newly constructed covered multifamily buildings and additions to existing buildings where the addition alone meets the definition of a covered multifamily dwelling.

The Building Division of the Development Services Department is responsible for ensuring that the accessibility requirements of the Code are met by newly constructed and renovated buildings.

The Ocotillo Springs Apartments is currently under construction and includes -

- 12 adaptable units
- 8 accessible units
- 3sensory impaired units

3. Parking Space Requirements for Special Needs Housing

The City requires that all multifamily complexes provide a specific number of handicapped parking spaces, a number that depends on the size of the development. The City adheres to the Uniform Building Code requirements for handicapped parking spaces.

HCD recommends that jurisdictions should have provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development

In order to implement HCD's recommendation, the Zoning Ordinance will be amended to make provisions for reducing the parking space requirements for special needs housing.

4. Implementation of the Developmentally Disabled Program

Program #9 of the *2013-2021 Housing Element* was intended to implement a Developmentally Disabled Outreach Program. The intent of the program was to reach out to the San Diego Regional Center to provide information to Brawley's families on housing and services available to developmentally disabled persons.

This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

5. Updating the Family Definition

Both State and Federal fair housing laws prohibit definitions of family that either *intentionally*

discriminate against people with disabilities or *have the effect* of excluding such individuals from housing. To comply with fair housing laws, a definition of “family” must emphasize the functioning of the members as a cohesive household:

- A definition should not distinguish between related and unrelated persons.
- A definition should not impose numerical limitations on the number of persons that may constitute a family.

Source: Kim Savage, Mental Health Advocacy Services, Inc., Fair Housing Law Issues in Land Use and Zoning – Definition of Family and Occupancy Standards, September 1998, pages 1-5

The Zoning Ordinance defines family as meaning -

.... a person or persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit. Family shall also include a group of not more than five persons, including roomers but not servants, unrelated by blood, marriage or adoption, when living together as a single housekeeping unit in a dwelling unit.

Program #12 of the *2013-2021 Housing Element* was intended to update the family definition. This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

6. Amending the Zoning Ordinance Regarding Group Homes for Disabled Persons

Under California law, group homes housing six or fewer persons that are licensed under the Health and Safety Code must be permitted in all residential zones that permit single family homes. Examples of licensed group homes are an “adult residential facility” and a “residential care facility for the elderly.”

Adult Residential Facilities (ARF) are facilities of any capacity that provide 24-hour non- medical care for adults ages 18-59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled, and/or mentally disabled.

As of December 2020, Brawley has two ARFs with a capacity of 10 beds.

Residential Care Facilities for the Elderly (RCFE) provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans.

The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision.

Eight years ago Brawley had three RCFEs with a capacity of 18 beds. As of early December 2020, no RCFEs were operating in the City.

Program #12 of the *2013-2021 Housing Element* was intended to revise the Zoning Ordinance to define the licensed group home facility types and to list the residential zones in which the licensed group homes are permitted.

This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

7. Supportive and Transitional Housing

The Zoning Ordinance defines supportive and transitional housing consistent with the requirements of Government Code Section 65582(f) [supportive housing] and (h) [transitional housing].

Supportive housing and transitional housing are permitted by-right in all residential zones.

8. Emergency Shelters

Emergency shelters having a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones. The 30-beds are a limit on an individual shelter and are not a limit on the total number of beds that can be provided in Brawley.

The Zoning Ordinance will be amended to allow “low barrier navigation centers” as a use permitted by right in mixed-use zoned areas and in non-residential zones permitting multifamily residential uses. The Zoning Map identifies an M-U Mixed Use Overlay District and apartment houses are permitted in the C-P (Service and Professional Zone).

L. COMPLIANCE WITHY TRANSPARENCY LAWS FOR SONING AND FEES

Information on the Planning Department’s webpage includes, but is not limited, to:

- Agendas/minutes
- Fees
- Procedures
- Checklists
- Application forms
- Planning application descriptions
- Environmental form
- Zoning Ordinance
- General Plan

APPENDIX E
ANALYSIS OF NON-GOVERNMENTAL CONSTRAINTS

A. GOVERNMENT CODE REQUIREMENTS

Government Code Section 65583(a)(6) requires -

An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels...

The analysis must examine the following:

- Availability of financing
- Price of Land
- Cost of construction
- Requests to develop housing at densities below those stated in the sites inventory and analysis (Government Code 65583.2)(c))
- Length of time between receiving approval for a housing development and submittal of an application for building permits
- Efforts to remove nongovernmental constraints creating a gap between the planning for and construction of housing

In addition, data are presented on housing prices and rents.

B. AVAILABILITY OF FINANCING

The analysis of the availability of financing is based on the Home Mortgage Disclosure Act (HMDA) data on FHA and conventional loan applications made by borrowers to buy a home in Brawley. The data provide the basis to calculate loan denial rates by loan type, borrower income, race/ethnicity, and census tract. The HMDA data analysis covers calendar years 2018 and 2019. The 2020 data became available in September 2021.

1. Analysis of Home Purchase Loan Applications

During the two-year period 414 loan applications were made of which 12.6% were denied and 87.4% were approved. The loan approval rates were considerably lower in 2019 compared to 2018, especially for FHA borrowers. Refer to Table E-1.

Overall, the vast majority – almost nine of every 10 loan applications - are approved.

FHA loan applications, however, represent a small share of the market as they comprise 10% of all loan applications.

Table E-2 reports on loan denial rates by loan type and income. Generally speaking, lower income borrowers have the highest loan denial rates. Borrowers in the middle and higher income groups have the lowest denial rates.

Table E-3 shows the loan denial rates by race and ethnicity. The loan approval rates for Hispanics applicants and all other borrowers were about the same.

Table E-3 also shows that Hispanic borrowers comprise 73% of all borrowers (304/414).

Table E-1
City of Brawley
FHA/VA and Conventional
Loan Applications and Denial Rates: 2018 and 2019

Type of Application	2018 Number/Percent	2019 Number/Percent	Total Number/Percent
FHA/VA/FSA			
Total Applications	149	121	270
Number Denied	25	9	34
Percent Denied	16.8%	7.4%	12.6%
Conventional Loans			
Total Applications	73	71	144
Number Denied	10	8	18
Percent Denied	13.7%	11.3%	12.5%
All Loans			
Total Applications	222	192	414
Number Denied	35	17	52
Percent Denied	15.8%	8.9%	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

Table E-2
City of Brawley
FHA/VA and Conventional Loan Denial Rates
By Household Income: 2018 and 2019

Loan Type and Income	Total Applications	Total Denied	Percent Denied
FHA/VA/FSA Loans			
<\$40,000	15	3	0.0%
\$40,000-\$49,999	38	5	13.2%
\$50,000-\$59,999	48	8	16.7%
\$60,000-\$69,999	46	4	8.7%
\$70,000-\$79,999	34	4	11.8%
\$80,000-\$89,999	26	4	15.4%
\$90,000-\$99,999	15	1	6.7%
\$100,000-+	48	5	10.4%
Total	270	34	12.6%
Conventional Loans			
<\$40,000	19	4	21.1%
\$40,000-\$49,999	21	4	19.0%
\$50,000-\$59,999	7	1	14.3%
\$60,000-\$69,999	23	3	13.0%
\$70,000-\$79,999	18	2	11.1%
\$80,000-\$89,999	5	0	0.0%
\$90,000-\$99,999	10	0	0.0%
\$100,000-+	41	4	9.8%
Total	144	18	12.5%
All Loans			
<\$40,000	34	7	20.6%
\$40,000-\$49,999	59	9	15.3%
\$50,000-\$59,999	55	9	16.4%
\$60,000-\$69,999	69	7	10.1%
\$70,000-\$79,999	52	6	11.5%
\$80,000-\$89,999	31	4	12.9%
\$90,000-\$99,999	25	1	4.0%
\$100,000-+	89	9	10.1%
Total	414	52	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

Table E-3
City of Brawley
FHA/VA and Conventional Loan Denial Rates
By Hispanic or Latino and Not Hispanic or Latino: 2018 and 2019

Race/Ethnicity	FHA/VA/FSA Loans			Conventional			All Loans		
	Hispanic or Latino	All Other	Total	Hispanic or Latino	All Other	Total	Hispanic or Latino	All Other	Total
2018 Total Applications	116	33	149	42	31	73	158	64	222
2018 Total Approved	97	27	124	36	27	63	133	54	187
Percent Approved	83.6%	81.8%	83.2%	85.7%	87.1%	86.3%	84.2%	84.4%	84.2%
2018 Total Denied	19	6	25	6	4	10	25	10	35
Percent Denied	16.4%	18.2%	16.8%	14.3%	12.9%	13.7%	15.8%	15.6%	15.8%
2019 Total Applications	101	20	121	45	26	71	146	46	192
2019 Total Approved	94	18	112	40	23	63	134	41	175
Percent Approved	93.1%	90.0%	92.6%	88.9%	88.5%	88.7%	91.8%	89.1%	91.1%
2019 Total Denied	7	2	9	5	3	8	12	5	17
Percent Denied	6.9%	10.0%	7.4%	11.1%	11.5%	11.3%	8.2%	10.9%	8.9%
Total Applications	217	53	270	87	57	144	304	110	414
Total Approved	191	45	236	76	50	126	267	95	362
Percent Approved	88.0%	84.9%	87.4%	87.4%	87.7%	87.5%	87.8%	86.4%	87.4%
Total Denied	26	8	34	11	7	18	37	15	52
Percent Denied	12.0%	15.1%	12.6%	12.6%	12.3%	12.5%	12.2%	13.6%	12.6%

¹Includes all other races and applications where race and/or ethnicity were not available.

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

2. Redlining/Financing Availability by Census Tract

Redlining describes a situation where mortgage services are denied or limited for two specific reasons:

- The racial and/or ethnic composition of an area's residents
- The age of an area's properties

Redlining is when lenders used discriminatory and unfair lending practices that result in reduced lending accessibility for borrowers in the areas that show high populations of racial minorities, regardless of the credit worthiness of each individual borrower. The word redlining comes from the practice of outlining in red those geographical areas that were perceived to pose a higher mortgage risk. Redlining can affect a particular street, block, census tract, or an entire city.

According to the U.S. Department of Housing and Urban Development (HUD), the analysis of loan denial rates by census tract will help to identify if there are underserved neighborhoods.

The loan denial rate for Census Tract 107 is considerably higher than for the other three census tracts. However, there were only 37 loan applications submitted to purchase a home in this census tract. The low number of loan applications means conclusions regarding the potential existence of redlining are not possible.

Table E-4
City of Brawley
FHA/VA and Conventional Loan Denial Rates by Census Tract: 2018 and 2019

Census Tract	FHA/VA/FSA Loans			Conventional Loans			All Loans		
	Total Apps.	Total Denied	Percent Denied	Total Apps.	Total Denied	Percent Denied	Total Apps.	Total Denied	Percent Denied
104	41	5	12.2%	16	3	18.8%	57	8	14.0%
105	89	9	10.1%	28	5	17.9%	117	14	12.0%
106	114	14	12.3%	89	7	7.9%	203	21	10.3%
107	26	6	23.1%	11	3	27.3%	37	9	24.3%
Total	270	34	12.6%	144	18	12.5%	414	52	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

C. LAND AND CONSTRUCTION COSTS

1. Components of Total Development Costs

According to the Terner Center:

Total development costs are made up of a lot of different line items, including land or property acquisition costs, construction costs, architectural/engineering costs, local development fees, as well as fees associated with the “soft” costs of development (e.g., legal fees, appraisals, and insurance).

Source: Terner Center for Housing Innovation, *The Costs of Affordable Housing Production: Insights from California’s 9% Low-Income Housing Tax Credit Program*, March 2020, page 8 (Author: Carolina Reid)

Research completed by the Terner Center found that between 2008 and 2018, the hard costs of building housing in California increased by \$68 per square foot. The research shows that hard construction costs (the costs of material and labor) are the primary driver of rising development costs. The shortage in the construction labor market and higher prices for general contractors (as well as the subcontractors they hire) is affecting affordable housing development—just as this shortage impacts market-rate development.

Source: Terner Center for Housing Innovation, *The Hard Costs of Construction: Recent Trends in Labor and Material Costs for Apartment Buildings in California*, March 2020, 25 pages (Authors: Hayley Raetz, Teddy Forscher, Elizabeth Kneebone, and Carolina Reid)

2. Land Costs

Data on land costs are limited. There are no vacant R-1 zoned sites for sale as of December 2020. New single family homes are for sale in the price range of \$370,000 (1,914 SF) to \$410,000 (2,281SF). The sales price per square foot range between \$180 and \$203.

There is one vacant R-3 zoned parcel for sale as of December 2020. The asking price for the 2.55-acre site is \$220,000 or \$86,275 per acre. The R-3 zone allows up to 17 housing units per acre. Therefore, the per unit land costs are just below \$5,100.

Data on the land and construction costs associated with “market rate” developments are generally unavailable. However, land and cost construction cost data are available for affordable multi-family housing developments built in Brawley. The costs are estimates that are included in Low Income Housing Tax Credit applications and the Tax Credit Allocation Committee project application staff reports.

Table 8 shows that the per unit land costs range from a low of approximately \$8,200 to a high of almost \$53,500.

Table E-5
City of Brawley
Tax Credit Affordable Housing Developments
Multifamily Land Costs: 2015-2020

Project Name/TCAC Application Approval Date	Land Costs	No. of Housing Units	Per Unit Land Costs
Brawley Senior Apartments ¹ February 2016	\$261,000	32	\$8,156
Malan Street Apartments I ² 1 st Round 2015	\$658,000	41	\$16,049
Malan Street Apartments II ² 1 st Round 2018	\$685,000	40	\$17,125
Brawley Adams I ³ 2 nd Round 2018	\$3,207,654	60	\$53,461
Brawley Adams II ³ 2 nd Round 2020	\$1,762,711	60	\$29,379

¹Information based on TCAC application dated February 29, 2016; tax credits were not awarded. Land costs were a seller carryback from the Imperial Valley Housing Authority

²Land loans with 55-year term at 3% interest

³Land donation from the Imperial Valley Housing Authority

Source: California Tax Credit Allocation Committee, Project Applications and staff reports

The reasons for the large low to high range are unknown. For all the projects, there was not an actual sales transaction. The Imperial Valley Housing Authority was the land owner and either donated the land or agreed to a seller carryback.

3. Construction Costs

In California, on a per square foot basis, senior housing is the least costly when compared to supportive housing and family housing. The construction costs of the family housing projects listed in Table E-6 range from about \$178,800 to approximately \$229,700. The range in construction costs could be due to the fact that some projects include a non-residential building such as a community building.

Table E-7 shows the share that land, construction, and soft costs comprise of the total housing development costs. Land costs comprise a relatively small share of the total development costs. Construction costs are the largest component, ranging between 55% and 60% of the total development costs.

Table E-6
City of Brawley
Tax Credit Affordable Housing Developments
Multifamily Construction Costs: 2015-2020

Project Name	Construction Costs	No. of Housing Units	Per Unit Construction Costs
Brawley Senior Apartments ¹	\$3,559,585	32	\$111,237
Malan Street Apartments	\$7,330,375	41	\$178,790
Malan Street Apartments II	\$9,188,592	40	\$229,715
Brawley Adams I	\$11,694,212	60	\$194,904
Brawley Adams II	\$12,329,881	60	\$205,498

¹Information based on TCAC application dated February 29, 2016; tax credits were not awarded.

Note: Includes estimated construction contingency.

Source: California Tax Credit Allocation Committee, Project Applications

Table E-7
City of Brawley
Tax Credit Affordable Housing Developments
Share of Development Costs: 2015-2020

Project Name	Land Costs	Construction Costs	Soft Costs
Brawley Senior Apartments ¹	4.1%	55.9%	40.0%
Malan Street Apartments I	5.8%	64.7%	29.5%
Malan Street Apartments II	4.7%	63.7%	31.6%
Brawley Adams I	15.0%	54.8%	30.2%
Brawley Adams II	8.7%	60.6%	30.7%

Source: California Tax Credit Allocation Committee, Project Applications

4. Market Rate and Affordable Housing Total Development Costs

A market rate project comparable to a tax credit, subsidized development would “cost” less than the affordable housing development. In California, controlling for year, region, construction type, and prevailing wage requirements, affordable projects average \$48 more per square foot compared to market rate projects and projects that mix affordable and market-rate units.

From 2008 to 2019, the average cost per unit of 9% LIHTC new construction, adjusted for inflation, increased from \$411,000 to \$480,000, an increase of over 17%. Total development costs, however, vary substantially by region. In California’s “rural” region of which Brawley is a part, the average per unit total development cost is approximately \$400,000.

The list below quantifies the “total” development costs of the projects:

▪ Brawley Senior Apartments	\$199,022
▪ Malan Street Apartments I	\$276,409
▪ Malan Street Apartments II	\$360,960
▪ Adams Park I	\$355,611
▪ Adams Park II	\$339,077

In contrast, the “total” development costs of projects approved in 2019 for 9% tax credits and which are located in Inland Empire Region are as follows:

▪ Fern Crossing Apts	Holtville	44 units	\$385,713
▪ Sierra Avenue Family Apts	Fontana	60 units	\$443,246
▪ Bloomington Housing Phase III	Bloomington	98 units	\$489,800
▪ Cedar Glen II Apts	Riverside	50 units	\$504,523

The four projects were large family developments that involved new construction, not rehabilitation.

The projects approved in Orange County cost even more than those in the Inland Empire Region:

▪ Manchester/Orangewood Apts	Anaheim	\$504,921	2 nd Round 2019
▪ Westminster Crossing Apts	Westminster	\$597,979	1 st Round 2019

The housing development costs of affordable housing usually exceed market rate housing because of prevailing wages, inclusion of sustainable materials, and the need to assemble numerous funding sources. These factors combined cause, on average, an increase of 19% in total development costs. Prevailing wage raises total development costs by approximately \$53,000 per unit, or by 13%. It is not known if some or all of Brawley’s affordable housing developments were subject to prevailing wage requirements.

Although less costly, a market rate development will be unable to charge rents low enough to render the apartment units affordable to lower income households.

5. State and Local Policy Implications

The increase in LIHTC project costs has material consequences for the supply of new affordable housing. The cost increases mean that the same amount of public subsidy is now needed to build two units at 1,000 square feet as was needed for three units just 10 years ago.

The Terner Center has concluded that –

...there is also a need to reduce the costs of building subsidized housing. In the current economic climate, new market-rate construction will not meet the housing needs of families earning below 60 percent of the area median in which they live. In addition, the increasing prevalence of unhoused individuals and families will require substantial investments in affordable housing. State policymakers—as well as many local jurisdictions—have recognized the need to invest in new subsidized housing, and the last four years have seen a significant expansion of funding for affordable and supportive housing through both state legislation and local bond measures. But continuing to spend \$700,000 on a unit of affordable housing—with an increasing share of that coming from public subsidies—will make it that much harder to build the supply we need.

Source: Terner Center for Housing Innovation, *The Costs of Affordable Housing Production: Insights from California's 9% Low-Income Housing Tax Credit Program*, March 2020, page 23
 (Author: Carolina Reid)

The City Council has facilitated the development of affordable housing by approving density bonuses and deferring water capacity and waste water capacity fees.

D. HOUSING VALUES AND RENTS

1. Home Values

Table E-8 provides data on home values based on an owner's estimate of how much the property would sell for if it were for sale. Fifty-five percent of the homes are estimated to have values of less than \$200,000. Almost 30% of the homes have estimated values in the range of \$200,000 to \$299,999. Lastly, nearly 16% of the home owners think they could sell their home for more than \$300,000.

Overall, the value distribution demonstrates that Brawley generally has a stock of affordable single-family homes.

Table E-8
City of Brawley
Value of Housing Units: 2015-2019

Value	Number	Percent
Less than \$100,000	381	10.5%
\$100,000 to \$124,999	436	12.1%
\$125,000 to \$149,999	225	6.2%
\$150,000 to \$174,999	539	14.9%
\$175,000 to \$199,999	407	11.3%
\$200,000 to \$249,999	707	19.6%
\$250,000 to \$299,999	347	9.6%
\$300,000 to \$399,999	376	10.4%
\$400,000 to \$499,999	116	3.2%
\$500,000 to \$749,999	42	1.2%
\$750,000 to \$999,999	12	0.3%
\$1,000,000 to \$1,499,999	11	0.3%
\$1,500,000 to \$1,999,999	4	0.1%
\$2,000,000 or more	10	0.3%
Total	3,613	100.0%

Source: 2015-2019 American Community Survey 5-Year Estimates,
 Table B25075 Value Occupancy

Table E-9 shows the median home values for cities located in Imperial County. The median home values range from a low of \$119,300 (Westmorland) to a high of \$239,900 (Imperial). Brawley's median home value is estimated to be \$188,900.

Table E-9
Imperial County
Median Home Values by City (in Rank Order): 2015-2019

City	Median Home Value
Imperial	\$239,900
Calexico	\$207,600
El Centro	\$192,600
Brawley	\$188,900
Holtville	\$186,600
Calipatria	\$145,700
Westmorland	\$119,300

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25077 Median Home Value (Dollars)

2. Monthly Gross Rents

Monthly gross rents are available for approximately 3,100 housing units. The data reveal that the a good portion of the rental housing stock meet the space needs of large families as more than one-third of the rental units have three or more bedrooms.

Gross rent is the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid by the renter (or paid for the renter by someone else). Gross rent is intended to eliminate differentials that result from varying practices with respect to the inclusion of utilities and fuels as part of the rental payment. Renter units occupied without payment of rent are shown separately as "No rent paid" in the tabulations.

Approximately 70% of the rental housing stock has gross rents of less than \$999. Twenty-two percent and 6.4% of the rental housing units have monthly gross rents of \$1,000-\$1,499 and \$1,500 or more, respectively. Refer to Table E-10.

The monthly gross rents demonstrate the affordability of the rental housing stock.

Table E-11 shows the median gross rents for all cities in Imperial County. The median monthly gross rents range from a low of \$600 (Westmorland) to a high of \$1,394 (Imperial). Brawley's median gross rent is estimated to be \$828.

The City's median gross rent by bedroom size is shown in Table E-12. The median gross rent for a 2-bedroom unit is estimated to be \$784.

Table E-10
City of Brawley
Bedrooms by Monthly Gross Rent: 2015-2019

Monthly Gross Rent	No Bedroom	1 Bedroom	2 Bedrooms	3+ Bedrooms	Total	Percent
Less than \$300	11	101	44	16	172	5.5%
\$300-\$499	0	39	216	26	281	9.0%
\$500-\$749	109	228	362	85	784	25.2%
\$750-\$999	11	52	518	405	986	31.7%
\$1,000-\$1,499	0	55	232	403	690	22.2%
\$1,500 or more	0	2	51	145	198	6.4%
Total	131	477	1,423	1,080	3,111	100.0%
Percent	4.2%	15.3%	45.7%	34.7%	100.0%	

Note: 163 renter households has no cash rent

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25068: Bedrooms by Gross Rent

Table E-11
Imperial County
Median Gross Rent by City (in Rank Order): 2015-2019

City	Median Gross Rent
Imperial	\$1,394
Calexico	\$904
Brawley	\$828
El Centro	\$803
Westmorland	\$767
Calipatria	\$724
Holtville	\$600

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25064 Median Gross Rent (Dollars)

Table E-12
City of Brawley
Median Gross Rent by Bedrooms: 2015-2019

Number of Bedrooms	Median Gross Rent
No bedroom	\$612
1 bedroom	\$625
2 bedrooms	\$784
3 bedrooms	\$982
4 bedrooms	\$1,317

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25031 Median Gross Rent by Bedrooms

E. REQUESTS TO DEVELOP HOUSING AT DENSITIES BELOW THOSE STATED IN THE SITES INVENTORY AND ANALYSIS (GOVERNMENT CODE 65583.2)(C)

During the period of 2013 to 2021, the City has not received an application to develop housing at densities below stated in the 5th Cycle Housing Element. The City has approved four apartment developments that include density bonus units.

F. LENGTH OF TIME BETWEEN RECEIVING APPROVAL FOR A HOUSING DEVELOPMENT AND SUBMITTAL OF AN APPLICATION FOR BUILDING PERMITS

The City approved several specific plans in the early- to mid-2000s. Development within the approved specific plan areas was stalled due to the Great Recession and the COVID-19 Pandemic. Interest in the specific plan areas has begun and building permit applications are expected to be submitted in 2021.

The City also has approved several multifamily residential developments. Typically, these developments move forward after construction and other financing has been secured. For instance, the City approved a senior housing development with density bonus units. The tax credit financing application was not approved and, therefore, a building permit application has not yet been submitted.

As another example, the City approved a family rental housing development that included density bonus units. The developer's first Affordable Housing Sustainable Communities (AHSC) funding application was not approved. Following technical assistance, the second application was approved. A building permit for the project has been submitted.

G. EFFORTS TO REMOVE NONGOVERNMENTAL CONSTRAINTS CREATING A GAP BETWEEN THE PLANNING FOR AND CONSTRUCTION OF HOUSING

Nongovernmental constraints include financing availability, land costs, and construction costs.

With regard to funding availability, the City Council approves resolutions supporting the affordable housing developer's funding applications.

With respect to land costs, the City has approved four projects with density bonus units. These approvals have contributed to lowering the per unit land costs.

Construction costs are influenced by the housing unit sizes of new apartment units. The City has approved several developments that adhere to the minimum housing unit sizes established for developments financially supported by Low Income Housing Tax Credits.

The City also has drafted development standards for compact housing units that would range between 350 and 500 square feet.

Program 3.10 in Section II seeks to remove or ameliorate nongovernmental constraints. The Non-Governmental Constraints Program includes:

- Adoption of a density bonus program to reduce per unit land costs.
- Adoption of an ADU Ordinance to promote new housing on parcels with no associated land costs,
- Creation of a new housing type – compact housing units of 350 to 500 SF – to promote new housing with lower construction costs.
- To increase financing availability, continue to approve letters supporting developer applications for funding (e.g., LIHTC, AHSC)

**APPENDIX F
HOUSING RESOURCES**

Appendix F describes housing financial and administrative resources. Some of the resources provide assistance that could help address the City's housing needs. The availability of land resources to accommodate the City's share of the regional housing need was described in *Appendix C - Sites Inventory and Analysis*.

A. FINANCIAL RESOURCES

1. United States Department of Agriculture (USDA)

a. Section 502 Direct Loan Program

The Section 502 Direct Loan Program assists low- and very-low-income applicants obtain decent, safe, and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. Payment assistance is a type of subsidy that reduces the mortgage payment for a short time. The amount of assistance is determined by the adjusted family income.

Generally, rural areas with a population less than 35,000 are eligible

Loan funds may be used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate, or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

b. Section 504 Home Repair Program

The Section 504 Home Repair Program provides loans to very-low-income homeowners to repair, improve, or modernize their homes or provides grants to elderly very-low-income homeowners to remove health and safety hazards.

The qualification criteria include:

- Be the homeowner and occupy the house
- Be unable to obtain affordable credit elsewhere
- Have a family income below 50% of the area medium income

The program basics include:

- Loans may be used to repair, improve, or modernize homes or to remove health and safety hazards.
- Grants must be used to remove health and safety hazards
- The maximum loan is \$20,000.
- The maximum grant is \$7,500.
- Loans and grants can be combined for up to \$27,500 in assistance.

2. Community Development Block Grant Funds

Eligible applicants include non-entitlement jurisdictions [cities with populations fewer than 50,000 and counties with populations under 200,000] in unincorporated areas that do not participate in the U.S. Department of Housing and Urban Development (HUD) CDBG entitlement program.

CDBG funds are provided as grants. Maximum grant amounts vary by activity and run between \$600,000 and \$1,500,000, not including additional amounts available under the Native American and Colonia allocations. Grants must address one of three national objectives: 1) benefit to low- and moderate-income persons, 2) aid in the prevention or elimination of slums and blight, or 3) to meet an urgent need. Planning and Technical Assistance (PTA) grants may be up to \$100,000 for one or two studies per funding round per jurisdiction.

Eligible activities include:

- Housing: Includes single- and multi-family rehabilitation, rental housing acquisition or homeownership assistance, and activities that support new housing construction.
- Public Improvements: includes water and wastewater systems, rural electrification, and utilities such as gas services.
- Community Facilities: Includes day care centers, domestic violence shelters, food banks, community centers, medical and dental facilities, and fire stations.
- Public Services: Includes staff and operating costs associated with the community facilities.
- Planning and Technical Assistance (PTA): Includes studies and plans for housing, public works, and community facilities that meet CDBG national objectives and provide principal benefit to low-income persons.

3. Affordable Housing and Sustainable Communities Program

The AHSC Program reduces greenhouse gas (GHG) emissions through projects implementing land-use, housing, transportation, and agricultural land preservation practices that support infill and compact development. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

AHSC provides funding for affordable housing developments (new construction or renovation) and transportation infrastructure. This may include sustainable transportation infrastructure, such as new transit vehicles, sidewalks, and bike lanes; transportation-related amenities, such as bus shelters, benches, or shade trees; and other programs that encourage residents to walk, bike, and use public transit.

In 2017-2018 AHSC funds were awarded to Pacific West Communities in the amount of \$12,779,179:

- Housing Funding: \$10,350,000
- Transportation Capital Funding: \$2,305,979

Ocotillo Springs Apartments in Brawley is the AHSC Program's first award in Imperial County. The Project would include 74 units of centrally located net-zero energy affordable housing. The housing development would include nearly 3,000 square feet of community building that would include a kitchen, computer lab, a tot lot, and covered picnic tables and barbecue grills.

Ocotillo Springs Apartments proposes the build-out of over 1.6 miles of new sidewalks and 2.3 miles of new Class II bikeways that would connect the community throughout the downtown. In partnership with Calvans, the project would procure 30 vanpool vans to provide vanpool services to the entire community. Feedback provided in surveys of community members on barriers to active transportation usage led the Project development to exceed the Program scoring incentives and build

in over 8,000 feet of new sidewalks. With the help of Technical Assistance, this project improved its score by 27.5 points.

4. Infill Infrastructure Grant Program

To be eligible for funding, a Capital Improvement Project must be an integral part of, or necessary for the development of either a Qualifying Infill Project or housing designated within a Qualifying Infill Area. Eligible costs include the construction, rehabilitation, demolition, relocation, preservation, and acquisition of infrastructure. Examples of infrastructure improvements include:

- Parks and open space development
- Utility improvements & relocation
- Streets, roads, transit linkages and facilities
- Facilities to support pedestrian & bicycle transit
- Traffic mitigation, such as street signals
- Site preparation or demolition
- Sidewalk or streetscape improvements

On June 25, 2020 Pacific Southwest Community Development Corporation was awarded an Infill Infrastructure Grant in the amount of \$1,501,632 for the Adams II affordable housing development.

5. Low Income Housing Tax Credits

This program provides equity for the development of affordable housing. The City does not have direct access to this funding, which is awarded by the California Tax Credit Allocation Committee (TCAC) to experienced non-profit and for-profit developers on a competitive basis. Table F-1 lists Brawley's 14 developments that have received tax credits.

Table F-1
City of Brawley
Low Income Housing Tax Credit Affordable Housing Developments

Spring & Encino Village Apartments (Site A)	402 S. Eastern Ave	95
Salton II Village Apts.	1524 C Street	30
Brawley Pioneers Apartments	1690 C Street	75
Hatfield Homes (Site A)	963 Dominguez Court	48
Brawley Family Apartments	1690 C Street	79
Sonterra Apartments	250 S. Eastern Ave.	53
Brawley Elks Senior Apartments	995 Willard Avenue	80
Brawley Gardens Apartments	221 Best Road	80
Valle del Sol Apartments	1605 East C Street	70
Manzanilla Terrace	1586 I Street	68
Malan Street Apartments	180 Malan Street	40
Malan Street Apartments II	180 Malan Street	40
Brawley Adams I	1598 C Street	59
Imperial VI (Site E) - Citrus Pointe I & II	694 N 3rd St, Brawley	—

An introduction of the Low Income Housing Tax Credit Program is available at:

<https://fas.org/sgp/crs/misc/RS22389.pdf>

6. Section 8 Rental Assistance

a. Public Housing

Public Housing units are owned and managed by IVHA. IVHA owns units located throughout Imperial County. Public Housing units vary in size and style, however they offer low rents based on the household income. Applications for public housing are subject to closure.

b. Section 8 Housing Choice Voucher Program

IVHA administers the Section 8 Housing Choice Voucher Program, a major federally funded program helping low income households afford decent, safe and sanitary housing. Section 8 provides eligible households the opportunity to rent housing of their choice in the private market. Housing Assistance Payments (HAP) are provided on behalf of the household each month to the landlord. The household is responsible for paying the difference between the contract rent charged by the landlord and the amount subsidized by IVHA. Applications for Section 8 are subject to closure.

7. CalHFA Multifamily Mixed Income Program

The CalHFA Mixed-Income Program (MIP) provides long-term subordinate financing for new construction of multifamily housing projects which restrict units at a mix between 30% and 120% of the Area Median Income. The program was created after Senate Bill 2 (SB2), the Building Homes and Jobs Act which was signed into law in 2017, established an annual appropriation to the Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households. CalHFA receives 15% of the Building Homes and Jobs Act Fund for this purpose.

CalHFA expects to have a total of \$60 million available for MIP subordinate financing in 2021.

For 2021, the Agency has also made available funds provided through Assembly Bill 101. The bill directs the funding to CalHFA to be used to finance low- and moderate-income housing.

8. CalHFA Homebuyer Programs

The agency offers a variety of loan programs to purchasers of a home: conventional loans, government insured loans (FHA, VA), down payment assistance programs, and Mortgage Credit Certificates (MCCs).

9. CalHFA Multifamily Programs

CalHFA's Taxable, Tax-Exempt, or CalHFA funded *Permanent Loan* programs provide competitive long-term financing for affordable multifamily rental housing projects. Eligible projects include newly constructed or acquisition/rehabilitation developments that provide affordable housing opportunities for individuals, families, seniors, veterans, and special needs tenants.

CalHFA's *Conduit Issuer Program* is designed to facilitate access to tax-exempt and taxable bonds by developers that seek financing for eligible projects that provide affordable multifamily rental housing for individuals, families, seniors, veterans or special needs tenants. The conduit bonds may be used to finance

the acquisition, rehabilitation, and/or development of an existing project, or they can be used for the construction of a new project.

10. HCD No Place Like Home Program (NPLH) Program

This program provides funding and tools that enables HCD to address affordability issues associated with creating housing units that are specifically set aside for persons with serious mental illness who are chronically homeless, homeless, or at-risk of becoming chronically homeless. Under the program, the Department may make loans to reduce the initial cost of acquisition and/or construction or rehabilitation of housing, and may set funds aside to subsidize extremely low rent levels over time.

11. HCD Multifamily Housing Program

Funds for the program were authorized by the Veterans and Affordable Housing Act of 2018. The program funds new construction, rehabilitation of housing, development or conversion of a nonresidential structure to a rental housing development. Eligible uses include land acquisition and construction. The maximum rent limit is 30% of 60% of Area Median Income (AMI), adjusted by unit size.

12. HCD Supportive Housing Multifamily Housing Program

Funds available are for multifamily rental housing projects involving new construction, rehabilitation, acquisition and rehabilitation, or conversion of nonresidential structures for the purpose of development of rental housing containing permanent supportive housing units for the target population.

13. HCD Veterans Housing and Homelessness Prevention Program

This program involves collaboration between HCD, California Department of Veteran Affairs, and California Housing Finance Agency to provide \$600 million in Proposition 41 general obligation bonds to fund affordable multifamily rental, supportive and transitional housing. The goal is to fund 4,800 new veteran housing units including 2,880 to 3,300 permanent supportive housing units for homeless veterans. Of the permanent supportive housing units, 1,200 to 1,400 will be for chronically homeless veterans. Priority is placed on housing to be developed in areas with especially high concentrations of California's most vulnerable veterans while preserving funding for other areas.

“Veteran” means any person who served in the active military, naval, or air service of the United States or as a member of the National Guard who was called to and released from active duty or active services for a period of not fewer than 90 consecutive days or was discharged from service due to a service-related disability. This includes veterans with other-than-honorable discharges.

At least 50% of the funds awarded shall serve veteran households with extremely low incomes. Of those units targeted to extremely low-income veteran housing, 60% shall be supportive housing units.

14. Housing for Healthy California (HHC) Program

In September of 2017, as part of a landmark housing package, Governor Jerry Brown signed AB 74 into law. The HCD is authorized to develop the Housing for a Healthy California (HHC) Program. The HHC program creates supportive housing for individuals who are recipients of or eligible for health care provided through the California Department of Health Care Services, Medi-Cal program. The goal of the HHC program is to reduce the financial burden on local and state resources due to the overutilization of emergency departments, inpatient care, nursing home stays and use of corrections systems and law

enforcement resources as the point of health care provision for people who are chronically homeless or homeless and a high-cost health user.

15. AB 101

a. New State Low Income Housing Tax Credits Program

Provides for the allocation of \$500 million in new state low-income housing tax credits for new construction projects that receive the federal 4% tax credit. For these new credits, the bill increases the eligible basis for these projects from 13% to 30%. It requires at least \$300 million of this to be available to new construction projects receiving the federal 4% tax credit, and allows up to \$200 million to be available to projects receiving assistance from the California Housing Finance Agency (CalHFA) Mixed Income Program.

Eligible basis refers to depreciable basis; it does not include land, syndication, organization, or permanent financing costs. A more complete explanation of eligible basis is available at:

<https://www.ncsha.org/wp-content/uploads/2018/11/Eligible-Basis-and-Credit-Calculations.pdf>

b. CalHome Program

AB 101 (2019) allows the CalHome program to include accessory dwelling units (ADUs) and junior accessory dwelling units (JADU), and authorizes the program to make grants for housing purposes in declared disaster areas.

B. ADMINISTRATIVE RESOURCES

Administrative resources include organizations that are able to assist the City in implementing housing activities, including some of those described in Section II - Housing Program.

1. California Department of Housing and Community Development (HCD)

HCD is able to provide technical assistance on a myriad of housing topics, including model housing programs and ordinances.

2. Imperial Valley Housing Authority (IVHA)

This agency administers the Section 8 Housing Voucher Program and Public Housing Program. The HA's area of operation is all of the unincorporated areas of Imperial County and all incorporated cities.

3. Imperial County Continuum of Care (CoC)

The goal of the Imperial Valley Continuum of Care Council is to end homelessness by developing systems that will effectively direct homeless individuals and families to needed resources. Through these resources, the individual and families will have the help to better regain dignity and respect while returning to the community as thriving and productive citizens. The goal of the CoC is also to provide resources that will prevent individuals from entering into homelessness.

The focus for the Imperial Valley Continuum of Care Council is to address the concerns of the community dealing with homelessness while improving the conditions that suffocate community growth. This is being achieved through collaborations, trainings, services, and hard work.

**APPENDIX G
PROGRESS REPORT**

A. GOVERNMENT CODE REQUIREMENTS

The Progress Report (officially known as review and revision) must discuss:

"Appropriateness of goals, objectives and policies" (Section 65588(a)(1)): A description of how the goals, objectives, policies and programs of the updated element incorporate what has been learned from the results of the prior element.

"Effectiveness of the element" (Section 65588(a)(2)): A comparison of the actual results of the earlier element with its goals, objectives, policies and programs. The results should be quantified where possible (e.g., rehabilitation), but may be qualitative where necessary (e.g., mitigation of constraints).

"Progress in implementation" (Section 65583(a)(3)): An analysis of the significant differences between what was projected or planned in the earlier element and what was achieved.

B. APPROPRIATENESS OF GOALS, OBJECTIVES AND POLICIES

Section II – Housing Program – establishes goals, objectives and policies for the seven program categories mandated by State law. Several of the goals and policies are appropriate to carry forward to the 2021-2029 planning period. However, the goals and policies have been updated to include many important pro-housing policies such as an emphasis by right zoning.

The quantified objectives have also been adjusted to account for the accomplishments made during the 2013-2021 planning period. Quantified objectives have been adjusted in regard to new housing production, housing rehabilitation, and housing code enforcement.

C. EFFECTIVENESS OF THE ELEMENT

Table G-1 provides information on the effectiveness of 19 individual housing programs.

Several programs exceeded the quantified objectives. The new construction objective exceeded actual housing demand, however.

Individual programs #2, #7 and #8 were particularly effective during the 2013-2021 planning period.

Additionally, the quantified objective for at-risk housing was almost attained.

D. PROGRESS IN IMPLEMENTATION

Table G-1 on the following page describes the progress made toward implementing the 19 individual programs. Some of the programs such as housing code enforcement and housing rehabilitation will be carried forward to the 2021-2029 planning period.

E. RHNA PROGRESS

The lack of demand for new market rate housing has limited the production of moderate income housing and caused no new above moderate income housing to be built. Efforts to accelerate the production of market rate housing will be described in the Economic Development Element.

Affordable housing developers have been very successful in securing funding – LIHTC, AHSC, Joe Serna Farmworker funding, and Infill Infrastructure Grants.

Table G-1
City of Brawley
Building Permits for New Housing by Income Level

Income Level	Deed Restricted	Non-Deed Restricted	Total
Very Low Income	40	0	40
Low Income	45	9	54
Moderate Income	2	28	30
Above Moderate Income	0	0	0
Total	87	37	124

Source: City of Brawley, CY 2020 APR

The annual rate of ADU production is projected to increase from two to five per year as homeowners become more aware of the benefits of building ADUs and more financing options become available. Thus, ADU production is projected to be 40-units during the RHNA period. The ADU production projection has not been included in the housing capacity estimates of the sites inventory.

F. BENEFICIAL IMPACTS FOR SPECIAL NEEDS POPULATIONS

1. Elderly

Approval of the Brawley Senior Apartments, a 56-unit development. The approval includes 13 density bonus units and a waiver of water and wastewater capacity fees in the amount of \$186,442.

2. Disabled

The Reasonable Accommodation Procedure (Section 27.183 of the Zoning Ordinance) was adopted in the 5th Cycle planning period.

The 75-unit Ocotillo Springs Apartments were approved. The development includes:

- 12 adaptable units
- 8 accessible units
- 3 sensory impaired units

3. Large Families

Five affordable housing developments were approved that include 92 3-bedroom and 44-bedroom units.

4. Farmworker Housing

Housing for farmworkers is included in two affordable housing developments were approved during the 5th Cycle planning period. The two approved developments are Adams Park III (80 units) and Ocotillo Springs Apartments (75 units). The latter development received Joe Serna Farmworker funding.

Table G-2
City of Brawley
2021-2029 Housing Element - Implementation Progress Report

Name of Program	Objective	Status of Program
1. RHNA Housing Sites Implementation Program	2,800 housing units	383 constructed housing units as of 1/1/2021
2. Infill Housing Development Strategy	72 new housing units on infill sites	Infill Infrastructure Grant – Ocotillo Springs Apts – 75 housing units
3. No Net Loss Program	Evaluation Procedure Established	Completed
4. Zoning Ordinance Amendments to Encourage a Variety of Housing Types	Amendments Adopted	Completed
5. Imperial Valley Housing Authority Rental Assistance for Lower Income Families	505 ELI, 169 VLI, and 75 LI families	Ongoing 222 VLI and 74 LI Households assisted
6. First Time Home Buyer Program	35 LI Families	Completed
7. Density Bonus Affordable Housing Program	30 density bonus units	4 density bonus projects 39 density bonus units Density Bonus Ordinance adopted
8. Affordable Rental Housing Construction Program	25 affordable rental housing units	Completed: 8 projects; 488 affordable housing units
9. Developmentally Disabled Outreach Program	Development and implement outreach program	Outreach completed; information posted on City's website
10. Extremely Low Income (ELI) Program	550 ELI families	Completed and ongoing rental assistance provided by the IVHA
11. Reasonable Accommodations Procedure	Procedure adopted	Completed
12. Zoning Ordinance Amendments to Accommodate Housing for Disabled	Amendments Adopted	Completed
13. Zoning Ordinance Amendment to Reduce Parking for Special Needs	Amendments Adopted	Completed
14. Housing Code Enforcement Program	2009 corrected code violations	Completed
15. Housing Rehabilitation Program	21 single-family homes	Accomplished by City and USDA programs
16. Fair Housing Services Program	Accomplish training and workshops	Ongoing
17. Fair Housing Information Program	Post information on City's website	Completed and Ongoing
18. At-Risk-Housing Preservation Program	Preserve 117 affordable housing units	Affordability of 96 housing units to be preserved
19. Energy Conservation Program	Reduce energy consumption	Ongoing

RESOLUTION NO. 2021-47

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
AMENDING THE HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTION OF
THE NEGATIVE DECLARATION.**

WHEREAS, Government Code Section 65301 of the State Planning Law mandates a Housing Element as one of the elements of the City's General Plan; and

WHEREAS, the Planning Commission on September 8, 2021, reviewed an amended Housing Element and after conducting a duly noticed public hearing thereon, recommended to the City Council that the amended Housing Element be approved; and

WHEREAS, the amended Housing Element projects and the housing needs of the City of Brawley for all income groups for an eight year period beginning October 15, 2021, and ending October 15, 2029; and

WHEREAS, the City is required to have a certified Housing Element in order to receive Community Development Block Grant funds for housing rehabilitation projects and apply for other State of California grants or programs, and

WHEREAS, the City is required to have the Zoning Ordinance updated for any deficiencies in the General Plan by advisement of the State of California Housing & Community Development Department regarding any required policies.

WHEREAS, the City Council, on due notice, conducted a public hearing on October 19, 2021 on the amended Housing Element and Negative Declaration, and considered all public comments thereon;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
DOES HEREBY ORDER, DETERMINE AND RESOLVE AS FOLLOWS:**

The Housing Element of the General Plan adopted by Resolution No. 2021- on October 19, 2021, is hereby revised to provide as set forth in Exhibit "A", entitled "City of Brawley - Housing Element of the General Plan", attached hereto and made a part hereof.

The Negative Declaration of the Housing Element is certified by Resolution No. 2021- on October 19, 2021, is hereby adopted as Exhibit "B" entitled "Initial Study City of Brawley Housing Element and Negative Declaration", attached hereto and made a part hereof.

The Planning Director is hereby authorized by the City Council to edit any deficiencies in the Housing Element by advisement of the State of California Housing & Community Development Department regarding any policies regarding:

1. Conformance with State statutes
2. Analysis for the zoning of a variety of residential uses
3. Staff is able to make technical corrections/revisions based on State Housing Community and Development Department comments on the adopted element

APPROVED, PASSED AND ADOPTED at a regular meeting of the Brawley City Council held on the 19th day of October 2021.

CITY OF BRAWLEY, CALIFORNIA



Luke Hamby
Luke Hamby, Mayor

ATTEST:



Alma Benavides, City Clerk

STATE OF CALIFORNIA}
COUNTY OF IMPERIAL}
CITY OF BRAWLEY}

I, ALMA BENAVIDES, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Resolution No. 2021-47 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th of October 2021 and that it was so adopted by the following roll call vote: m/s/c Wharton/Castro

AYES: Castro, Couchman, Hamby, Nava, Wharton
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: October 19, 2021



Alma Benavides, City Clerk

