

**SCAG: Toolbox Tuesdays**  
**May 22, 2012**

# ***Housing Elements:***



# ***Tips for Round Five***



Department of Housing and  
Community Development

# Presentation Outline

- **Recent Changes to Housing Element Law**
- **SB 375 Changes to the Housing Element**
- **Timing Tips**
- **A Few Other Requirements to Keep in Mind**



# Recent Changes to Housing Element Law

## AB 1233 (Jones) 2005

Requires local governments to zone or rezone adequate sites, **within the first year** of the new planning period, to address any portion of the Regional Housing Needs Allocation (RHNA) for which the jurisdiction failed to identify or make available sites in the prior planning period.

Government Code Section 65584.09 applies to local governments that:

- failed to adopt an updated housing element for the prior planning period;
- adopted a housing element found out of compliance by the Department due to failure to substantially comply with the adequate sites requirement; or
- failed to implement a rezone program to make sites available within the planning period.

# Recent Changes to Housing Element Law

SB 812 (Ashburn) 2010

Persons with Developmental Disabilities

- Requires the analysis of the disabled include an evaluation of the special housing needs of persons with developmental disabilities. The analysis should include a quantification of the number of persons with developmental disabilities, an analysis of the housing need, and a discussion of resources.
- "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. This includes mental retardation, cerebral palsy, epilepsy, and autism. - *Section 4512 of the Welfare and Institutions Code*



5/17/2012 September 16,  
2010

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# Recent Changes to Housing Element Law

## Alternative Adequate Sites Requirement Amendments

- **AB 720 (Caballero) 2009:** Expands the timeline for a local government to provide committed assistance for the rehabilitation, conversion or preservation of affordable housing units.
- **AB 1867 (Harkey) 2010:** Allows multifamily “ownership” housing converted by acquisition or the purchase of affordability covenants to qualify towards meeting the alternative adequate sites requirement. Also reduces the required number of units in a complex to qualify for this section from four to three units.
- **AB 1103 (Huffman) 2011:** Allows foreclosed properties converted by acquisition or the purchase of affordability covenants to qualify under the alternative adequate sites requirement.

# SB 375 (2008) Changes to the Housing Element

SB 375 recognizes the link between good housing planning and mobility, and the role of these regional and local planning efforts in meeting sustainable community objectives.

It leverages the housing element's focus on actual implementation to promote effective achievement of sustainable community objectives



# SB 375 Changes to the Housing Element

**Update Timing:** Local governments on 8-year planning cycles that do not adopt a housing element within **120 days** of the applicable deadline are required to subsequently revise its housing element every four years, until it has adopted at least two consecutive revisions by the statutory due date.



# SB 375 Changes to the Housing Element

## Submittal Requirements (GC Section 65585)

- Draft must be submitted at least 90 days prior to the adoption of the housing element.
- HCD has 60 days to review the draft element and provide written findings
- Jurisdiction must consider those findings prior to adoption
- Adopted element must be submitted for HCD consideration
- HCD has 90 days to review adopted element



# SB 375 Changes to the Housing Element

- **Rezoning Timing:** Rezoning to meet a jurisdiction's share of its regional housing need is subject to defined timelines and sanctions for non-compliance.
- **Program Implementation:** Clarifies that all housing element program actions must include specific implementation timelines to allow for implementation of programs such that there will be beneficial impacts of the programs within the planning period.



# Timing Tips

- AB 1233 Requirements
- Rezoning for the Fifth Round (Before the Due Date)
- Implementation before the Fifth Round (e.g., SB 2)
- RHNA Progress and the SCAG Projection Period

# A Few Other Requirements

## Analysis of Suitability and Availability

- Nonvacant
- Realistic Capacity: Mixed Use
- Small Sites



# A Few Other Requirements: Non-vacant Sites

- Parcel Listing: Describe sufficiently to demonstrate potential for redevelopment (Section 65583.2(a))
- Evaluate the extent existing uses impede additional development, development trends, market conditions and regulatory framework (Section 65583.2(g))

Factors communities could consider:

- Age and condition
- Marginal versus operational uses
- Degree of under-utilization
- Property owner and/or developer interest
- General analysis by planning area
- Relate development trends to identified sites

- Policies and programs to encourage redevelopment



# A Few Other Requirements: Realistic Capacity and Mixed Use

- The number of units calculated shall be adjusted as necessary, based on the land use controls and site improvements (Section 65583.2(c)(2))
- Realistic capacity: General (assumed capacities)
- Realistic capacity for mixed use or non-residentially zoned sites

## Factors to Consider:

- How is residential allowed (100% residential versus mixed use)
- Performance standards or requirements for residential or mixed use
- Support assumptions with development trends
- Identify most realistic opportunities for residential use
- Policies and programs to encourage residential uses and maintain adequate sites



# A Few Other Requirements: Small Sites

- List sites by size (Section 65583.2(a))
- Analyze suitability and availability (Section 65583(a)(3))
- Determine whether each site in the inventory can accommodate the regional housing need (Section 65583(c))
- Factors to Consider:
  - Typical projects assisted by State and Federal financing are 50- 150 units
  - Reliance on small sites
  - Feasibility of development
  - Potential for consolidation
  - Development trends
  - Programs to encourage development and consolidation



# BUILDING BLOCKS FOR EFFECTIVE HOUSING ELEMENTS



- **Web based technical assistance at the Department's *Building Blocks*' available online at [http://www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php)**
- **Sample analyses and program models**
- **Regional Workshops**
- **Demographic/census data**
- **Resources**



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