

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

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December 16, 2025

Lucy Rollins, Senior Planner
Placer County Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Dear Lucy Rollins:

RE: Placer County, Housing Element Program HE-42 – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request from Placer County (County) to review a draft ordinance implementing the County's Housing Element Program HE-42. The County also requested written clarification of two items:

1. The County requested an explanation of HCD's concerns with the minor use permit (MUP) process and options for the County to address those concerns. As part of HCD's review of the draft ordinance, HCD noted that the County's MUP process¹ may include subjective elements that could be considered overly restrictive and discriminatory.
2. The County asked whether HCD had intended the term "single family residential districts" in Program HE-42 to include only districts in which single family residential is the only permitted use or to include any zone where single-family homes are permitted. Program HE-42 was originally drafted by HCD as suggested language for the County to include in its housing element.

This letter provides technical assistance to the County regarding those two items.

Background

Housing Element Program HE-42

Housing Element Program HE-42 reads: "GROUP HOMES The County shall amend the zoning code to treat all residential care homes as family homes, consistent with Health

¹ Placer County Code of Ordinances, §§ [17.58.120](#) (Minor use permits), [17.58.140](#) (Permit issuance).

and Safety Codes, and to allow residential care homes with seven or more clients with approval of a minor use permit in single family residential districts.”

The County’s proposed draft ordinance dated September 15, 2025 includes the following definitions:

- “Residential care home, six or fewer” means any family home, group care facility, or similar facility as determined by the director operating as a single-family residence that provides licensable services for six or fewer residents, including twenty-four-hour nonmedical care of persons in need of personal services, supervision or assistance essential to sustaining the activities of daily living or for the protection of the individual. The facility meets the definition of a single-family dwelling as established in this section.
- “Residential care home, seven or more” means any family home, group care facility, or similar facility as determined by the director operating as a single-family residence that provides licensable services to seven to sixteen residents, including twenty-four-hour nonmedical care of persons in need of personal services, supervision or assistance essential to sustaining the activities of daily living or for the protection of the individual. The facility meets the definition of a single-family dwelling as established in this section.

HCD Group Home Technical Advisory

HCD’s Group Home Technical Advisory (Group Home TA)² provides guidance regarding under what circumstances local governments may require an MUP or similar special permit for a group home. To summarize, group homes that operate as single-family residences and that do not provide licensable services, as well as group homes that operate as single-family residences and that provide licensable services to six or fewer residents (“residential care home, six or fewer,” to use Placer County’s proposed terminology), must be allowed in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences. Only group homes operating as single-family residences that provide licensable services to more than six residents (“residential care home, seven or more,” to use Placer County’s proposed terminology) may be subject to conditional use or other discretionary approval processes such as an MUP.³

² Available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

³ Group Home TA at p. 26.

Statutory Background

Anti-Discrimination in Land Use (ALU) Law

The ALU Law⁴ prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, the law deems any action taken by a city to be null and void if it denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination.⁵ The ALU Law prohibits discrimination based on any characteristic, including disabilities, protected by other state or federal laws, while adding its own prohibitions of discrimination against individuals or households who have very low, low, moderate, or middle incomes.⁶ The law further recites multiple categories of actions that are determined to be discriminatory, including enactment or administration of ordinances that prohibit or discriminate based on a protected characteristic⁷ and imposition of requirements on a residential use for persons with protected characteristics that are not generally imposed upon other residential uses.⁸

Affirmatively Furthering Fair Housing (AFFH) Law

AFFH Law⁹ requires all California public agencies, including counties, “to administer their programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with [this] obligation....”¹⁰ AFFH 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.¹¹

⁴ Gov. Code, § 65008.

⁵ *Id.* at subd. (a)(1).

⁶ *Id.* at subds. (a)(1)(A), (b)(1)(B)-(C), (b)(2)(B), (b)(3).

⁷ *Id.* at subd. (b)(1)(B).

⁸ *Id.* at subd. (d)(2)(A).

⁹ Gov. Code, § 8899.50.

¹⁰ *Id.* at subds. (a)(2)(B), (b)(1), (2).

¹¹ *Id.* at subd. (a)(1).

Moreover, the “duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.”¹²

Housing Element Law

In addition to the general AFFH requirements in AFFH Law, Housing Element Law includes more specific AFFH requirements for counties (and cities). Housing Element Law requires counties to thoroughly analyze fair housing issues related to housing for people with disabilities and set forth a program of actions that protect and promote such housing.¹³ Through their housing elements, counties must “remove governmental constraints that hinder . . . meeting the need for housing for persons with disabilities,” which requires “remov[ing] constraints to, and provid[ing] reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.”¹⁴ Section 65583 also requires counties to “promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities all persons regardless of . . . disability” or “other protected characteristics.”¹⁵ And counties’ housing elements must include a fair housing assessment with specific goals, implementation strategies, and “metrics and milestones” for evaluating results.¹⁶ In complying with these AFFH duties, counties are required to analyze data and set measurable objectives and milestones.¹⁷

Analysis

Question 1: What are HCD’s concerns with the County’s MUP Process and options for the County to address those concerns?

As noted above, residential care homes operating as single-family residences that provide licensable services to seven or more clients may be subject to conditional use or other discretionary approval processes such as an MUP. However, any substantive requirements for these homes must still comply with the local government’s obligations to remove constraints on housing for persons with disabilities, affirmatively support it, and prevent discrimination against it.¹⁸

HCD’s Concerns with the County’s MUP Process

The County’s MUP process includes subjective elements that could be considered overly restrictive and discriminatory and/or applied in a discriminatory manner.

¹² *Id.*

¹³ Gov. Code, § 65583.

¹⁴ *Id.* at subds. (a)(6), (c)(3).

¹⁵ *Id.* at subd. (c)(5).

¹⁶ *Id.* at subd. (c)(10)(A)(iv).

¹⁷ See, e.g., *id.* at subds. (a)(5), (a)(7), (b)(1), (c)(10)(A)(ii).

¹⁸ See, e.g., *id.* at subds. (c)(3), (5), (10); HCD’s Group Home TA at p. 26.

For example, one of the County's required findings for approval of an MUP is:

"The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings."¹⁹

Terms such as "peace," "comfort," and "detrimental" are subjective and risk discriminatory applications.

Another required finding is:

"The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development."²⁰

The term "consistent with the character of the immediate neighborhood" is subjective and risks discriminatory applications. An objective standard, for example, would be to require that all dwellings in the neighborhood adhere to the same height limits, setbacks, and measurable development standards.

Options for the County to Address those Concerns

HCD presents three options for the County to consider:

1. The County could remove the requirement for an MUP for residential care homes with seven or more clients that provide licensable services.
2. The County could amend the MUP sections of its code to ensure all findings and standards are objective. This option would also help ensure the County complies with other state housing laws that require the use of only objective standards, such as the Housing Accountability Act.
3. The County could use a different type of permit for licensed residential care homes with seven or more clients that does not include subjective standards. One option would be to create a specific permit type for this use (e.g. a Residential Care Home Permit).

Question 2: Does HCD intend the term "single family residential districts" in Program HE-42 to include only districts in which single family residential is the only permitted use or to include any zone where single-family homes are permitted?

¹⁹ Placer County Code of Ordinances, § 17.58.140, subd. A.3.

²⁰ Placer County Code of Ordinances, § 17.58.140, subd. A.4.

The term “single family residential districts” in Program HE-42 should include any zone where single-family homes are permitted. To avoid constraints on, prevent discrimination against, and affirmatively support housing for persons with disabilities, residential care homes that operate as single-family residences should be permitted in the same zones where other single-family residences are permitted.

Conclusion

HCD appreciates the County’s commitment to implementing Program HE-42 consistently with state housing laws. HCD has enforcement authority over ALU Law, AFFH Law, and Housing Element Law. Accordingly, HCD may review local government actions to determine consistency with these laws. If HCD finds that a jurisdiction is in violation of state law, HCD may notify the California Office of the Attorney General.²¹

If you have any questions regarding this letter or require additional technical assistance, please contact Stephanie Reyes at stephanie.reyes@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Zisser", with a long horizontal flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

²¹ Gov. Code, § 65585, subds. (i), (j).