Fair Housing Webinar: Urban

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

TRENDS & EXISTING CONDITIONS

HOUSING ACCOUNTABILITY WORK

FEEDBACK AND LISTENING
AI Timeline, Outreach, and Engagement
AI Timeline

Kick-off Webinar
January 4, 2024

Listening Sessions & Webinars
January 31, – March 20, 2024

Community Needs Assessment Survey
January 31, 2024, to April 1, 2024

30 Day Public Comment & Hearings
July 12, 2024, to August 13, 2024

Publish Fair Housing Plan
August 30, 2024
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:**
  March 13, 2024, 1:00 PM to 2:30 PM

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

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, and Vietnamese

• Available from January 30, 2024, to April 1, 2024

Visit www.hcd.ca.gov
Current Trends and Existing Conditions:

Urban California
California’s Housing Problem

California’s housing crisis is a half century in the making. Decades of underproduction underscored by exclusionary policies have left housing supply far behind need and costs soaring.

As a result, millions of Californians, who are disproportionately lower income and people of color, must make hard decisions about paying for housing at the expense of food, health care, childcare, and transportation—one in three households in the state doesn't earn enough money to meet their basic needs.
Housing Production

Annual Production of Housing Units 1960-2022

1960-1989 Average 211,966
29 year spread

2008-2022
Average 92,434
14 year spread

Source: United States Census Bureau Building Permit Survey; Graphic by HCD
Barriers to Development

• Local opposition to new development can impact any community. It occurs when new development proposals like affordable housing, supportive housing, and shelters are delayed or rejected for subjective or irrelevant reasons.

• Excessive residential land use regulation in metropolitan regions creates equity concerns and impacts housing supply.
  • A study of local zoning requirements found that raising local minimum lot sizes by 1-acre results in nearly a 10-percent increase in local house prices (Zabel, Dalton 2011)
  • Another study found that adding one additional land use regulation in an existing community reduces the number of local residential building permits issues by between 4 and 8 percent (Jackson, 2014).
Cost Burdened Renter Households by Race & Ethnicity

Source: The Struggle of Housing Costs for Black and Brown Renters in California - Dashboard Series - California Housing Partnership (chpc.net)
Extremely Low-Income Renter Households

- Renter households that are extremely low-income: 1,308,328 or 22%
- Shortage of rental homes affordable and available for extremely low-income renters: -988,510
- Annual household income needed to afford a two-bedroom rental home at HUD's Fair Market Rent: $87,877

Source: California | National Low Income Housing Coalition (nlihc.org). Graphic by HCD
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
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.
Background

• Formed in September 2021 by Governor Newsom
• Located in HCD’s Housing Policy Development Division
• Includes about 40 staff members on 5 teams
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
HAU Structure

Housing Accountability Unit

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

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

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
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 (continued)

- 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
## Wins

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<th>Jurisdiction</th>
<th>Action</th>
<th>Total Units</th>
<th>Affordable Units</th>
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<td>Burbank</td>
<td>NOV</td>
<td>92</td>
<td>10</td>
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<td>Claremont</td>
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<td>Ojai</td>
<td>LOS</td>
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<td>St. Helena</td>
<td>LOS</td>
<td>87</td>
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> 40 ADU ordinances revised, including Palo Alto, Pittsburg, Rancho Palos Verdes, West Covina
## Results

<table>
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<tr>
<th></th>
<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>
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<tr>
<td>A &amp; E</td>
<td>6,313</td>
<td>2,172</td>
<td>338</td>
<td>341</td>
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<th>Standard SLA Dispositions</th>
<th>Exempt Dispositions</th>
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<td><strong>SLA</strong></td>
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<td>Market-Rate Units</td>
<td>1,570</td>
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<td>Affordable Units</td>
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<td>Total</td>
<td>3,602</td>
<td>10,734</td>
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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
Pro-housing Designation

Provides funding incentives and additional resources to communities that commit to reducing construction and development costs and create housing policies that advance Fair Housing goals.

Pro-housing jurisdictions commit to:
1. Continued compliance with existing housing laws.
2. Avoiding practices that inhibit housing production, such as requiring local voter approval for development proposals, downzoning lots, or requiring burdensome permitting or fees.
3. Following best practices from the United States Interagency on Homelessness.

37 Communities Now Designated as Prohousing

Cities of Eureka, Healdsburg, Mountain View, Petaluma, San Luis Obispo, and Santa Monica, and the County of Tulare join other communities committed to breaking down barriers to housing.

https://www.hcd.ca.gov/planning-and-community-development/prohousing-designation-program
Feedback and Listening
Discussion Questions

1. What’s the biggest challenge people living in urban areas of 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 urban community or place 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?