Fair Housing Webinar: Rural

Analysis of Impediments to Fair Housing Choice (AI)
Community Standards

Raise Zoom hand to provide feedback

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

Be mindful of different styles of communication & learning when speaking

Be Curious

Use “I” statements

Help explore and develop fair housing impediments and goals

For questions, comments and feedback, email us at: aifairhousingreport@hcd.ca.gov.
Agenda

AI TIMELINE, OUTREACH, AND ENGAGEMENT
CURRENT TRENDS & EXISTING CONDITIONS
HOUSING ACCOUNTABILITY WORK
FEEDBACK AND LISTENING
AI Timeline, Outreach, and Engagement
# AI Timeline

<table>
<thead>
<tr>
<th>Event</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kick-off Webinar</td>
<td>January 4, 2024</td>
</tr>
<tr>
<td>Listening Sessions &amp; Webinars</td>
<td>January 31, – March 20, 2024</td>
</tr>
<tr>
<td>Community Needs Survey</td>
<td>January 31, 2024 to April 1, 2024</td>
</tr>
<tr>
<td>30 Day Public Comment &amp; Hearings</td>
<td>July 12, 2024 to August 13, 2024</td>
</tr>
<tr>
<td>Publish Fair Housing Plan</td>
<td>August 30, 2024</td>
</tr>
</tbody>
</table>
Listening Sessions

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

Disability & Aging Population:
Completed: February 7, 2024, 10:30 AM - 12:00 PM

Persons who are Immigrants:
Completed: February 14, 2024, 1:00 PM - 2:30 PM

Indigenous, Tribal, and Native Peoples:
Completed: February 21, 2024, 1:30 PM - 3:00 PM

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

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

Webinars

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

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

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

Northern CA
Sacramento
Central Valley
Southern CA
Community Needs Assessment Survey

- Online survey to assess issues and barriers related to fair housing choice is available in English, Spanish, Chinese, Korean, Tagalog, Vietnamese, and now Hmong
- Available from January 30, 2024, to May 1, 2024

Visit www.hcd.ca.gov
Current Trends and Existing Conditions:
Rural California
Rural California is vast—and varied

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

• Face distinct challenges:
  • More dependent on cars, limited public transportation options
  • Limited access to healthcare
  • 1 in 8 households lack internet broadband access
Poverty Rate – Rural Counties 2018-2022

Source: US Census Bureau, 2018-2022, American Community Survey, 5-Year Estimates
Housing Affordability

- Rural areas are generally more affordable to low- and moderate-income households.

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

Source: https://lao.ca.gov/Publications/Report/4878/3
Race & Ethnicity – Rural Counties 2020

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

Total Population Estimate

Source: US Census Bureau, 2020 Decennial Census
State Funding Programs

- Infill Infrastructure Grant (IIG) Program for small jurisdictions
- Homekey Tribal
- Affordable Housing and Sustainable Communities (AHSC) Program
- Regional Early Action Planning Grants (REAP) 2.0 – All funds awarded
HCD’s Accountability and Enforcement Work
Overview of the Housing Accountability Unit (HAU)

• Who we are
• What we do
• How we do it
• How to collaborate
HCD’S ACCOUNTABILITY AND ENFORCEMENT WORK

Purpose and Strategies

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

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

Background

• Formed in September 2021 by Governor Newsom
• Located in HCD’s Housing Policy Development Division
• Includes about 40 staff members on 5 teams
HCD’S ACCOUNTABILITY AND ENFORCEMENT WORK

HAU in Context

Land Use and Local Government Relations

Planning Grants & Incentives
- Technical Assistance
- Planning Grants
- Incentive Programs

Housing Accountability Unit
- Housing Element Review
- Technical Assistance
- Enforcement
- Housing Element Review
HCD’S ACCOUNTABILITY AND ENFORCEMENT WORK

HAU Structure

Housing Accountability Unit

- Tip-Based Enforcement
  - Accessory Dwelling Units
- Proactive Enforcement
  - Housing Element Enforcement
  - Surplus Land Act Enforcement
- Preservation

[Diagram showing the structure of HAU with the aforementioned categories and their respective laws and provisions]
The Extended Team

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

Government Code section 65585(j)

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

### Other housing laws

1. Surplus Land Act
2. Affordable Housing Preservation Noticing Law
3. Rental Inclusionary Housing
A housing element is no longer a paper exercise – it’s a contract with the state of housing commitments for eight years and the Housing Accountability Unit will hold jurisdictions to those commitments.
Proactive Enforcement

HCD’S ACCOUNTABILITY AND ENFORCEMENT WORK

- Housing element draft never submitted
- Housing element remains out of compliance
- AB 1398 (rezone) implementation
- Long term housing element implementation
**Consequences of Housing Element Noncompliance**

**Ineligibility or delay in receiving state funds**
- Permanent Local Housing Allocation
- Local Housing Trust Fund
- Infill Infrastructure Grant Program
- SB 1 Caltrans Sustainable Communities Grants
- Affordable Housing and Sustainable Communities

**“Builder’s Remedy”** – cannot use inconsistency with zoning and general plan standards to deny an affordable housing project

(Housing Accountability Act)

**Legal ramifications**
- HCD may notify the AG, legal remedies include $10,000-$100,000 per month in fines x 6 for continuing noncompliance
- Broad discretion for court to impose other remedies
- Private parties can sue for HE compliance as well
HCD’S ACCOUNTABILITY AND ENFORCEMENT WORK

How We Do It

Collaboration with Stakeholders

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

- Go to www.hcd.ca.gov
- Hover over “Planning and Community Development” to show a drop-down menu
- Click “Accountability and Enforcement”
- Click “Submit Technical Assistance Requests and Potential Violations to HCD for Review”
File a Request for Technical Assistance (cont.)

• Create an Account
• Fill in a good number of blanks on an online form and attach documents
What Happens After You Submit a Request

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

- Additional Review Needed
- HAU Declines to Take Case
- Technical Assistance is Provided
  - Verbal
  - Email
  - Formal Letter of Technical Assistance (Available Online)
- Enforcement Action follows Technical Assistance
Moving from Technical Assistance to Enforcement
## HC D’S ACCOUNTABILITY AND ENFORCEMENT WORK

### Wins

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

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

- Alexander Valley Apartments
- 75-unit affordable housing
  - 35-units for farmworker families
- Encountered local opposition due to traffic impacts and pedestrian safety concerns
- Approved: February 2022
# Results

**A & E**

<table>
<thead>
<tr>
<th>Unlocked Housing Units</th>
<th>Unlocked Affordable Housing Units</th>
<th>Accountability Letters Sent</th>
<th>Cases with Technical Assistance Provided</th>
<th>Closed Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,313</td>
<td>2,172</td>
<td>338</td>
<td>341</td>
<td>810</td>
</tr>
</tbody>
</table>

**SLA**

<table>
<thead>
<tr>
<th></th>
<th>Standard SLA Dispositions</th>
<th>Exempt Dispositions</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market-Rate Units</td>
<td>1,570</td>
<td>3,691</td>
<td>5,531</td>
</tr>
<tr>
<td>Affordable Units</td>
<td>2,032</td>
<td>6,773</td>
<td>8,805</td>
</tr>
<tr>
<td>Total</td>
<td>3,602</td>
<td>10,734</td>
<td>14,336</td>
</tr>
</tbody>
</table>
Enforcement - HCD & DOJ

- Lawsuits
  - Anaheim
  - Elk Grove
  - Huntington Beach
  - La Canada Flintridge

- Stipulated Judgments
  - Fullerton
  - Coronado
  - San Bernardino

- Amicus Brief
  - Costa Mesa
Conclusion

• HCD is here to help, starting with technical assistance, and moving to enforcement if necessary
• Our involvement makes a difference – it can help unlock homes
• We can’t do it without community members, advocates, developers, local jurisdictions, and other stakeholders
Feedback and Listening
Discussion Questions

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

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

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

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