# How to Use this Staff Report Template

The following Staff Report Template is designed for both Planning Commission and/or City Council.

The template can be used in one of two ways:

**Scenario A** Jurisdictions can use this template to present their final Housing Element for adoption *after* they have received a letter from HCD, stating that their Housing Element has been found to be in substantial compliance with state law.

**Scenario B** Jurisdictions can use this template to present their Housing Element for adoption by their Planning Commission/City Council *before* they receive a letter from HCD, stating that their Housing Element has been found to be in substantial compliance with state law.

Regardless of which scenario a jurisdiction uses the template for, there are a few things to note:

* Instructional text and Information to be updated by each jurisdiction is highlighted in **yellow.**
* Notes for the jurisdiction preparing the report are highlighted in **green.**
* Many of the headings and subheadings have carried over from the first Staff Report Template provided to the Alameda County Collaborative in March 2022, created for use once a jurisdiction released its draft Housing Element for the 30-day public review period. Jurisdictions may wish to summarize the contents of the housing element to remove the level of detail provided in the first staff report template.
* Jurisdictions using this template should carefully review the information in these subheadings and headings, and update with the most current, up-to-date information. For example, if new policies and programs were added since the first draft was circulated, those will need to be added to the ‘Policies and Programs’ subheading. Or, if additional community meetings and study sessions occurred after the first draft was released for public review, those will need to be added to ‘Community Meetings & Study Sessions’ subheading.

# STAFF REPORT

**Meeting Date:** **[insert date]**

**To:** [**City Council/Planning Commission]**

**Subject:** Adoption of the 2023-2031 Housing Element Update and **[insert other items/amendments bringing for adoption along w/Housing Element]**

**Project Name: [insert project name]**

**Project Number: [insert project/case number]**

**Staff Contact: [insert staff contact information]**

## Recommended Action

1. Conduct a public hearing.
2. Adopt a Resolution [**making whatever CEQA findings are required**].
3. If community needs to amend other sections of the General Plan to be consistent: Add those changes here or after Housing Element adoption
4. Adopt a Resolution of the City Council **[insert text directly from Resolution header].**

**[OR if report is for Planning Commission use the following language for item #2]:**

Review and consider a Resolution of the Planning Commission recommending that the City Council adopt (1) a General Plan Amendment to Update the Housing Element and General Plan Land Use Diagram and (2) **[insert other items/amendments bringing for adoption along w/Housing Element]**

1. If Zoning dinance is being adopted concurrently, need motion to introduce the Zoning Ordinance.

## Executive Summary

The **[insert jurisdiction]** has prepared a draft update to the Housing Element of the General Plan to affirmatively further fair housing and accommodate the **[insert # of RHNA units]** unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle. The content of the draft 2023-2031 Housing Element is structured for consistency with the requirements set forth in state law. In addition to responding to requirements of state law, the Housing Element also demonstrates the **[insert jurisdiction]** ‘s strategy to meeting the city’s locally determined housing needs, and that these needs are addressed through policies and programs outlined within the Housing Element. Public review and input has been a critical component of this 6th cycle Housing Element Update.

This staff report provides a summary of the Housing Element requirements, an overview of the status of the **[insert jurisdiction]**’s draft Housing Element, the findings provided to the city by HCD on the first 90-day review of the draft, **[and how the City has responded to HCD’s findings and/or the reasons the [insert jurisdiction] believes that the draft element or draft amendment substantially complies with Article 10.6, despite the findings of HCD].**

## Background

CA Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11] regulates the use and requirements of housing elements in California. The state law requires that the City update its General Plan Housing Element every eight years. State law further requires the current update for jurisdictions in the Association of Bay Area Governments (ABAG) region to comply by January 31, 2023.

The **[insert jurisdiction]**’s 2023-2031 Draft Housing Element was prepared with the benefit of community, **[insert boards/commissions that were involved]**, and City Council input and discussion at **[insert # of public workshops]** public workshops over the course of the **[insert # of year(s) preparing Housing Element Update]** preparation period. Workshops on the draft Housing Element were held by the City Council, the Planning Commission, **[insert boards/commissions that held public workshops]**. Guidance was also provided by HCD throughout the process.

On **[insert date first draft submitted to HCD]**, the city submitted the draft Housing Element to HCD for its review. In **[insert month of informal discussion w/HCD, if occurred]** the **[City reached out to HCD OR HCD reached out to the City with a number of questions about the draft Housing Element].** Based upon those questions, staff revised the draft Housing Element to include additional information and analysis.

On **[insert date revised draft was published]**, the city published the changes on the City website and requested public comment on those changes. The City received **[insert # of comment letters received]** comment letters during the public review period, and based upon those comments, staff made additional minor changes to the Housing Element and **[insert other documents changes were made too, if any e.g. zoning amendments]**, which were discussed in the **[insert dates of prior Planning Commission meeting dates where comments were discussed]** Planning Commission staff reports.

On **[insert date Planning Commission hearing date]**, the Planning Commission conducted a public hearing and identified a list of additional amendments that the Board would like to consider before forwarding the Housing Element to the City Council for final consideration. A summary of those amendments is provided below:

**[insert summary of amendments Planning Board requested and how staff responded to those comments]**

**[Note: If for any reason staff is recommending some of the revisions recommended by Planning Commission *NOT* be incorporated into the final draft element, this should be explained. See *example text* from City of Alameda’s September 26, 2022 Planning Commission staff report below.]**

***Final Revisions.***

*The draft Housing Element includes a number of recent changes in response to public comments received since August 25, 2022 draft Housing Element, which was the draft reviewed by HCD. In response to public comments and Planning Board member suggestion, the following revisions have been made to the draft Housing Element since August 25th:*

***Revisions not recommended.***

*There were several revisions suggested at the September 12, 2022 Planning Board workshop that staff is not recommending.*

**OR**

On **[insert date Planning Commission hearing date]**, the Planning Commission conducted a public hearing and adopted a resolution recommending that the City Council approve the General Plan Housing Element and associated **[insert other items/amendments bringing for adoption along w/Housing Element].**

The following section summarizes the required components of Housing Element Updates per State law, new requirements included since the 5th cycle Housing Element Update (2015-2023), and penalties for non-compliance with Housing Element Laws. The section also includes a summary of public meetings related to the 6th cycle Housing Element Update prior to today’s meeting.

### Required Components of a Housing Element

Pursuant to Government Code Section 65583, local governments are required to include the below items as components within their Housing Elements, and subsequent updates thereto. *Newly required components introduced as part of the 6th Cycle are included in blue below* and discussed in further detail within the “New Requirements for the 6th Cycle Housing Element Update” Section below.

1. **Housing Needs Assessment:** Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities). This Section includes a community’s Regional Housing Needs Allocation (RHNA) as determined by a community’s regional planning body in partnership with HCD.
2. **Evaluation of Past Performance**: Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory**: Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future need at all income levels. *The standards for designating adequate sites were substantially changed from the sixth cycle, particularly for non-vacant sites.*
4. **Community Engagement**: Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
5. **Constraints Analysis**: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs**: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.
7. ***AFFH****: Analyze and address significant disparities in housing needs and access to opportunity by proposing housing goals, objectives, and policies that aid in 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.*

### New Requirements for the 6th Cycle Housing Element Update

Pursuant to recent State legislation, the following items are now required as part of the Housing Element Update process:

* **Affirmatively Furthering Fair Housing (AFFH).** Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” and is Federally mandated by the 1968 Fair Housing Act. The four main goals are to:
* Address significant disparities in housing needs and in access to opportunity, and
* Replace segregated living patterns with truly integrated and balanced living patterns, and
* Transform racially and ethnically concentrated areas of poverty into areas of opportunity, and
* Foster and maintain compliance with civil rights and fair housing laws.
* **Public Comment on Draft Revisions.** Assembly Bill (AB)215 (2021), requires local governments to make the first draft revision of their housing element update available for public comment for at least 30 days. Further, if any comments are received, a local government must take at least ten additional business days to consider and incorporate public comments into the draft revision before submitting to HCD. HCD must review the draft and report its written findings to the planning agency within 90 days of receiving the first draft submittal for each housing element revision or within 60 days of its receipt for a subsequent draft amendment or adoption.

### Penalties for Non-Compliance

6th cycle, jurisdictions face a number of new consequences for not having a certified Housing Element. Under legislation enacted in recent years, if a city does not comply with State housing law, HCD may refer the City to the Attorney General. Significant fines may be imposed if a City does not comply with a court order for one year. A court finding a Housing Element inadequate may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance, or local governments may lose the right to deny certain projects.

Conversely, an HCD-certified housing element makes cities eligible for, or with higher priority for, numerous sources of funding, such as Local Housing Allocations, Affordable Housing and Sustainable Communities Grants, SB 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Design funding, Local Housing Trust Funds, and Regional Transportation Funds (such as MTC’s OneBayArea Grants).

### Related Elements

**[Note: Use THIS LINK (pgs. 2-3 specifically) to determine if you should keep or remove the below bullets which outline related general plan updates “triggered” by the housing element update process. These are dependent on community, use map to determine which apply to your jurisdiction.]**

* **Environmental Justice.** In 2016, SB 1000 amended Government Code § 65302 to require cities to adopt an Environmental Justice (EJ) Element or EJ related goals, policies, and objectives integrated in other elements, which identifies “disadvantaged communities” within the area covered by the general plan, if the city, county, or city and county has a “disadvantaged community.” Disadvantaged communities” are defined as areas identified by the California Environmental Protection Agency Pursuant to Section 39711 of the Health and Safety Code OR a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. This law is triggered if the city is updating two or more elements concurrently on or after January 1, 2018.
* **Safety Element.** Cities must review and update their Safety Element to meet certain requirements concurrently with the Housing Element update. The Safety Element must be reviewed and updated to address wildfire, seismic, geologic and flood risks. Climate adaptation and resiliency strategies are also considered.
* **SB 1035 and SB 379.** Require all cities to address climate change adaptation and resilience in their general plan safety element. SB 379 is triggered by the next update of a jurisdiction’s local hazard mitigation plan (updated every five years) or before 1/1/2022, whichever is first. SB 1035 built off SB 379, requiring the safety element be updated every eight years upon the next housing element update.
* **SB 1241.** Applies to communities with very high fire hazard severity or unincorporated communities in state responsibility areas. Communities subject to SB1241 need to ensure consistency between the housing and safety elements to address fire risk. AB 2911 strengthened the local very high fire hazard severity zone designation.
* **AB 2140.** Authorizes local governments to adopt the LHMP with the general plan safety element. Integration by reference or annexation is encouraged through a post-disaster financial incentive to cover local shares of the 25 percent non-federal portion of grant-funded post-disaster projects when approved by the legislature.

### Summary of Prior Meetings and Study Sessions

Over the last **[insert number of year(s) since outreach began]**, **[insert jurisdiction]** has conducted a comprehensive community engagement and outreach strategy as required by Government Code to assist in informing the 6th cycle Housing Element Update Process. This strategy has included a series of community meetings and study sessions with **[insert planning commission/city council].** These meetings and study sessions are summarized below. Feedback received throughout the ongoing community engagement and outreach process has assisted staff and the consulting team in preparing the draft Housing Element Update and related items.

#### Public Meetings

* [Insert: Month, Day, Year] – [Insert planning commission/city council]

[Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]

* [Insert: Month, Day, Year] – [Insert planning commission/city council]

[Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]

#### Study Sessions

* [Insert: Month, Day, Year] – [Insert planning commission/city council]

[Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]

* [Insert: Month, Day, Year] – [Insert planning commission/city council]

[Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]

## Housing Element Requirements

The following section summarizes the contents of the **[insert jurisdiction]** Housing Element Update for the 2023-2031 Planning Period.

### Housing Needs Assessment

As part of the Housing Element Update process the **[insert jurisdiction]** is required to analyze the existing and projected housing needs of the **[insert jurisdiction],** including its fair share of RHNA requirements. The **[insert jurisdiction]**’s analysis of housing needs is required to include an assessment of detailed demographic data including population age, size, and ethnicity; household characteristics; overpayment trends; housing stock conditions; units in need of replacement or rehabilitation; and needs of special needs populations including the elderly, persons with disabilities, unhoused persons, extremely low-income households, and farmworkers. Utilizing the *Housing Needs Data Report* provided by ABAG, the 6th cycle Housing Element Update outlines the following housing needs of the **[insert jurisdiction].**

* [Insert bullet / 1-2 sentence synopsis of specific housing need identified in Needs Section / Data Packet]
* [Insert bullet / 1-2 sentence synopsis of specific housing need identified in Needs Section / Data Packet]
* [Insert bullet / 1-2 sentence synopsis of specific housing need identified in Needs Section / Data Packet]

#### Regional Housing Needs Allocation (RHNA)

In January of 2022, HCD approved ABAG’s adopted *Final RHNA Plan for the San Francisco Bay Area: 2023-2031* which establishes a total RHNA for the San Francisco Bay Area of 441,176 residential units for the 6th cycle housing element update 2023-2031 planning period. ABAG’s *Plan* further distributes this RHNA across the bay area’s nine counties, and 101 cities based on demographic and population data received from the California Department of Finance (DOF). Local jurisdictions must then utilize their ascribed RHNA to update the housing elements of their general plans for the 6th cycle planning period, inclusive of identifying eligible land resources to accommodate this RHNA. See the Sites Inventory Section below.

RHNA requirements are organized into four affordability categories, established according to the Area Median Income (AMI) of a geography. These categories include very low-income residential units, which are affordable to households earning less than 50% of AMI; low-income residential units, which are affordable to households earning between 50% and 80% of AMI; moderate income residential units, which are affordable to households earning between 80% and 120%; and above moderate-income residential units which are affordable to households earning upwards of 120% of AMI. The **[insert jurisdiction]’s** is included below in Figure 1*.*

***Figure 1: [insert jurisdiction] Regional Housing Needs Allocation (RHNA)***

|  |  |  |
| --- | --- | --- |
| Income Category | [**insert Jurisdiction]** RHNA | |
| Previous Housing Element Cycle  (2015-2023) | 6th Cycle RHNA  (2023-2031) |
| Very Low (less than 50% of AMI) | x | x |
| Low (50-80% of AMI) | x | x |
| Moderate (80-120% of AMI) | x | x |
| Above Moderate (More than 120% of AMI) | x | x |
| Total | x | x |

Source: Final RHNA Plan for the San Francisco Bay Area: 2023-2031

##### RHNA Buffer

New “no net loss” provisions of Government Code Section 65863 require the **[insert jurisdiction]** to ensure an adequate supply of land resources to be made available for housing development throughout the duration of the 2023-2031 planning period. This means if housing sites identified within the **city/town’s** 6th cycle housing element update are developed with non-residential uses, lower residential densities, or residential uses at affordability levels higher than anticipated by the Housing Element, the **[insert jurisdiction]’s** Housing Element could be determined to be out of compliance. Accordingly, the city/town’s RHNA requirement is further buffered with **[insert unit count and percentage of buffer**] to ensure compliance with ”no net loss” provisions.

### Constraints Analysis

In addition to analyzing the existing and projected housing needs of the **[insert jurisdiction],** the Housing Element Update must alsoidentify and analyze potential and actual governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for all income in the community, regardless of protected class. A summary of constraints to the development and improvement of housing in **[insert jurisdiction]** is included below, along with descriptions of local efforts to lessen these constraints as applicable.

* [Insert bullet / 1-2 sentence synopsis of specific housing constraint identified in Constraints Section]
* [Insert bullet / 1-2 sentence synopsis of specific housing constraint identified in Constraints Section]
* [Insert bullet / 1-2 sentence synopsis of specific housing constraint identified in Constraints Section]

### Housing Resources & Sites Inventory

As part of the 6th cycle housing element update, the **[insert jurisdiction]** is also required to identify resources available to the **[insert jurisdiction]** for the preservation, rehabilitation, and production of housing throughout thecommunity.This includes programmatic and financial resources, such as those offered locally or through State or Federal partners. These resources also include land resources within the **[insert jurisdiction]** that were identified as eligible for accommodation of the **[insert jurisdiction]**’s RHNA Requirements. Pursuant to Government Code Section 65583.2(a) the following land resources are eligible for accommodation of the **[insert jurisdiction]** RHNA: vacant sites zoned for residential use; or vacant sites zoned for nonresidential use that allows residential development; or residentially zoned sites that are capable of being developed at a higher density; or sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site.

The **[insert jurisdiction]’s** Housing Sites Inventory is summarized below in Figure-2. Land resources identified within the below Inventory Summary are included on the attached Map, included as **Exhibit x [Include Sites Map].**

**[Optional: Insert synopsis of sites, summarize]**

***Figure -2: [insert jurisdiction] Housing Sites Inventory***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Site Category | ELI/VLI | LI | Mod. | Above Mod. | Total |
| Pipeline/Pending Projects |  |  |  |  |  |
| Projected ADUs |  |  |  |  |  |
| Non-Vacant  [Note: Can Provide breakdown or not] |  |  |  |  |  |
| [Insert: Non-Vacant No. 1] |  |  |  |  |  |
| Vacant [Note: Can Provide breakdown or not] |  |  |  |  |  |
| [Insert Vacant No. 1] |  |  |  |  |  |
| Total |  |  |  |  |  |

Source: [Insert Name of Community], 2022

### Policies and Programs

The Housing Element Update includes a set of goals, policies, and implementing programs intended to promote the preservation, rehabilitation, and production of housing throughout the **[insert jurisdiction]** Goals are long-range, broad, and comprehensive targets that describe future outcomes the **[insert jurisdiction]** desires. A policy is a specific instructional guideline that seeks to promote goals. Together, goals and policies are implemented through a series of programs that identify specific, quantifiable actions the City will undertake during the 6th cycle planning period. A summary of Draft Goals, Policies and Programs included within the **[insert jurisdiction]**’s draft Housing Element Update is included below:

* [Insert Goal. Ex. Housing Production]
  + [Insert/List Policies and Programs proposed to further each goal. Ex. Rezone Housing Sites to Accommodate….]
    - [List Program. Ex. Rezone x sites,]

### AFFH

Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing as part of the Housing Element Update process. These requirements found in Government Code Section 8899.50 are intended to address racial inequalities seen today throughout the Bay Area which developed through historical policies and practices enacted at federal, state, regional and local levels and across the public and private sectors. Though many of these explicit forms of historical discrimination have been outlawed, the results of these systems have left a lasting imprint on both the Bay Area region and **[insert jurisdiction].** Racially explicit practices (e.g., racial covenants) which excluded persons of color from predominately white neighborhoods have been replaced with race-neutral land use policies that continue to exclude these same groups. Furthermore, rapidly increasing housing costs have deepened racial and economic disparity and segregation, displacing many low income and people of color to the peripheries of the region or out of the Bay Area all together.

Accordingly, **[insert jurisdiction name]** must incorporate fair housing considerations into its 6th Cycle Housing Element Update to increase housing opportunities in high resource neighborhoods and bring additional resources to traditionally under-resourced neighborhoods. The following Section summarizes the components of the required AFFH component of **[insert jurisdiction name]’s** Housing Element Update.

#### Targeted Community Outreach

**[insert jurisdiction name]** must demonstrate “meaningful, frequent, and ongoing community participation, consultation and coordination” as part of the 6th Cycle Housing Element Update Process. This is intended to ensure that input has been received from groups historically and presently most impacted by fair housing issues and that local knowledge is incorporated into Housing Elements. Accordingly, the **[insert jurisdiction name]’s** targeted community outreach efforts included:

* **[Insert examples of ‘Outreach being made accessible via language translation’ i.e., outreach materials translated to languages other than English]**
* **[Insert description of various meetings/engagement functions, non-working hours events were scheduled, location & venues of events, w/ intent to target/reach certain groups and/or protected classes]**
* **[Insert, if available, data assessing outreach effectiveness by monitoring and comparing demographics of who participates in outreach compared to representation within community]**

#### Assessment of Fair Housing

**[insert jurisdiction name]** must also describe and analyze the unique housing circumstances of the **[insert jurisdiction name].** This analysis is referred to as an Assessment of Fair Housing (AFH) and analyzes circumstances within the **[insert jurisdiction name]** pertaining to Fair Housing issuesincluding:

##### Fair Housing Outreach Capacity and Enforcement

**[insert jurisdiction name]’**s AFH includes information regarding the **[insert jurisdiction]’s** Fair Housing Outreach Capacity and Enforcement methods which includes…

**[insert synopsis of how your jurisdiction disseminates information related to fair housing, provides outreach and education to assure community members are well aware of fair housing laws and rights, and addresses fair housing compliance (i.e., investigating complaints, fair housing testing, etc.) *This can include a summary of HUD Fair Housing & Equal Opportunity (FEHO) Complaints filed over last planning period – see table below, or other info. From this section of your AFH].***

***Figure -4: [insert jurisdiction] FEHO Cases Filed (2015-2020)***

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **# Of Cases Filed** | **Disability** | **Race** | **National Origin** | **Sex** | **Familial Status** | **Total** |
| **2015** |  |  |  |  |  |  |  |
| **2016** |  |  |  |  |  |  |  |
| **2017** |  |  |  |  |  |  |  |
| **2018** |  |  |  |  |  |  |  |
| **2019** |  |  |  |  |  |  |  |
| **2020** |  |  |  |  |  |  |  |
| **Total** |  |  |  |  |  |  |  |

Source: [Insert Name of Community], 2022

##### Segregation And Integration Patterns

**[insert jurisdiction name]’s** AFH also analyzes segregation and integration patterns within the jurisdiction as well as regionally. Segregation and integration patterns are analyzed by evaluating the concentration (or lack thereof) of protected groups within the community, relative to their distribution across a larger geography.

**[Consider using the below Table AND Data from your ABAG Housing Needs and Segregation Report Data Packets to summarize segregation/integration trends – both within your jurisdiction and across the surrounding area.**

**The below Table can be filled in using “Figure 4 – Population by Race (2000-2019)” from the ABAG Housing Needs Data Packet to compare demographic differences between your jurisdiction and the larger 9-county Bay Area and identify over and underrepresented groups compared to larger region.]**

***Figure-5: Racial/Ethnic Composition of [insert jurisdiction] and Region FEHO Cases Filed (2010 & 2019)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **[insert jurisdiction name]** | | 9-County Bay Area | |
| 2010 | 2019 | 2010 | 2019 |
| White |  |  | 42% | 39% |
| Black |  |  | 6% | 6% |
| Latinx |  |  | 24% | 24% |
| Asian or Pacific Islander |  |  | 24% | 27% |
| Mixed/Other |  |  | 4% | 5% |

***[Racial Dot Maps from your UC Merced AFFH Segregation Data Packet can help visualize/ affirm trends you identify above; this may be easier than trying to describe what isolation and dissimilarity indices are portraying.]***

***Figure-6: Racial Dot Map of [Insert Jurisdiction or Surrounding Areas per Placeholder below]***

**[Placeholder] Insert Either Figure 1 (Racial Dot Map of Jurisdiction) from AFFH Segregation Data Packet from UC Merced/ABAG**

**AND/OR**

**Figure 5 “Racial Dot Map of Jurisdiction and Surrounding Areas from the Segregation Data Packet to visualize segregation/integration trends evident in the jurisdiction OR across your jurisdiction’s boundaries with others.**

##### Racially and/or Ethnically Concentrated Areas of Poverty (R/ECAPS)

[Insert Jurisdiction]’s AFH includes an analysis of Racially and or Ethnically Concentrated Areas of Poverty (R/ECAPS) which are areas in **[insert jurisdiction]** defined by HUD as (1) having a non-White population of 5o percent or more, and (2) Having extreme levels of poverty, meaning either: (a) At least 40 percent of the population lives at or below the federal poverty line, or (b) The poverty rate is three times the average census tract level poverty rate in the region, whichever is less.

In **[insert Jurisdiction]. Insert Synopsis of any R/ECAPS identified by HUD & HCD using ABAG’s HESS Tool/other Maps, include information regarding what neighborhoods within your jurisdiction are R/ECAPS, reference racial dot map provided within ABAG/UC Merced Segregation Reports (Figure 1) to identify concentrated racial/ethnic groups in these areas.]]**

**[Note: This section can also include a summary of any relevant “Racially Concentrates Areas of Affluence” which are further defined within HCD’s AFFH Memo] and should be accompanied by summary similar to R/ECAPS]**

##### Disparities In Access to Opportunity

The **[Insert Jurisdiction’s]** AFH also evaluates disparities in access to opportunity within the **[insert Jurisdiction]** which are areas within the [insert jurisdiction] that have substantial differences in access to education, transportation, economic and environmental outcomes than other areas as identified by the California Tax Credit Allocation Committee (TCAC).

In **[insert Jurisdiction]…**The TCAC identified disparities in access to opportunity within the …**[Insert Synopsis of where within your Jurisdiction high, moderate, low resource areas were identified using HESS Tool or other map. Include comparison of these areas to the larger jurisdiction as well as your jurisdiction to surrounding areas as well. Detail the disparity of opportunity within each area by outcome (i.e., education, transportation, economic, environmental)**

##### Disproportionate Housing Needs (For Low-Income Households and Protected Classes)

The **[insert Jurisdiction]’s** AFH also evaluates disproportionate housing needs among low-income households and protected classes within the **[insert Jurisdiction**]. Disproportionate housing needs are evident when members of a protected group disproportionately experience a housing need in comparison to other groups or the total population. Disproportionate housing needs typically refer to the risk of displacement, over-crowing, or cost-burdened, among others.

In the **[insert Jurisdiction] … [include synopsis of disproportionate housing needs observed within your community utilizing figures/ observations from ABAG’s Housing Needs Data Packet including the “Overpayment and Overcrowding” and “Displacement” Sections contained within the Packet. Identify protected classes disproportionately affected by these housing needs.]**

##### Sites Inventory

State Law requires the **[Insert jurisdiction]** to evaluate whether Housing Sites identified as suitable for accommodation of the **[insert Jurisdiction]’s** RHNA requirements are identified relative to the full scope of the assessment of fair housing (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, etc.). A summary of how Housing Sites were identified consistent with AFFH requirements is included below:

**[Note: Consider organizing your synopsis into the following areas per HCD AFFH Memo]**

* Improved Conditions: **[Insert A discussion of how the sites are identified in a manner that better integrates the community with a consideration for the historical patterns and trends, number of existing households, the magnitude (e.g., number of units) of the RHNA by income group and impacts on patterns of socio-economic and racial concentrations.]**
* Exacerbated Conditions: **[Insert a summary/explanation of identified sites relative to the impact on existing patterns of segregation and number of households relative to the magnitude (e.g., number of units) of the RHNA by income group.]**
* Isolation of the RHNA: **[Insert evaluation of whether the RHNA by income group is concentrated in areas of the community.]**
* Local Data and Knowledge**: [Insert summary of relevant current, planned, and past developments, investment, policies, practices, demographic trends, public comment, and other factors]**

##### Goals, Policies, and Actions

The below table summarizes the policies and programs required by State Law to demonstrate the **[insert jurisdiction]’s** commitment to affirmatively further fair housing as part of the Housing Element Update Process.

***Figure -6: [Insert Jurisdiction] Fair Housing Action Plan (2023 & 2031)***

|  |  |  |  |
| --- | --- | --- | --- |
| **Action** | **Fair Housing Issue** | **Contributing Factor** | **Implementation** |
| **[Insert Goal/Action Area]** | | | |
| **[Insert AFFH Action]** | **[Insert Related Fair Housing Issue]** | **[Insert Contributing Factors]** | **[Insert implementation Measures]** |
| **[Insert AFFH Action]** | **[Insert Related Fair Housing Issue]** | **[Insert Contributing Factors]** | **[Insert implementation Measures]** |
| **[Insert AFFH Action]** | **[Insert Related Fair Housing Issue]** | **[Insert Contributing Factors]** | **[Insert implementation Measures]** |
| **[Insert AFFH Action]** | **[Insert Related Fair Housing Issue]** | **[Insert Contributing Factors]** | **[Insert implementation Measures]** |

### Evaluation of Past Progress

Pursuant to State Law the following table summarizes the implementation status of Goals, Policies and Programs from the **[insert Jurisdiction’s]** 5th cycle Housing Element Update.

***Figure 7: Evaluation of Past Housing Element (2015 & 2023)***

|  |  |
| --- | --- |
| **Goal/Policy/Program** | **Progress in Implementation** |
| **[Insert Goal]** | |
| **[Insert Policy]** | |
| **[Insert Program]** | **[Insert Summary of Status to Date]** |
| **[Insert Program]** | **[Insert Summary of Status to Date]** |
| **[Insert Goal]** | |
| **[Insert Policy]** | |
| **[Insert Program]** | **[Insert Summary of Status to Date]** |
| **[Insert Program]** | **[Insert Summary of Status to Date]** |

## Community Engagement

Consistent with State Law, the **[insert city/county name**] has conducted ongoing community outreach efforts throughout the 6th Cycle Housing Element Update process. These efforts, inclusive of **[Planning Commission and City Council Meetings]** held prior to today are summarized within the **[Insert Section Name where Community Eng. is included within Element]** of the Housing Element Update and below.

### Community Meetings & Study Sessions

* [Insert: Month, Day, Year] – [Insert planning commission/city council]
  + [Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]
* [Insert: Month, Day, Year] – [Insert planning commission/city council]
  + [Optional Insert: Synopsis of Items Discussed / Meeting Subject Matter]

[Include summary of other outreach methods utilized, i.e., Focus Groups]

[Placeholder Text]

[Include summary of other outreach methods utilized, i.e., Housing Element Survey]

[Placeholder Text]

## Review Process

**[Note: If HCD *has not* made findings of substantial compliance use this text]**

On [insert date submitted to HCD], the [insert name of jurisdiction] submitted the draft Housing Element to HCD for a mandatory 90-day review. On [insert date jurisdiction received HCD’s findings letter], the [insert name of jurisdiction] received HCD’s findings regarding the Element’s compliance with state law. Attached to the resolution for adoption of the Housing Element are Exhibits A and B, demonstrating how the proposed Housing Element conforms with State law. Exhibit A shows that the Housing Element conforms with each provision contained in the housing element statutes. Exhibit B contains a response to each of HCD’s findings.

The following section outlines HCD’s required changes, including information on the City’s response. Please refer to Attachment [insert Attachment #] for a copy of HCD’s [insert draft of letter – e.g. ‘first 90-day review’ or ‘second 60-day review’] letter for the [insert name of jurisdiction], dated [insert date of letter].

**OR**

**[Note: If HCD *has* made findings of substantial compliance use this text]**

On [insert date submitted to HCD], the [insert name of jurisdiction] submitted the draft Housing Element to HCD for its review.

In [insert month informal comments received, if any], HCD contacted the City with a number of questions and concerns about the draft Housing Element. In response, the City revised the draft Housing Element to include additional information and analysis. On [insert date City published revised Housing Element], the City published the changes and requested public comment on those changes. The City received [insert number of comment letters received] comment letters during the most recent public review period, and based upon those comments, staff made additional minor changes to the Housing Element and [insert other amendments made to other documents, if any – e.g. zoning amendments].

On [insert date HCD notified City of substantial compliance finding] HCD notified the City that the revised draft Housing Element and associated [insert other amendments made to other documents, if any – e.g. zoning amendments], if approved by the City Council, would be in substantial compliance with State Housing Element Law. The following section provides an analysis of the required findings under the local ordinance.

**[Note: The following ‘Required Findings’ section is organized into three subheadings:**

* + - 1. **Local Ordinance Required Findings,**
      2. **HCD Findings Letter – Outstanding Comments, and**
      3. **State Law Required Findings.**

**\*If found to be in substantial compliance by HCD you only need to include subheading 1, findings required for local ordinance]**

### Required Findings

#### Local Ordinance – [insert chapter of local ordinance where required findings for General Plan Amendments are]

##### Insert Local Ordinance Required Finding 1 [e.g. ‘The proposed General Plan text and diagram amendments are consistent with the policies and intent of the General Plan.’]

[insert analysis for local compliance]

##### Insert Local Ordinance Required Finding 2 [e.g. ‘The proposed General Plan text and diagram amendments will have acceptable effects on the general welfare of the community.’]

[insert analysis for local compliance]

##### Insert Local Ordinance Required Finding 3 [e.g. ‘The proposed General Plan text and diagram amendments are in the public interest’]

[insert analysis for local compliance]

**[insert additional subheadings, depending on number of required findings under local ordinance]**

##### HCD Findings Letter – Outstanding Comments

Pursuant to Government Code section 65585, subdivision (b), HCD reviewed the draft Housing Element and reported the results of its review.

**Note: Following this paragraph above, jurisdictions can choose to include a response to each comment by HCD in the body of the staff report (see below), or provide this information as an attachment. If providing as an attachment, attach Exhibit X (included in the Resolution template) and reference attachment at the end of the paragraph above this note.**

The following changes were requested by HCD.

##### Insert HCD General Comment Topic Area 1 [e.g. ‘Site Inventory’]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

##### Insert HCD General Comment Topic Area 2 [e.g. ‘Revisions to Housing Programs’]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

##### Insert General HCD Comment Topic Area 3 [e.g. ‘Public Participation’]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

HCD Finding: [insert text of comment from HCD findings letter]

City response: [insert city response]

**[insert additional subheadings, depending on number of HCD comment topic areas]**

#### State Law - CA Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11]

To be in substantial compliance with state law, a housing element must contain all of the elements mandated by state housing element law. (*See Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191-92.) The table attached to this report, Conformance of Housing Element with State Law Requirements, [insert Attachment #] demonstrates that the [insert jurisdiction name] Housing Element contains each of the elements mandated by State law.

**[Note: The information included here is the same as the Attachment included in the Resolution template. Jurisdictions can choose to embed the table directly in the staff report (see example below) or provide as an attachment.**

|  |  |
| --- | --- |
| Government Code Provision | Housing Element Compliance |
| **Section 65583** | |
| (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following: | *Appendix B pages 94-97 Section 1, Program 2E* |
|  | [juridictions to populate] |
|  | [juridictions to populate] |

## Environmental Review

The **[insert jurisdiction name]** has prepared the necessary environmental review, consistent with CEQA, for the Draft 2023– 2031 Housing Element Update.

**Note: this section will need to be modified, depending on the environmental review document your jurisdiction is preparing as part of the Housing Element Update process. The two paragraphs below serve as sample text only and will need to be refined to fit your jurisdiction’s process and status of environmental review at time of publishing this report.**

***Example text 1:*** Pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review or preparation of a new EIR are present with respect to the proposed changes to the General Plan Land Use Diagram and Zoning Map Pursuant to the requirements of the California Environmental Quality Act (CEQA), the **[Planning Commission and City Council’s]** action to submit the Draft 2023-2031 Housing Element to HCD for review is exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the project involves only feasibility or planning studies for possible future actions which have not been approved or adopted.

***Example text 2:*** A Notice of Preparation for the Environmental Impact Report (EIR) associated with the **[insert Jurisdiction]** 6th Cycle Housing Element Update was posted on **insert date NOP was released.** The scoping session for the EIR occurred on **[insert date of scoping session]** before the **[insert Planning Commission/ City Council].** Comments received during the 30-day scoping period were considered in the Program EIR Analysis.

## Alternatives considered

**[Note: Include this section only for the City Council Staff Report.]**

The City Council can provide feedback to be incorporated as an amendment to the 2023-2031 Housing Element, following adoption by the City Council and certification by HCD. The City Council could also opt not to adopt the 2023-2031 Housing Element by the January 31, 2023 deadline although that would put the City at risk of the penalties associated with AB 1398 and housing statute.

Linked Documents:

**XXX**

Attachments:

**XXX**

1. **HCD Finding Letter, dated [insert date of letter]**
2. **Draft Resolution No. XXXX**

**Note: Jurisdictions should also include Exhibits and Attachments from Resolution template, if not embedding information directly in report. See notes above under ‘HCD Findings Letter – Outstanding Comments’ and ‘State Law - CA Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11]’ for details.**

1. **[CEQA document name, date - if applicable]**
2. **[Other Updates/Amendments – if applicable]**