

Fees and Exactions

Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including...fees and other exactions required of developers, and local processing and permit procedures..."

Housing development is typically subject to two types of fees or exactions:



- permit processing fees for planning and zoning; and
- impact fees or exactions, imposed to defray all or a portion of the public costs related to the development project.

These fees and exactions can impact the cost, and feasibility of housing development and its affordability, and involve issues of private property rights. High planning and site development fees can impact property owners' ability to make improvements or repairs, especially for lower-income households. Development projects are subject to fees and exactions from a growing number of public entities, ranging from special districts to regional agencies. It is important to estimate the cumulative amount of fees housing development will be subject to for development of viable proposals; information about the City or County's fees and exactions is among the most critical. For both processing fees and impact fees, State law specifies procedural and nexus requirements:

- Government Code Section 66020 requires that planning and permit processing fees do not exceed the reasonable cost of providing the service, unless approved by the voters; agencies collecting fees must provide project applicants with a statement of amounts and purposes of all fees at the time of fee imposition or project approval.
- Government Code Section 66000 et. seq. (Mitigation Fee Act) sets forth procedural requirements for adopting, and collecting capital facilities fees and exactions, and requires they be supported by a report establishing the relationship between the amount of any capital facilities fee and the use for which it is collected.

REQUISITE ANALYSIS

- Identify and analyze permit processing and planning fees, and development and impact fees and exactions and how they have been established relative to the above statutory requirements, including any in-lieu fees.
- Identify exactions such as land dedication requirements (e.g., streets, public utility and other right-of-ways, easements, parks, open space, etc.) and other exactions imposed on development.

CITY OF ANAHEIM

The Anaheim City Council recently approved an Economic Stimulus Package for Residential Development that will create incentives to promote the development, sale and rental of homes. The plan allows development companies to defer payment of development impact fees from permit

issuance until occupancy, creates a streamlined discretionary entitlement process and provides incentives for the development of "green" projects and affordable housing. [Learn more.](#)

- Describe other sources of public finance used to balance development fees assessed for individual projects. Estimate and analyze total development fees imposed by the city/county by unit type such as typical single family and multifamily development and total cost of fees.
- Include information on how fees are collected, i.e. at the beginning of the approval process, at the time of building permit issuance, or deferred until the project receives certificate of occupancy.
- Identify any policies or efforts to moderate high fee impacts for housing for lower-income households, such as fee waivers, fee deferrals, streamlined fee processing, and consolidated fee schedules.

Topics to Consider In Analyzing Fees and Exactions

As the market conditions and circumstances affecting a jurisdiction's fee structure vary, the analysis should consider a variety of factors to determine the extent to which fees pose a constraint to housing. In the analysis of fees, the jurisdiction could consider the following factors:

1. Funding mechanisms for capital improvement plans. If the financing of major capital facilities is reliant predominantly on the collection of developer fees, other mechanisms to finance part of these improvements such as development of special districts, or leveraging federal, State and local programs could be considered.
2. Analyze fee trends. The analysis could examine the amount and rate of cumulative development fees increases over the past five to ten years.
3. Identify the most recent nexus study on which the fees are based. Factors in the analysis could include the date/relevancy of the most recent study, and what fees were examined.
4. Analyze whether the fee structure incentivizes effective use of services and compact development. For example, are there differentials for different locations or sizes of housing units within the jurisdiction?
5. Examine Affordable Housing Development Trends. Determine whether local affordable housing builders are developing within the jurisdiction and whether the amount of fees and exactions are constraining their development decisions or income targeting of affordable housing development.
6. Estimate fees as a portion of overall housing development cost. Should the analysis show that fees are a significant portion of overall development cost; this could indicate that fees are posing a constraint to the development of housing.
7. Comparison with surrounding jurisdictions. Are housing development fees in the community competitive with the fees being assessed by neighboring jurisdictions?

Sample Tables

The following are sample tables to assist in organizing critical fee and exaction information. The information provided in the tables should be tailored to the jurisdiction and followed by appropriate analysis. These sample tables are not intended to be a substitute for addressing the analytical requirements described in the statute.

FEE CATEGORY	FEE AMOUNT	
	Single-Family	Multifamily
Planning and Application Fees		

Annexation

Variance

Conditional Use Permit

General Plan Amendment

Zone Change

Site Plan Review

Architectural Review

Planned Unit Development

Specific Plan

Development Agreement

Other

SUBDIVISION

Certificate of Compliance

Lot Line Adjustment

Tentative Tract Map

Final Parcel Map

Vesting Tentative Map

Other

ENVIRONMENTAL

Initial Environmental Study

Environmental Impact Report

Negative Declaration

Mitigated Negative Declaration

Other

IMPACT

Police

Fire

Parks

Water and Sewer

Sewer Hook-up

Solid Waste

Traffic

Flood

School

Special District

Habitat

Other

TOTAL

Estimated Proportion of Total Development Cost

PROPORTION OF FEE IN OVERALL DEVELOPMENT COST FOR A TYPICAL RESIDENTIAL DEVELOPMENT

Development Cost for a Typical Unit

Single-Family

Multifamily

Total estimated fees per unit

Typical estimated cost of development per unit

Estimated proportion of fee cost to overall development cost per unit

Nexus Requirements

State law requires establishment of a nexus between the projected development impacts and the public facilities for which impact fees are imposed. Government Code Section 66001(a) of the Mitigation Fee (Act) (Section 66000-66025) requires that any city or county which establishes, imposes, or increases a fee as a condition of development approval do all of the following: (1) identify the purpose of the fee; (2) identify the use to which the fee is to be put; (3) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and, (4) determine how there is a reasonable relationship between the need for the public facility and the type of development project upon which the fee is imposed.

Government Code Section 66001(b) further requires the locality to determine whether there is a reasonable relationship between the specific amount the fee imposed and the costs of building, expanding, or upgrading public facilities. Such determinations, also known as nexus studies, are made in written form and must be updated whenever new fees are imposed or existing fees are increased.

The Act also requires jurisdictions to segregate fee revenues from other municipal funds and requires the local agency to make certain enumerated findings with respect to any funds remaining unexpended, whether committed or uncommitted, within five (5) years of the original deposit and every five (5) years thereafter. If the findings are not made as required by the Act, the local agency is mandated to refund the moneys in the fund in accordance with the Act. Any person may request an audit to determine whether any fee or charge levied by the city or county exceeds the amount reasonably necessary to cover the cost of the service provided (Government Code Section 66006(d)). Under Government Code Section 66014, fees charged for zoning changes, use permits, building permits, and similar processing fees are subject to the same nexus requirements as development fees. Lastly, under Government Code Section 66020, agencies collecting fees must provide project applicants with a statement of the amounts and purposes of all fees at the time of fee imposition or project approval.

HELPFUL HINTS

Information regarding the impact of local fees and total typical development costs can be found by contacting local for- and non-profit developers active within the market area. In addition, affordable housing developers can provide insight relating to timing of fee payments and strategies to reduce the overall effect of fees on the cost and supply of housing. Examples include mitigating school impact fees for senior housing, or deferring fees until financing is in place for affordable housing.

To encourage homeowners to invest in repairs and maintenance of existing neighborhoods, the Anaheim instituted a "Home Improvement Holiday Program", which granted residents a fee waiver for permits, inspections, re-inspections and other activities relating to the regulation of building and construction activities for alterations and additions to single-family residences. As a result of the Program, \$28.3 million in improvements were made to single-family homes and the City's Planning Department issued 3,562 residential building permits.

Processing and Permit Procedures

Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

REQUISITE ANALYSIS



Processing and Permit Procedures

- Describe and analyze the types of permits, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district.
- Describe and analyze the total permit and entitlement process for a typical single-family unit, subdivision, and multifamily project. Description should include typical processes required for single-family and multifamily projects and an estimate of total typical time necessary to complete the entitlement process.
- Describe and analyze the permit requirements and process for emergency shelters, transitional housing, supportive housing, single-room occupancy units, and farmworker housing.
- Describe and analyze all permits applicable to residential development, including conditional use permits and additional mechanisms that place conditions and performance standards on development (i.e., community plan implementation zones, hillside overlay zones, environmentally sensitive areas, etc.). For example, if the jurisdiction requires a conditional use permit for multifamily housing in a multifamily zone, the element should analyze this permit procedure as a constraint.
- In the case where discretionary approval from the local legislative bodies is required for permitted uses, the element should describe how the standards of decision-making promote development certainty.
- Describe and analyze other applicable regulations and processes such as design review and planned unit development (PUD) districts.

If the jurisdiction has a design review process, the element should describe and analyze review approval procedures and decision-making criteria. The analysis could also indicate whether objective standards and guidelines exist to allow an applicant for a residential development permit to determine what is required in order to mitigate cost impacts.

The element should also describe the typical processing time and procedures of a residential PUD, from the "preliminary review" process to final approval by the governing board, and how development standards (e.g., setbacks and minimum lot area) and allowable densities are determined for the (PUD) zone.

- If the jurisdiction has adopted an inclusionary ordinance, the element must provide an analysis of the ordinance. For example, the element should describe the types of incentives the jurisdiction has or will adopt to encourage and facilitate compliance with inclusionary requirements, what options are available for developers to meet affordability requirements, how the ordinance interacts with density bonus law, the amount of any in-lieu fee, and what finding a developer must make in order to choose to pay the in-lieu fee. If the jurisdiction has established a housing fund to collect any in-lieu fees, the element should describe the total amount available for housing production and any planned uses for the funds.

Sample Tables

The following are sample tables to assist in organizing critical information pertaining to housing element requirements. The information provided in the tables should be tailored to the jurisdiction and followed by appropriate analysis. These sample tables are not intended to be a substitute for addressing the analytical requirements described in the statute.

HOUSING TYPES PERMITTED BY ZONING DISTRICT				
RESIDENTIAL USE	ZONE			
	R-1*	R-2*	R-3*	Mixed-Use*

SF-Detached

SF-Attached

2-4 DU

5+ DU

Residential Care < 6P

Residential Care < 6P

Emergency Shelter

Single-Room Occupancy

Manufactured Homes

Mobile-Homes

Transitional Housing

Farmworker Housing

Supportive Housing

Farmworker Housing

2nd Unit

P=Permitted CUP=Conditional Use * Change zoning designations to match jurisdiction's zoning ordinance as appropriate.

TIMELINES FOR PERMIT PROCEDURES	
Type of Approval or Permit	Typical Processing Time

Ministerial Review

Conditional Use Permit

Zone Change

General Plan Amendment

Site Plan Review

Architectural/Design Review

Tract Maps

Parcel Maps

Initial Environmental Study

Environmental Impact Report

Other

Source: Local Building and Planning Departments

TYPICAL PROCESSING PROCEDURES BY PROJECT TYPE				
	Single Family Unit	Subdivision	Multifamily < 20 units	Multifamily < 20 units

List Typical Approval Requirements

Est. Total Processing Time

Codes and Enforcement and On Off-Site Improvement Standards

Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."

REQUISITE ANALYSIS

Codes and Enforcement



- Identify current Uniform Building Code (UBC) adopted and enforced by the jurisdiction. Describe how the building code is implemented and whether the process optimizes predictability for developers. A code amendment, which specifies expensive materials and/or methods, can pose a significant constraint to housing development or maintenance.
- Identify and analyze any local amendments to the State housing law or UBC.
- Discuss the type and degree of enforcement.
- Describe any efforts to link code enforcement activities to housing rehabilitation programs.
- Describe Compliance with Health and Safety Code 17980(b)(2).

Health and Safety Code requires local governments to give consideration to the needs for housing as expressed in the housing element when deciding whether to require vacation of a substandard building or to repair as necessary. The enforcement agency is required to give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling.

On/Off-Site Improvement Standards

On/Off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements and landscaping. While these improvements are necessary to ensure that new housing meets the local jurisdiction's development goals, the cost of these requirements can represent a significant share of the cost of producing new housing.

As stated in the HUD's study of Subdivision Requirements as a Regulatory Barriers, such requirements can reasonably be considered regulatory barriers to affordable housing if the jurisdiction determined requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.

Required Analysis:

The element must identify and analyze street widths, curb, gutter, and sidewalk requirements, water and sewer connections, landscaping, circulation improvement requirements, and any other on/off-site improvement

required by the jurisdiction. In addition, the element must describe any generally applicable level of service standards or mitigation thresholds.

HELPFUL HINTS

Substandard Housing Program

The Franchise Tax Board (FTB) operates the Substandard Housing Program which assists the State and local agencies responsible for abating unsafe living conditions that violate Health and Safety Codes. Property owners in violation of Health and Safety Code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are allocated and disbursed to the cities and counties that generated the notification of substandard housing to the FTB.

Constraints-Housing for Persons with Disabilities

Government Code Section 65583(a)(4) requires: "an analysis of potential and actual government constraints upon the maintenance, improvement or development of housing... for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting ... the need for housing for persons with disabilities (see Screen 7).

Government Code Section 65583(c)(3) requires the housing element provide a program to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities."

REQUISITE ANALYSIS



Housing element law requires that in addition to the needs analysis for persons with disabilities, the housing element must analyze potential governmental constraints to the development, improvement and maintenance of housing for persons with disabilities, demonstrate local efforts to remove any such constraints and provide for reasonable accommodations for persons with disabilities through programs that remove constraints.

Ordinances, policies or practices enacted to protect the health and safety of citizens and further the general welfare must be periodically reexamined to determine whether they are accomplishing their intended purpose or in practice constitute a barrier to the maintenance, improvement or development of housing with the effect of excluding housing variety and availability for the disabled.

The analysis of potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities must include, but need not be limited to:

Review Zoning and Land-Use Policies and Practices to Ensure:

- compliance with fair housing laws;
- provision for group homes over six specifically for the disabled, other than those residential zones covered by State law;
- a broadened definition of family that 1) provides zoning code occupancy standards specific to unrelated adults and, 2) complies with Fair Housing Law;
- siting or separation requirements for licensed residential care facilities, to determine extent to which the local restrictions effects the development and cost of housing;
- any minimum distance requirements in the land-use element for the siting of special needs housing developments in relationship to each other do not impact the development and cost of housing for persons with disabilities; and
- alternate residential parking requirements, including reduction, for persons with disabilities.

Evaluation of the Permit and Processing Procedures for:

- process to request accessibility retrofits;
- compliance with all State laws regulating a "by right" designation and/or permit requirement of licensed residential care facilities with fewer than six persons in single-family zones;
- conditions or use restrictions on licensed residential care facilities with greater than 6 persons or group homes that will be providing services on-site and the extent to which they effect the development or conversion of housing for persons with disabilities; and
- group home public comment period and the extent to which it differs from other types of residential development.

Review of Building Codes to identify:

- the year of the Uniform Building Code adoption;
- any amendments that might diminish the ability to accommodate persons with disabilities; and
- adopted universal design elements that address limited lifting or flexibility (i.e., roll-in showers and grab bars), limited mobility (i.e., push/pull lever faucets, wide swing hinges) and limited vision (i.e., additional stairwell and task lighting).

Review for Reasonable Accommodation Procedure to:

- identify and analyze whether the locality has an established reasonable accommodation procedure;
- describe the process for requesting a reasonable accommodation retrofit (i.e. ramp request); and
- describe the extent to which existing requirements constrain or facilitate the application of an existing or proposed reasonable accommodation procedure (i.e., permit processing, zoning, building codes, accommodating procedures for the approval of licensed residential care facilities and Fair Housing Amendment Act (FHAA) physical accessibility efforts [i.e., ADA retrofit efforts or other measures that provide flexibility]).

Review for Programs that:

- address the needs of persons with disabilities and the extent to which the local process for accommodation is different from that for other types of residential development;
- remove or mitigate identified constraints and address the housing needs of the disabled;
- ensure information is available on how to request a reasonable accommodation with respect to zoning, permit processing, or building laws; and
- assist in meeting identified needs. Contact local service providers of special needs groups to assist in the identification and analysis of constraints to the provision of housing for persons with disabilities, including lack of capacity and available resources and unmet needs.

HELPFUL HINTS

- Health and Safety Code Sections 1267.8, 1566.3, 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use, and may not require licensed residential care facilities for six or less to obtain conditional use permits or variances that are not required of other family dwellings.
- Entitlement jurisdictions should have conducted an analysis of impediments to fair housing for the purposes of receiving funds from Housing and Urban Development (HUD). This impediments analysis contains similar elements and may be a useful resource for the SB 520 constraints analysis.

Non-Governmental Constraints

Government Code Section 65583(a)(6) requires "An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction."



Although nongovernmental constraints are primarily market-driven and generally outside direct government control, localities can significantly influence and offset the negative impact of nongovernmental constraints through responsive programs and policies. Analyzing specific housing cost components including the cost of land, construction costs, and the availability of financing assists the locality in developing and implementing housing and land-use programs that respond to existing local or regional conditions. While the cost of new housing is influenced by factors beyond a locality's control, local governments can create essential preconditions (favorable zoning and development standards, fast track permit processing, etc.) that encourage and facilitate development of a variety of housing types and affordable levels.

REQUISITE ANALYSIS

1. **Land Costs** – Estimate the average cost or the range of costs per acre for single-family and multifamily zoned developable parcels.
2. **Construction Costs** – Generally estimate typical total construction costs includes materials and labor.
3. **Availability of Financing** - Consider whether housing financing, including private financing and government assistance programs, is generally available in the community. This analysis could indicate whether mortgage deficient areas or underserved groups exist in the community. The financing analysis may also identify the availability of financing from private foundations (including bank foundations) corporate sponsors, community foundations, community banks, insurance companies, pension funds, and/or local housing trust funds.

Potential Contacts and Data Sources to Assist in Analysis

- Local Developers and Title companies
- Building Department (Valuation Data)
- Local Banks [Home Mortgage Disclosure Act (HMDA) data]
- For-Profit and Non-profit Building Industry

HELPFUL HINTS

Jurisdictions that prepare an Analysis of Impediments to Fair Housing Choice (AI) for the Consolidated Plan may be able to use policy information from the Plan to assist with the analysis of available financing.

Housing Programs: Address and Remove or Mitigate Constraints

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Government Code Section 65583(c)(3)).

PROGRAM REQUIREMENTS AND POLICY AND PROGRAM OPTIONS

For each policy, procedure or requirement identified as a governmental constraint, the element must include programs to address and remove or mitigate the constraint.

The following are strategies communities have found appropriate to address regulatory barriers:

Land Use Controls

- Allow zero-lot line and small lot development.
- Relax development standards, for example:
 - Front yard set backs of 15 feet or less;
 - Minimum lot sizes of 5,000 square feet or less; and
 - Lot width of 50 feet or less.
- Reduce parking requirements or establish ministerial procedures to provide exception for projects serving low-income households, seniors, and for transit-oriented development.
- Provide flexible standards for second units to encourage their development.
- Increase height limits and floor area ratios.
- Eliminate amenity based "mid-point" density policies.
- Modify and/or reduce growth controls to ensure accommodation of projected housing needs.
- Reduce procedural requirements for growth control ordinances.
- Exempt affordable housing projects from growth control ordinances.

On/Off Site Improvement Requirements

- Reduce street widths (e.g., 36 feet or less) and right of ways (e.g., 56 feet or less).
- Reduce the number and size of sidewalks (e.g., on one side of street only).
- Use roll curbs instead of formed curbs and gutters.
- Increase spacing between manholes.
- Design residential streets to accommodate average traffic estimates.
- Use utility or sidewalk easements instead of right-of-ways.
- Place water supply systems and sanitary sewers in easements instead of right-of-ways.

Fees and Exactions

- Reduce or waive fees and exactions for particular types of development (e.g., rental or assisted housing, second units, mixed-use and infill projects, housing affordable to low- and moderate-income households).
- Allow payment of fees upon certificate of occupancy, rather than prior to building permit issuance to reduce developer construction financing costs and overall development costs.

- Establish impact fees based on square footage to appropriately charge for the level of impacts based on the size of the house or housing types (i.e., second-unit, SRO, multifamily, single-family). For example, a sewer impact of a second unit is less than for a 5,000 square foot home.
- Consolidate fee schedules to simplify administration and operate one-stop centers to obtain schedules and documentation in one location.
- Identify district boundaries on a map for geographic specific fees and assessments to easily establish applicable fees.

Processing and Permit Procedures

- Expedite permit processing (allow one-stop, consolidated, and concurrent permit processing).
- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments.
- Hold pre-application development conferences.
- Prepare and present explanatory materials on the application and review processes to streamline permit processing.
- Utilize development agreements as authorized by Government Code Section 65864.
- Establish ministerial procedures for multifamily uses in multifamily uses.
- Streamline design review process and prepare clear, objective guidelines.
- Increase use of ministerial processing for a variety of housing types.

Housing for Persons with Disabilities

- Develop formal procedures for reasonable accommodation for housing for persons with disabilities in accordance with fair housing and disability laws. Amend the locality's Municipal Code to provide for clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision-making, and provision for relief from the various land-use, zoning, or building regulations that may constrain the housing for persons of disabilities.
- Regularly monitor the implementation of the jurisdiction's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws.
- Reduce parking requirements for projects serving seniors and persons with disabilities households.
- Increase use of ministerial processing of State licensed group homes, regardless of the number of occupants in residential zones.
- Update the jurisdiction's definition of "family" and "single-family residence" to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.

SAMPLE PROGRAMS

Sample Program 1: Zoning Amendments

The County will amend the Zoning Ordinance to remove constraints on the development of housing, including:

- Amend the second-unit ordinance to reduce required parking spaces to one
- Amend the definition of family, as follows:
- Prohibit single-family uses in multifamily zones.
- Eliminate the conditional use permit for multifamily uses in multifamily zones.

Responsibility: Planning Division

Timing: Amend second unit ordinance by June 2009. Amend definition of Family in zoning ordinance by

January 2009. Establish administrative Site Plan Review for multifamily and require conditional use permit for single-family in multifamily zones by January 2009.

Funding: General Fund

Objectives: Promote development of multifamily rental housing. Eliminate impediments to fair housing. Facilitate the development of 20 second units in the planning period.

Sample Program 2: Parking Reductions

The City will amend the zoning ordinance to reduce parking standards (inclusive of guest parking) for multifamily uses in multifamily zones, as follows:

- zero to one bedroom: one onsite parking space;
- two to three bedrooms: two onsite parking spaces; and
- four or more bedrooms: two and one-half onsite parking spaces.

Responsibility: Community Development Department

Timing: Adopt: Zoning Ordinance Amendments by January 2009

Funding: General Fund

Objective: Address constraints and facilitate the development of multifamily housing

Sample Program 3: Reasonable Accommodation Ordinance

The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a Disability protected under fair housing laws.
- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
- The requested accommodation would not impose an undue financial or administrative burden on the City.
- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

Responsibility: Community Development Department

Timing: Adopt: Zoning Ordinance Amendments by December 2008

Funding: General Fund

Objective: Facilitate the development, maintenance and improvement of housing for persons with disabilities; reduce processing time for reasonable accommodation requests by 50 percent.

Sample Program 4: Fee Deferral

The City will continue to allow payment of fees upon certificate or occupancy, rather than prior to building permit issuance to reduce developer construction financing costs and overall development costs for housing affordable to lower-income households.

Responsibility: Planning Division

Timing: On-going

Funding: General Fund

Objective: Promote the financial feasibility of development affordable to lower-income households.

Sample Program 5: Expedited Permit Procedures

The City will establish an expedited permit procedure for developments with units affordable to lower-income households. The procedure will establish written and specific procedures to prioritize affordable rental development in the City's entitlement process.

Responsibility: Community Development Department

Timing: Adopt procedure by June 2009

Funding: General Fund

Objective: Expedite permit procedures for developments affordable to lower-income households. Approve and expedite at least five rental developments affordable to lower-income households.

PROGRAM IMPLEMENTATION SAMPLE

- Model Reasonable Accommodation Ordinance (Santa Rosa)
- Model Reasonable Accommodation Ordinance

LINKS

General

- Bay Area Business Coalition Housing Element Letter: Governmental Constraints Analyses - (Adobe PDF)
- HCD BEGIN Programs (Downpayment Assistance for Regulatory Relief)
- HCD NIMBY Resources
- HCD Pay to Play Report: Residential Development Fees in California Cities and Counties
- Clancy Mullen, AICP, Senior Associate of Duncan Associates, Austin, Texas, for the "Impact Fees and Housing Affordability" session at the National Conference of the American Planning Association held in Denver on April 1, 2003 (512-258-7347 ext. 204; clancy@duncanplan.com)
- DOT Travel Surveys (car ownership and trip generation by housing type data)
- Mental Health Advocacy Services: A Guide to Assist Developers and Providers of Housing for Persons with Disabilities in California
- Southern California Association of Non-profit Housing, Parking Requirements Guide for Developers
- Transportation and Land Use Coalition
- CA Dept of Transportation, Parking and TOD: Challenges and Opportunities
- US EPA. Parking Spaces/Community Places: Finding the Balance through Smart Growth Solutions
- League of Cities, Building Public Support for Affordable Housing: A Toolbox for California Cities

Sample Developmentally Disabled Analysis for the Housing Element

Developmentally Disabled

According to Section 4512 of the Welfare and Institutions Code a "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 which includes mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The XXX Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

The following information from the XXX Regional Center, charged by the State of California with the care of people with developmental disabilities, defined as those with severe, life-long disabilities attributable to mental and/or physical impairments provides a closer look at the disabled population.

Exhibit T: Developmentally Disabled Residents, by Age, for City XXX

Zip Code Area	0-14 Years	15-22 Years	23-54 Years	55-65 Years	65+ Years	Total
Total						

There are a number of housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group. Approximately X percent of the City's affordable

housing units and X percent of the County's public housing units are reserved for seniors and disabled persons. Incorporating 'barrier-free' design in all, new multifamily housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

In order to assist in the housing needs for persons with Developmental Disabilities, the City will implement programs to coordinate housing activities and outreach with the Regional Center and , encourage housing providers to designate a portion of new affordable housing developments for persons with disabilities, especially persons with developmental disabilities, and pursue funding sources designated for persons with special needs and disabilities.

Sample Programs:

Program Sample 1: Work with the XXX regional center to implement an outreach program that informs families within the City on housing and services available for persons with developmental disabilities. The program could include the development of an informational brochure, including information on services on the City's website, and providing housing-related training for individuals/families through workshops.

Responsibility: Community Development Department

Timing: Development of Outreach Program by June, 2014

Program Sample 2: Develop a program to provide rental assistance to fill the gap between income levels and the cost of housing for persons with Developmental Disabilities. The program will include the following steps:

Step One: Work with the regional center to identify the housing needs of the clients and assist in identifying available housing that meets those criteria.

Step Two: Identify the gaps that limit access to housing for persons with developmental disabilities (i.e. financial, accessibility).

Step Three: Develop Guidelines and market program

Responsibility: Community Development Department

Timing: Begin Program Development January, 2013.

Objective: Assist 10 persons with developmental disabilities.

Program Sample 3: Explore models to encourage the creation of housing for persons with developmental disabilities and implement a program by 2015. Such models could include assisting in housing development through the use of set-asides, scattered site acquisition, new construction, and pooled trusts; providing housing services that educate, advocate, inform, and assist people to locate and maintain housing; and models to assist in the maintenance and repair of housing for persons with developmental disabilities. The City shall also seek State and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with disabilities.

Responsibility: Community Development Department

California State Department of Housing and Community Development
Housing Policy Division

SB 812, Chapter 507, Statutes of 2010



California Department of Housing and Community Development

Program Requirements

Last Updated 5/6/2010

Programs are the specific action steps each locality will take to implement policies and achieve stated goals and objectives. Programs must include time frames, an identification of agencies and officials responsible, a description of the local government's specific role in implementation and whenever possible, specific measurable outcomes. Programs and policies should reflect the results of the local government's evaluation of existing and projected housing needs.

Program Overview and Quantified Objectives



To make adequate provision for the housing needs of all income levels, a jurisdiction must, identify programs to: (1) identify adequate sites, with appropriate zoning and development standards; (2) assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households; (3) address, and remove governmental constraints, including housing for persons with disabilities; (4) Conserve and improve the condition of the existing affordable housing stock; (5) Preserve assisted housing developments at-risk of conversion to market-rate; and (6) promote equal housing opportunities for all persons. Quantified objectives should estimate, by income level, the number of units likely to be constructed, rehabilitated or conserved/preserved during the planning period. [Learn more.](#)

Adequate Sites



Where the element does not demonstrate appropriately zoned sites sufficient to accommodate the regional housing need by income level, a program must be included to identify sites that can be developed within the planning period. Program actions to identify sites to accommodate a jurisdiction's regional housing need for lower-income households shall be zoned to permit owner-occupied and rental multifamily uses by-right and be zoned with minimum density and development standards that permit at least 16 units per site. In addition, zoning must be identified to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing. [Learn more.](#)

Assist in the Development



Having assessed, identified, and prioritized the housing needs of extremely low-, very low-, low-, and moderate-income households, including special needs, the element must include program actions to assist in developing adequate housing to meet those needs. [Learn more.](#)

Conserve and Improve the Existing Housing Stock



The existing affordable housing stock is a valuable resource and the element must include programs to conserve and improve the existing affordable housing stock. Improvement includes physical activities that improve the housing stock such as rehabilitation. Conservation includes maintenance activity such as code enforcement and other actions, policies or programs to conserve the affordability of housing such as a mobilehome park preservation ordinance. [Learn more.](#)

Preserve Units At-risk of Conversion to Market Rate Uses



Many units of privately-owned, federally, State and locally assisted multifamily rental housing are at-risk of converting to non low-income uses. These at-risk units are occupied by elderly persons and families with lower-income who cannot afford to pay market-rate rents and could be displaced if the project converts. If the housing element has identified units at-risk, programs must be included to assist in the preservation of this important housing stock. [Learn more.](#)

Address and Remove or Mitigate Constraints



For each policy, procedure or requirement identified as a governmental constraint, the element must include programs to address and remove or mitigate the constraint. [Learn more.](#)

Equal Housing Opportunities



A local equal housing opportunity program should provide a means for the resolution of local housing discrimination complaints and disseminate fair housing information and resources throughout the community. The element should also address any zoning or other land-use laws or practices that either expressly discriminate against a group protected by the fair housing laws or have the effect of discriminating against a protected group. [Learn more.](#)

Program Overview and Quantified Objectives

Last Updated 5/6/2010

The element shall contain a program which sets forth a five-year schedule of actions the local governments is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available Government Code Section 65583(c).

The element shall include a statement of the community's goals, quantified objectives and policies relative to the maintenance, preservation, improvement and development of housing, (Government Code Section 65583(b)).



Developing Effective Programs

Programs are the specific action steps each locality will take to implement its policies and achieve stated goals and objectives. Programs should reflect the results and analyses of the jurisdiction's local housing needs, available land and financial resources and the mitigation of identified governmental and non-governmental constraints. For example, if the analysis of the existing housing stock, identified a high percentage of units in need of rehabilitation, the jurisdiction should include a rehabilitation program to meet the identified need. Similarly, if the city/county has identified constraints related to local regulations, the element should identify specific programmatic actions such as streamlining processing requirements, "one-stop shop", providing pre-application consultation, or development of pre-approved prototypes to simplify the approval process.

Requisite Program Components

To make adequate provision for the housing needs of all income levels, a jurisdiction must, at a minimum, identify programs to do all of the following:

- Identify adequate sites, with appropriate zoning and development standards and services to accommodate the locality's share of the regional housing needs for each income level (as needed).
- Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households.
- Address, and where possible, remove governmental constraints to the maintenance, improvement and development of housing, including housing for all income levels and housing for persons with disabilities.
- Conserve and improve the condition of the existing affordable housing stock.
- Preservation of assisted housing developments at-risk of conversion to market-rate.
- Promotion of equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability.

Effective programs include the following:

- Definite time frames for implementation (e.g., by June 2009, ongoing, annually during the planning period, upon adoption of general plan amendment, etc.).
- Identification of agencies and officials responsible for implementation (e.g., planning department, redevelopment agency, county community development department, city building official, housing manager, public housing authority, etc.).
- Description of the local government's specific role in program implementation (e.g. a description of how the City will market the availability of rehabilitation funds).
- Description of the specific action steps to implement the program.
- Proposed measurable outcomes (e.g., the number of units created, completion of a study, development of a homeless shelter, initiation of a rezone program, preservation of at-risk units, annexation of land within a sphere of influence).
- Demonstration of a firm commitment to implement (e.g., the City will apply for HOME funds by June 2009).
- Identification of specific funding sources, where appropriate (e.g., dollar amounts of annual funding entitlements or allocations – CDBG, HOME, ESG, HOPWA, Continuum of Care, redevelopment agency's low/moderate-income housing funds, bond proceeds, tax credit allocations, and other federal, State and local resources).

Quantified Objectives

The setting of quantified objectives follows a locality's work in identifying housing needs, surveying land and financial resources, analyzing constraints, and developing appropriate programmatic and policy responses which reflect a community's unique needs and circumstances. This information is used to establish reasonable estimates of the number of units, by income level, these programs and policies can accomplish.

Requisite Analysis

The quantified objectives should estimate the number of units likely to be constructed, rehabilitated or conserved/preserved by income level during the planning period. The quantified objectives do not represent a ceiling on development, but rather set a target goal for the jurisdiction to achieve based on needs, resources and constraints.

Ideally, construction objectives will be equal to identified needs. However, when a locality has determined total housing needs exceed the locality's ability to meet those needs with existing resources, the quantified objectives may be less than the total identified need as specified in the locality's regional housing need allocation. Under these circumstances, localities may target limited resources to areas of greatest local need based on the analysis completed. The element, however, must describe the analysis used to establish the quantified objectives.

Emphasizing a particular objective, however, may result in reducing another. For example, in urban areas with a shortage of land, programs to maximize housing preservation may be the priority even though this may limit opportunities for the development of new housing.

In growing communities, the development of housing affordable for future residents may use CDBG or HOME funds for land write-downs to facilitate new construction rather than for rehabilitation loans.

Each quantified objective should be detailed by income level as illustrated in the following table:

Income Category	New Construction	Rehabilitation	Conservation/ Preservation
Extremely Low			

Very-Low			
Low			
Moderate			
Above Moderate			
TOTALS			

Note: The locality may choose to establish quantified objectives by tenure and/or type of household (i.e. elderly) to be benefited.

- The Construction objective refers to the number of new units that potentially may be constructed using public and/or private sources over the planning period of the element given the locality's land resources, constraints and proposed programs.
- The Rehabilitation objective refers to the number of existing units expected to rehabilitated during the planning period
- The Conservation/Preservation objective refers to the preservation of the existing affordable housing stock throughout the planning period. To determine the number of units to be conserved, a locality could, for example. Quantify the number of existing housing units that will be preserved through the provision of more stable zoning for mobilehome parks or other affordable housing types. A subset of the conservation objective is the number of federal, State and locally assisted at-risk units to be preserved.

Housing Programs: Adequate Sites

Last Updated 5/6/2010

Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Section 65583(c)(1))

- A. *Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.*
- B. *Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low-income households.*

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific timeframe for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Sample Program Format

Description of Specific Actions Steps, Jurisdiction's Specific Role in Implementation and Demonstration of Commitment to Implement

Timeframe:

Responsible Agency:

Objectives (quantified, where possible):

Funding Sources (where appropriate):

Program Requirements

General

The sites inventory should demonstrate adequate site capacity to accommodate the regional housing need for all income groups. Where the analysis of a local government's sites inventory does not demonstrate the supply of suitable, available and appropriately zoned sites are sufficient to accommodate the regional housing need by income level, the element must include a program to identify sites that can be developed within the planning period. In addition, sites or zones must be identified to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing.

A jurisdiction's adequate sites program must accommodate 100 percent of the shortfall of sites necessary to accommodate the remaining housing need for housing for very low- and low-income households during the planning period. These sites must be appropriately zoned early enough in the planning period to provide realistic and viable development opportunities.

The program must:

1. ensure the sites are zoned to allow owner-occupied and rental multifamily residential uses "by-right";
2. permit the development of at least 16 units per site;
3. ensure sites within suburban and metropolitan jurisdictions (as defined by Government Code Section 65583.2(c)(3)(B)(iii) and (iv)) permit a minimum of 20 dwelling units per acre (see Categories III and IV in the table below);
4. ensure at least 50 percent of the low- and very low-income regional housing need be accommodated on sites designated for exclusively residential uses, at appropriate densities.

Metropolitan Statistical Area: Qualification of an MSA requires the presence of a city with 50,000 or more inhabitants, or the presence of an Urbanized Area (UA) and a total population of at least 100,000

Micropolitan: Urban cluster of at least a 10,000 population but less than a 50,000 population

Definition of By-right

For the purposes of housing element law and in accordance with Chapter 724, by-right shall mean the local government's review shall not require:

1. a conditional use permit;
2. planned unit development permit; or
3. other discretionary local government review or approval that would constitute a "project" for the purposes of Division 13 (commencing with Section 21100) of the Public Resources Code.

This provision does not preclude local planning agencies from imposing design review standards. However, the review and approval process must remain ministerial and the design review must not constitute a "project" as defined in the Section 21100 of the Public Resources Code. For example, a hearing officer (e.g., Zoning Administrator) or other hearing body (e.g., Planning Commission) can review the design merits of a project and call for a project proponent to make design-related modifications, but cannot deliberate the project's merits or exercise judgment to reject or deny the "residential use" itself.

Adequate Sites Program Timing

A locality's ability to accommodate needed housing during the planning period requires designating appropriate zoning as early as possible. The most direct procedure is for the locality to undertake rezoning when the housing element is adopted. The program must make provision for sites that will be available soon enough to reasonably permit development during the planning period. For example, rezoning actions should be completed within the first year to two years.

Policy And Program Options

Strategies to Increase Residential Capacity

The following approaches have been used by localities to increase their total residential development capacity:

- Up zone existing residential areas at appropriate densities to facilitate development of housing.
- Increase maximum allowable residential densities in existing residential, commercial and mixed zones and modify development standards such as height limitations to ensure maximum density can be achieved.
- Prezone and annex land suitable for residential use.
- Establish Minimum Densities – Designate minimum densities of development to assure that existing available land is not underutilized.
- Allow and Encourage Mixed-Use Zoning – Permit housing in certain non-residential zones either as part of a mixed-use project or as a stand alone residential use.
- Rezone underutilized land from nonresidential to residential to expand the supply of available residential land.
- Institute Flexible Zoning – Allow various residential uses within existing nonresidential zones without requiring rezoning or conditional approvals.
- Redevelop and/or recycle underutilized existing land to more intensive uses.
- Convert obsolete older public/institutional/commercial/ industrial buildings to residential use through adaptive reuse and/or historic preservation.
- Over zone – Create a surplus of land for residential development during the current planning period of at least 20 percent more than the locality's share of the regional housing need. Over zoning compensates for urban land left vacant due to ownership and development constraints and creates a real surplus. A sufficient supply of land beyond the time frame of the element helps prevent land shortages from bidding up land costs.
- Allow and promote small and irregular size lot development.
- Consolidate lots – Facilitate combining small residential lots into larger lots to accommodate higher density development.
- Increase height limitations – Allow three stories in multifamily zones at minimum.
- Increase Floor Area Ratios – Allow for larger buildings on smaller lots and/or more units per lot by reducing the FAR (total lot area divided by the total building area).

Appropriate Development Standards

Appropriate zoning and development standards facilitate the location, siting, capacity, and price of residential development to meet identified housing needs, particularly new construction for lower-income households. These include establishing minimum densities, minimum floor areas, increased maximum lot coverage, allowing minimum building, rear and side yard setbacks, reduced parking and amenities requirements, and other controls such as streamlined architectural and design review standards.

State zoning law (Government Code Section 65913.1) requires localities to zone sufficient vacant land for residential use with appropriate standards to meet the housing needs as identified in the general plan. Appropriate standards are requirements that contribute significantly to the economic feasibility of producing housing at the lowest possible cost."

In regulating subdivisions, Government Code Section 65913.2 provides that a local government may not impose design criteria for the purpose of rendering an affordable housing development infeasible. A community may not impose standards and criteria for public improvements (e.g., streets, sewers, schools, or parks) that exceed those imposed on other developments in similar zones. Additionally, the effect of a community's ordinances and actions on accommodating the housing needs of the region must be considered.

Encouraging Development of Underutilized Sites for Housing

Identification of underutilized land and opportunities for mixed uses must be accompanied by programs that encourage their development and/or reuse. Such programs could include actions to initiate any necessary rezoning, establish appropriate regulatory and/or financial incentives, relax development standards (design criteria, parking, building height, setback requirements, etc.), support more compact and higher density residential developments, and facilitate the new construction of multifamily rental and owner-occupied units. Such developments are often located in urban core areas, redevelopment project areas, adjacent to existing neighborhoods, close to transit centers and established businesses and services.

Strategies to Encourage Adequate Sites for a Variety of Housing Types

While the sites inventory may identify sufficient sites to accommodate the locality's total share of the regional housing need, the element must also include policies and programs to promote development on identified sites. Localities have developed various land-use controls and development incentives to encourage a variety of housing types for all income levels, including:

- Zone a high proportion of sites for higher density and more intensive residential use.
- Encourage and facilitate second-unit development in single-family residential areas. Policies to encourage second-units include modifying development standards, such as reducing parking, increasing lot coverages and reducing setbacks and offering development incentives.
- Zone sites for mobilehomes and mobilehome park use.
- Promote multifamily rental housing above ground floor commercial uses (mixed residential-nonresidential land-use). Permit apartment uses in office/commercial areas where office space revenue can offset rental costs and act as an internal project subsidy.
- Compile and maintain an inventory of public surplus lands and land owned by other entities, such as school districts, public utilities, etc., to identify sites suitable for development of low- and moderate-income housing. Facilitate the acquisition of surplus public lands and other identified land for affordable housing development.
- Zone for housing types typically occupied by renter households (e.g., second-units, apartments, and SROs).
- Ensure zoning encourages single-room occupancy (SRO) units and establish ordinances with written and objective standards.
- Offer development incentives (e.g., land write-downs, fee waivers, and below market-rate financing) negotiated through developer agreements to increase multifamily densities in selected areas.
- Reduce multifamily development standards (e.g., number of required covered parking spaces, setback and building height requirements, etc.).
- Establish ordinances or guidelines to promote small lot development
- Establish no net loss policies and procedures to rezone equal amounts of land to replace any residential land used for other than its intended residential use.

Strategies to Encourage Emergency Shelters and Transitional and Supportive Housing

- Make ending homelessness a priority.
- Establish homeless prevention strategies: housing support centers, improve access to supportive and employment services.
- Apply for, or support applications for funding for emergency shelters, transitional or supportive housing.
- Establish local Homeless Task Force to identify strategies and develop partnerships.
- Streamline permitting and reduce fees for emergency shelters, transitional and supportive housing.

Housing Programs: Assist in the Development

Last Updated 5/6/2010

Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Government Code Section 65583(c)(2)).

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Sample Program Format

Description of Specific Actions Steps, Jurisdiction's Specific Role in Implementation and Demonstration of Commitment to Implement

Timeframe:

Responsible Agency:

Objectives (quantified, where possible):

Funding Sources (where appropriate):

Program Requirements

Having assessed and identified the housing needs of extremely low-, very low-, low-, and moderate-income households, including special needs households, localities must employ a sufficient number of strategies to assist in developing adequate housing to meet those needs.

To address this requirement, localities can offer direct support for the development of affordable housing through various financing mechanisms including the issuance of municipal and mortgage revenue bonds and use of redevelopment funds and authority. Direct assistance can also be provided through the utilization of appropriate federal and State financing and subsidy programs to create rental and ownership opportunities. Localities should create first time homebuyer, equity sharing, or self-help housing programs to provide affordable homeownership opportunities. Local governments must also assist and support developers in making applications for other public or private housing funds or low-income housing tax credits.

Working with the building community, especially nonprofit housing developers, advocacy groups and tenants make assisting in the development of affordable housing easier and more effective. Many jurisdictions support existing nonprofit housing developers or help establish new joint ventures and local housing sponsors. Local governments can establish a local housing authority or work with an established nonprofit development corporation or Community-based Housing Development Organization (CHDO) to develop, operate, and

manage low- and moderate-income housing projects. Contacts for housing advocacy and technical assistance organizations are available through links at the end of the section.

Local governments can indirectly facilitate the development of more affordable housing through effective administration of land-use controls and by providing appropriate regulatory concessions and incentives.

Policy And Program Options

The following are examples of programs and strategies that have been successfully implemented by localities to comply with State law and address their housing needs:

- Proactively build relationships with the building community, including non-profits and establish an array of regulatory and financial tools to assist residential development with a non-profit, including utilizing local trust funds and other local financial resources, donating land, supporting funding applications, assisting entitlements and expediting permit processing.
- Adopt a density bonus ordinance in compliance with Government Code Section 65915 and develop an outreach program to ensure its successful implementation.
- Expand on the minimum requirements of State density bonus law by offering additional density bonuses, incentives and concessions.
- Create an on-line, searchable inventory of surplus lands and publicize their availability to promote the use of sites for housing affordable to lower-income households.
- Provide fast track or one-stop permit processing for housing developments affordable to lower-income households or other priority housing needs (i.e., extremely low-income, large families, persons with disabilities, farmworkers).
- Reduce, waive or subsidize development and impact fees for affordable housing.
- Adopt a land banking program for future development of housing affordable to lower- and moderate-income households. A land banking program could include the use of CDBG or redevelopment funds to purchase sites as well as city/county owned sites.
- Establish impact fees based on square footage to appropriately charge for the level of impacts based on the size of the house or housing types (i.e., second-unit, SRO, multifamily, single-family). For example, a sewer impact of a second-unit is less than for a 5,000 square foot home.
- Adopt ministerial permit procedures for multifamily, transitional housing, supportive housing in multifamily zones.
- Reduce, waive or modify certain development standards to promote affordable housing development. For example, reduce parking standards or covered parking requirements for senior or certain projects designed for lower-income households.
- Establish ministerial procedures to reduce parking standards for housing for special needs households (i.e., seniors, persons with disabilities).
- Adopt tiered environmental reviews to lessen environmental review on a project-by-project basis.

Sample Programs

Program 1: Non-Profit Development

The City will initiate a partnership and continue to work with non-profit developers to assist the development of housing affordable to extremely low-, very low- and low-income households. The City will annually invite non-profit developers to discuss the City's plans, resources, development opportunities and RFQ process. In addition, the City will annually select a non-profit developer to pursue developments, including leveraging the local housing trust funds, assisting in the application for State and federal financial resources, and offering a number of incentives such as fee deferrals, priority processing and relaxed development standards.

Responsibility: Housing Division

Timing: Make initial contact with local nonprofits by the end of 2008. Conduct annual meeting with builders and nonprofits to review resources, incentives and City goals and objectives. Annually initiate RFQ process and

pursue development of a housing project.
Funding: Redevelopment Housing Set-Aside, CDBG
Objective: 180 units over the planning period

Program 2: Density Bonus Ordinance

The City will adopt a density bonus ordinance in compliance with Government Code Section 65915.

Responsibility: Planning Division
Timing: Adopt by end of 2009
Funding: General Fund
Objective: To promote the financial feasibility of development affordable to lower-income households utilizing density bonuses and incentives and concessions.

Program 3: Surplus Properties

The City will compile an inventory of surplus properties owned by the City or other public entities and update the inventory annually. The inventory will include donated land and land otherwise acquired by the City. The City will publicize, post on the website and make the inventory available to nonprofit developers.

Responsibility: Housing Division
Timing: Compile inventory by June 2009, post on website and annually update. Annually distribute inventory to nonprofit developers. Identify funding resources to assist non-profit developers in purchasing sites (by the end of 2009 and update annually).
Funding: General Fund
Objective: 100 units over the planning period

Program 4: Multifamily Housing Program-Supportive Housing (MHP-Supportive) Funding

Utilizing City-owned lands, the City will select a nonprofit developer and assist and support preparing a funding application to HCD's MHP – Supportive Housing to develop housing affordable to extremely low-income households. The City will further assist with expedited permit processing, incentives and modification of development standards as necessary.

Responsibility: Housing and Planning Divisions
Timing: Select a developer by June 2009. Apply for funding by February 2010.
Funding: Multifamily Housing Program-Supportive and Redevelopment Set-Aside
Objective: 60 units over the planning period affordable to extremely low-income households.

Program 5: Housing Trust Fund

The City will examine alternatives to establish a local housing trust fund from a combination of public and private resources.

Responsibility: Housing and Planning Divisions
Timing: Identify alternatives and initiate action plan by January 2009. Establish local housing trust fund by February 2010.
Funding: General Fund
Objective: Local financing resources to facilitate the development of housing for low- and moderate-income families and workers.

Housing Programs: Conserve and Improve the Existing Housing Stock

Last Updated 5/6/2010

Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Government Code Section 65583.(c)(4)).

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Program Requirements

The existing affordable housing stock is a valuable resource and the element must include programs to conserve and improve the existing affordable housing stock. Improvement includes physical activities that improve the housing stock such as rehabilitation. Conservation includes both maintenance activity such as code enforcement in deteriorating buildings or in response to complaints and improvements to the housing stock such as weatherization programs which help reduce housing costs or other actions, policies or programs to conserve the affordability of housing such as a mobilehome park preservation ordinance.

Policy And Program Options

Policies and program should be tailored to the results of the analyses and specific local situations. The following strategies are not exhaustive:

Improvement

- **Coordinate Code Enforcement** – Code enforcement programs should be coordinated with utility, housing code inspection and rehabilitation programs to effectively utilize funding resources, efficiently ensure safe homes and avoid displacement.
- **Rehabilitation Programs** – Programs to regularly seek funding or continue funding existing repair and rehabilitation programs for ownership, rental and mobilehome parks. Funding resources include Community Development Block Grant, HOME, etc. and local redevelopment funds (see VI. Links).
- **Maintain Single-Room Occupancy Units (SROs)** - Rehabilitate residential hotels for very low- and low-income households including the homeless and those at-risk of homelessness.

- **Rehabilitation Fee Amnesty Program** - Provide interim fee relief for rehabilitation in targeted neighborhoods.
- **Targeted Rehabilitation Programs** – Survey and designate neighborhoods and design a rehabilitation program to comprehensively address housing conditions.
- **Enforcement of Building Code Programs** - The Franchise Tax Board (FTB) operates the Substandard Housing Program which assists the State and local agencies responsible for abating unsafe living conditions that violate Health and Safety Codes. Property owners in violation of Health and Safety Code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are allocated and disbursed to the cities and counties that generated the notification of substandard housing to the FTB. (see VI. Links - Franchise Tax Board).
- **Neighborhood Revitalization** - Designate lower-income neighborhoods for concentrated housing rehabilitation assistance through subsidized grants and/or deferred low interest loans, public facility/infrastructure improvements through general fund capital improvement plans, special assessments districts, Mello-Roos community facilities districts, etc.
- **Develop Tool Lending Programs** – to facilitate ongoing rehabilitation and maintenance. "Tools" can include actual tools and supplies, as well as instructions for simple upgrades or repairs (such as changing faucets or washers, heater screens, etc.).

Conservation

- **Zoning** - Provide stable zoning to preserve affordable housing. For example, change the underlying zoning for a mobilehome park from commercial to mobilehome park.
- **Presale Code Inspections** - Enact occupancy ordinances requiring presale code inspections and compliance before title to a property is transferred to new owners.
- **Long Term Affordability** - Maintain long-term affordability restrictions on assisted rental units.
- **Homeownership Education and Counseling** – Establish pre- and post- purchase homeownership education and counseling to assist households in owning and maintaining their homes. Programs can include referral centers, promoting toll-free hotlines and outreach on the availability of resources.
- **Educate and Enforce the Building Code to Facilitate Rehabilitation** – Bringing older homes into compliance with current building codes can be costly, is not required and can deter rehabilitation. The building code requires local government flexibility to facilitate rehabilitation while maintaining health and safety standards (Health and Safety Code 17958.8). To encourage rehabilitation, communities should conduct education programs for public officials, contractors and property owners to ensure public knowledge of flexibility in building codes for rehabilitation (i.e., minor or moderate).
- **Replacement Requirements** - Require one-to-one replacement of any housing units demolished due to public or private action.
- **Demolition Ordinances** - Enact ordinances governing demolition of housing units and conversions of housing units to other uses (e.g., office or commercial).
- **Adopt Housing Element and Code Enforcement Policy** – To ensure and promote compliance with Health and Safety Code Section 17980(b)(3) enforcement agencies must consider needs expressed in the housing element when deciding whether to require vacation or repair of property.
- **Condition Surveys** - Conduct annual housing condition surveys to determine the extent of rehabilitation need and to prioritize rehabilitation program actions.
- **Neighborhood Improvement** – Establish and utilize CDBG or RDA funds for a self-help paint-up/fix-up neighborhood improvement program.
- **Neighborhood Clean Ups** – Annually promote neighborhood clean-up weeks or activities.

Sample Programs

Sample Program 1: Housing Rehabilitation Programs

The Housing Rehabilitation Program provides loans, and rebates to income-qualified households to correct Health and Safety Code violations and make essential repairs. The maximum loan limit is \$50,000 with a

minimum equity requirement of 10 percent. The Housing Rehabilitation Program is available to lower-income households (<80 percent AMI) and has the following components:

- **0% Interest Deferred Payment Loans for Basic Home Repairs:** Principal-only loans secured by deeds of trust with no interest charged and no payments for at least five years. The minimum loan amount is \$1,000 and after five years the borrower's eligibility is re-evaluated to determine if a repayment plan should be established. A loan becomes due in full when there is a change in ownership (i.e. death, sale, etc.).
- **Non-Repayable Lead-Based Paint Remediation Grants:** Grants offered to pay the costs of lead-based paint identification and removal. The amount cannot exceed the costs of the approved non-lead related housing rehabilitation, work. The grant does not require repayment by the recipient.

In addition, the City will explore the potential to implement a loan program for accessory dwelling units. This program will allow eligible homeowners to obtain a loan from the City to construct a small second- unit on their property, under the City's existing accessory dwelling unit provisions.

Responsibility: Community Development Department

Funding: CDBG and HOME funds

Objectives: Provide 20 rehabilitation loans or grants annually. Explore potential for accessory dwelling loan program by the end of FY 2008-2009. Evaluate program through the Housing Element Annual Report process.

Sample Program 2: Single-Family Housing Acquisition and Rehabilitation

This program utilizes HOME funds to enable lower-income households (up to 80 percent of AMI) households to purchase their first homes. The City will select a non-profit by January 2008 to acquire and rehabilitate deteriorated single-family homes. Assistance will be provided in the form of a loan secured by a deed of trust. The rehabilitated homes will then be sold to income-qualified first-time homebuyers. A potential source of housing for this program will be CalTrans excess right-of-way programs. The Housing Department will initiate discussions with CalTrans on how to access and purchase excess units.

Responsibility: Community Development Department

Timing: Ongoing loans and initiate discussion with CalTrans by December 2008

Funding: HOME funds

Objectives: 100 units over the planning period. Acquire and rehabilitate five single-family homes within the five-year period through CalTrans. Continue to evaluate potential program options and the suitability of this program in a higher cost market like the City is currently experiencing. Provide ongoing assistance and evaluate program through the Housing Element Annual Report process.

Sample Program 3: Multifamily Housing Acquisition and Rehabilitation

The Comprehensive Neighborhood Revitalization Strategy includes acquisition and rehabilitation of deteriorated multifamily housing developments, with the goal of generating privately initiated improvements in some of the other complexes in the neighborhood. Under this program, the City will develop a list of nonprofit developers and send out a meeting notice to interested non-profit developers to discuss the City's objectives and resources. The City will then select a nonprofit developer to purchase a deteriorated multifamily, rental property. The property would then be rehabilitated, with the options to combine some of the smaller units into larger family units. Relocation assistance will be provided to existing tenants who have to be either temporarily or permanently relocated.

Responsibility: Community Development Department

Timing: Develop list of nonprofit developers by December 2008 and select a developer by June 2008.

Funding: Redevelopment Funds

Objectives: Support the rehabilitation and revitalization of at least two properties or 100 units in the planning period. Provide ongoing assistance and evaluate program through the Housing Element Annual Report Process.

Sample Program 4: Sample Code Enforcement Program

Develop and maintain a multidisciplinary code enforcement program to ensure building safety of residential neighborhoods through enforcement of building codes on a compliance and building permit issuance basis. Establish a coordination task force including housing, building, housing finance agency, planning, utilities, police, fire, waste management and other public safety agencies to do cross-referrals and joint neighborhood projects. Create a brochure to provide information about rehabilitation loans and housing assistance programs for use by property owners who are cited and tenants in need.

Responsibility: Building and Housing Departments

Timing: Establish task force by June 2009. Create brochure by December 2008 and provide information as part of ongoing code enforcement activities

Funding: CDBG Funds

Objective: Promote maintenance of existing housing stock and protection of existing tenants and lower-income households

Sample Program 5: Sample Mobilehome Park Preservation Program

The City of X will continue to implement the Residential Mobilehome Park zoning ordinance that sets conditions on changes of use or conversions of mobilehome parks. The City will also assist lower-income residents to research the financial feasibility of purchasing their mobilehome parks to maintain the rents at affordable levels. Where appropriate, assist the park residents or nonprofit to purchase the park to maintain affordability.

Responsibility: Planning Division

Timing: Inventory mobile home parks and provide information to mobilehome park residents regarding potential resident purchase of parks and assistance available by June 2009. Evaluate and determine feasibility of assisting park residents in purchasing a mobilehome park by December 2009. Apply for Mobilehome Park Resident Ownership Program (MPROP) funds by June 2010.

Funding: Housing Trust Fund, Mobilehome Park Resident Ownership Program

Objective: Continue to regulate the conversion of mobilehome parks.

Housing Programs: Preserve Units At-Risk of Conversion to Market Rate Uses

Last Updated 5/6/2010

Preserve for lower income households the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Government Code Section 65583(c)(6)).

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Program Requirements And Policy And Program Options

The nature of conversion risk varies significantly among projects depending on the type of subsidy and related affordability controls. Individual program responses should be tailored to the results of the analyses and specific local situations. The following strategies are not exhaustive:

Actions to Monitor

- Establish an early warning system and monitor at-risk units. Create a list based on at-risk units in the ten year inventory and analyses (conversion risk, costs, and resources) for possible conversions within the current and next planning period. Monitor the list on a regular basis (i.e., every three months).
- Publicize existing State and federal notice requirements to nonprofit developers and property owners of at-risk housing.
- Gauge owner's intent to prepay a federally-assisted mortgage. Establish a relationship and meet with property owners of at-risk units on an annual basis.
- Gauge owners interest in renewal and/or opting-out of project-based Section 8 contracts. Determine whether profit-motivated owners intend to renew project based Section 8 contracts. Five to twenty-year HUD contracts are available subject to annual appropriations.
- Require owners who want to opt-out of a Section 8 contract, prepay a HUD subsidized mortgage or sell their property within five years of the expiration of the rental subsidy, to provide 18-24 months advance notice.

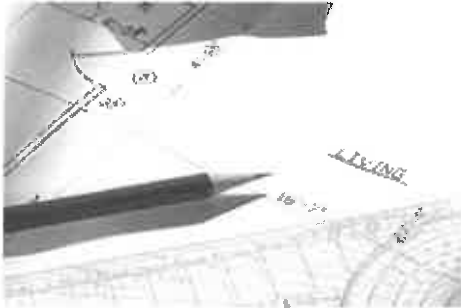
- Respond to any federal and/or State notices including Notice of Intent to Pre-Pay (Government Code Section 65863.10), owner Plans of Action, or Opt-Out Notices filed on local projects. Local governments (affected public agencies) receive these Notices and should quickly respond by contacting property owners.
- Hold a public hearing on the intended opt-out, prepayment or sale to ensure noticing requirements and potential strategies are examined and initiate assistance with tenants.

Housing Programs: Address and Remove or Mitigate Constraints

Last Updated 5/6/2010

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Government Code Section 65583(c)(3)).

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Program Requirements And Policy And Program Options

For each policy, procedure or requirement identified as a governmental constraint, the element must include programs to address and remove or mitigate the constraint.

The following are strategies communities have found appropriate to address regulatory barriers:

Land Use Controls

- Allow zero-lot line and small lot development.
- Relax development standards, for example:

- Front yard set backs of 15 feet or less;
- Minimum lot sizes of 5,000 square feet or less; and
- Lot width of 50 feet or less.

- Reduce parking requirements or establish ministerial procedures to provide exception for projects serving low-income households, seniors, and for transit-oriented development.
- Provide flexible standards for second units to encourage their development.
- Increase height limits and floor area ratios.
- Eliminate amenity based "mid-point" density policies.
- Modify and/or reduce growth controls to ensure accommodation of projected housing needs.
- Reduce procedural requirements for growth control ordinances.
- Exempt affordable housing projects from growth control ordinances.

On/Off Site Improvement Requirements

- Reduce street widths (e.g., 36 feet or less) and right of ways (e.g., 56 feet or less).
- Reduce the number and size of sidewalks (e.g., on one side of street only).
- Use roll curbs instead of formed curbs and gutters.
- Increase spacing between manholes.
- Design residential streets to accommodate average traffic estimates.
- Use utility or sidewalk easements instead of right-of-ways.
- Place water supply systems and sanitary sewers in easements instead of right-of-ways.

Fees and Exactions

- Reduce or waive fees and exactions for particular types of development (e.g., rental or assisted housing, second units, mixed-use and infill projects, housing affordable to low- and moderate-income households).
- Allow payment of fees upon certificate of occupancy, rather than prior to building permit issuance to reduce developer construction financing costs and overall development costs.
- Establish impact fees based on square footage to appropriately charge for the level of impacts based on the size of the house or housing types (i.e., second-unit, SRO, multifamily, single-family). For example, a sewer impact of a second unit is less than for a 5,000 square foot home.
- Consolidate fee schedules to simplify administration and operate one-stop centers to obtain schedules and documentation in one location.
- Identify district boundaries on a map for geographic specific fees and assessments to easily establish applicable fees.

Processing and Permit Procedures

- Expedite permit processing (allow one-stop, consolidated, and concurrent permit processing).
- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments.
- Hold pre-application development conferences.
- Prepare and present explanatory materials on the application and review processes to streamline permit processing.
- Utilize development agreements as authorized by Government Code Section 65864.
- Establish ministerial procedures for multifamily uses in multifamily uses.
- Streamline design review process and prepare clear, objective guidelines.
- Increase use of ministerial processing for a variety of housing types.

Housing for Persons with Disabilities

- Develop formal procedures for reasonable accommodation for housing for persons with disabilities in accordance with fair housing and disability laws. Amend the locality's Municipal Code to provide for clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision-making, and provision for relief from the various land-use, zoning, or building regulations that may constrain the housing for persons of disabilities.
- Regularly monitor the implementation of the jurisdiction's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws.
- Reduce parking requirements for projects serving seniors and persons with disabilities households.
- Increase use of ministerial processing of State licensed group homes, regardless of the number of occupants in residential zones.
- Update the jurisdiction's definition of "family" and "single-family residence" to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.

Housing Programs: Equal Housing Opportunities

Last Updated 5/6/2010

Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability (Government Code Section 65583(c)(5)).

Required Components Of Program Actions



Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Program Requirements

Since State and federal laws uniformly outlaw most kinds of housing discrimination, the local government's role is to identify program strategies that support and implement these laws. Such strategies may include consultation with fair housing and counseling organizations in the community to document the incidence of housing discrimination and evaluation of the availability of services.

If fair housing services are not available or are inadequate, the locality can request technical assistance from HUD (<http://www.hud.gov/offices/fheo>), the Housing Unit of the State Department of Fair Employment and Housing (<http://www.dfeh.ca.gov>), and/or local, regional, private fair housing organizations to help develop specific local government actions to promote equal housing opportunities.

Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, sex, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income and age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices. See Government Code Sections 12955 and 65008 for further information. Section 65008 also expressly prohibits localities from discriminating against residential development or emergency shelters if the intended occupants are low-income or if the development is subsidized.

In the housing element, a local equal housing opportunity program must provide a means for the resolution of local housing discrimination complaints and should include a program to disseminate fair housing information and information about resources throughout the community. The local program must involve the dissemination of information on fair housing laws, and provide for referrals to appropriate investigative or enforcement agencies. Where appropriate, communities should distribute fair housing information in languages other than English. Sites for display of fair housing information include buses, community and senior centers, local social service offices, and other public locations including civic centers or county administrative offices.

The element must also address any zoning or other land-use laws or practices that either expressly discriminate against a group protected by the fair housing laws or have the effect of discriminating against a group (Pursuant to Government Code Section 12955.8).

In larger and/or urban jurisdictions, more direct program actions would be appropriate such as a commitment to use CDBG funds to support fair housing information and referral and counseling services. The locality may wish to contract with or create a fair housing council to investigate and resolve discrimination complaints, and advocate specific equal housing opportunity actions before community and business organizations.

Jurisdictions receiving "entitlement" (i.e., CDBG, HOME) must prepare a Consolidated Plan that includes certification that the jurisdiction will affirmatively further fair housing, conduct an analysis to identify impediments to fair housing choice, and take actions to overcome the effects of any impediments identified. Many jurisdictions cross-reference and/or incorporate fair housing information and data from the Consolidated Plan into their housing element. For example, the Consolidated Plan requires the "analysis of impediments to fair housing choice" (AI) that addresses barriers to equal housing opportunities. The element should incorporate this information to facilitate an adequate analysis. Further, barriers identified in the AI should be addressed by programs in the housing element.

Policy And Program Options

The following are examples of successful policies, plans, and practices to identify barriers and promote fair housing:

- Use CDBG funds for fair housing enforcement, education, and technical assistance activities.
- Ensure all new, multifamily construction meets the accessibility requirements of the federal and State fair housing acts through local permitting and approval processes.
- Approve agreements to conduct banking such as establishing accounts and making deposits to reward lenders with exemplary records of compliance with Federal Community Reinvestment Act (CRA).
- Increase or maintain resources to establish and support outreach, public education and community development activities through community based or neighborhood organizations.
- Consult with a wide range of groups throughout the entire community and consider environmental justice issues in the development and update of regulations, guidelines and other local programs.
- Work with schools to establish a fair housing curriculum such as coloring books, poster contests, puppet shows and classroom lessons.
- Increase housing choices for households with Section 8 vouchers through affirmative marketing and expanding participating property owners.
- Adopt ordinances that prohibit discrimination by landlords against tenants with Section 8 vouchers.

- Amend ordinances that have the purpose or effect of precluding the development of affordable housing.

All units of government are required to comply with the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in employment, public and commercial facilities, delivery of services, zoning and land-use.

Sample Programs

Program 1

The City will contract with the Fair Housing Council to provide fair housing services to its residents and property owners. Services include:

- Distributing educational materials to property owners, apartment managers, and tenants every two years.
- Making public service announcements (PSAs) via different media (e.g., newspaper ads and public service announcements at local radio and television channels) at least two times a year.
- Conducting public presentations with different community groups.
- Responding to complaints of discrimination (i.e., in-taking, investigation of complaints, and resolution).
- Referring services to appropriate agencies.

Responsibility: Housing and Redevelopment Department

Funding: CDBG

Objectives: Distribute educational materials every two years. Produce PSAs two times a year. Annually meet with Fair Housing Council for update on issues and strategies.

Program 2

Refer discrimination complaints to the Fair Housing Network and ensure complaints are resolved. The city will participate and distribute fair housing materials at a variety of community activities including the 4th of July fair, Santa Day, local heritage fair and the community's annual hot dog eating contest to reach out to all segments of the community. The city will annually conduct fair housing in-service trainings press releases, directly contact interest groups for distributing fair housing materials, mail fair housing materials through utility billings and post fair housing information in a variety of community locations such as the library, bus stops, public counters and post office. Other specific actions include:

- A pamphlet on equal housing opportunity to be prepared by January 2009 and distributed to the public through a variety of groups and locations as described above within two months.
- Identify local nonprofits, service organizations and community groups by December 2008 and distribute fair housing information every two years.

Responsibility: Community Development Agency

Funding: Staff Time

Objectives: Respond to discrimination complaints and public education