**DISCLAIMER:** This document is to assist jurisdictions that want to adopt a housing element before January 31, 2023. To be in substantial compliance with state law, a housing element must contain all of the elements mandated by state housing element law.

# Staff Report Template for Adopting the Housing Element

Table of Contents

[**How to Use the Staff Report Template** 2](#_Toc124162338)

[**Staff Report Template** 2](#_Toc124162339)

[Recommended Action 2](#_Toc124162340)

[Executive Summary 3](#_Toc124162341)

[Background 3](#_Toc124162342)

[Required Components of a Housing Element 4](#_Toc124162343)

[New Requirements for the 6th Cycle Housing Element Update 4](#_Toc124162344)

[Penalties for Non-Compliance 5](#_Toc124162345)

[Related Elements 5](#_Toc124162346)

[Summary of Prior Meetings and Study Sessions 5](#_Toc124162347)

[Housing Element Requirements 6](#_Toc124162348)

[Housing Needs Assessment 6](#_Toc124162349)

[Regional Housing Needs Allocation (RHNA) 6](#_Toc124162350)

[Constraints Analysis 7](#_Toc124162351)

[Housing Resources & Sites Inventory 7](#_Toc124162352)

[Policies and Programs 8](#_Toc124162353)

[AFFH 8](#_Toc124162354)

[Evaluation of Past Progress 12](#_Toc124162355)

[Community Engagement 12](#_Toc124162356)

[Community Meetings & Study Sessions 12](#_Toc124162357)

[Review Process 12](#_Toc124162358)

[Required Findings 13](#_Toc124162359)

[Environmental Review 14](#_Toc124162360)

[Alternatives Considered 14](#_Toc124162361)

# How to Use the Staff Report Template

This staff report template is designed for both Planning Commission and/or City Council or Board of Supervisors. Highlighted text indicates when text is meant to be used for Planning Commission, City Council or Board of Supervisors. It is meant to be used with the Planning Commission Resolution Template and/or City Council or Board of Supervisors Resolution Template, the Response to HCD Findings Template, and the Housing Element Statutory Provision Checklist. These can be found on [this page of the ABAG website](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates).

The template can be used in one of two ways:

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

**Scenario B:** Jurisdictions can use this template to present their Housing Element for adoption after receiving an initial letter but **before** they receive a letter from HCD, stating that their Housing Element has been found to be in substantial compliance with state law.

Instructions, notes and information to be customized by jurisdiction staff are shaded yellow and in brackets. Staff will need to change [City/County] to “City” or “County” and [City Council/Board of Supervisors] to “City Council” or “Board of Supervisors.” Please read through the document carefully for other information that needs to be updated by staff.

# Staff Report Template

## Recommended Action:

**[Recommended Action for City Council or Board of Supervisors:]**

1. Conduct a public hearing.
2. Adopt a Resolution of the [City Council/Board of Supervisors] [add text from [City Council/Board of Supervisors Resolution](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates). Make CEQA findings if required].
3. [Add motion to introduce the Zoning Ordinance if adopting concurrently.]
4. [Add amendments to other sections of the General Plan if needed for consistency.]

**[Recommended Action for Planning Commission:]**

1. Conduct a public hearing.
2. Review and consider a [Resolution of the Planning Commission](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates) recommending that the [City Council/Board of Supervisors] adopt (1) a General Plan Amendment to Update the Housing Element and General Plan Land Use Diagram and (2) [other items/amendments being brought for adoption along with the Housing Element].
3. [Add motion to introduce the Zoning Ordinance if adopting concurrently.]
4. [Add amendments to other sections of the General Plan if needed for consistency.]

## Executive Summary

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

This staff report provides a summary of the Housing Element requirements, an overview of the status of the [City/County]’s draft Housing Element, and the findings provided to the [City/County] by HCD on the [first 90-day review l and/or subsequent 60-day review] of the draft.

The [City/County] has responded to HCD’s comments in the following ways [explain how the jurisdiction has responded to HCD’s findings’ and/or the reasons the jurisdiction believes that the ‘draft element or draft amendment substantially complies with Article 10.6, despite the findings of HCD.’]

## Background

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

The [City/County]’s 2023-2031 Draft Housing Element was prepared with the benefit of community, [boards/commissions that were involved], and [City Council/Board of Supervisors] input and discussion at [number] public workshops over the course of the [number of years] Housing Element preparation period. Workshops on the Draft Housing Element were held by the [City Council/Board of Supervisors], the Planning Commission, [boards/commissions that held public workshops]. Guidance was also provided by [HCD, others] throughout the process.

On [date], the draft Housing Element was submitted to HCD for its review [summarize interactions and how HCD comments were considered or included]. Based upon those questions, staff revised the draft Housing Element to include additional information and analysis.

On [date], the [City/County] published the changes on the [City/County] website and requested public comment on those changes. The [City/County] received [number] comment letters during the public review period, and based upon those comments, staff made additional changes to the Housing Element as described below: [Describe changes if any, including changes to related documents like zoning amendments.]

Planning Commission held a hearing to consider the Housing Element on [date]. [Summarize Planning Commission process, comments and related staff recommendations.]

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

### Required Components of a Housing Element

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

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

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

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

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

### Penalties for Non-Compliance

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

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

### Related Elements

[**Note:** Remove bullets that do not apply to your jurisdiction.]

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

### Summary of Prior Meetings and Study Sessions

Over the last [number] of years, the [City/County] has conducted a comprehensive community engagement and outreach strategy as required by Government Code to assist in informing the 6th Cycle Housing Element Update Process. This strategy has included a series of community meetings and study sessions with [Planning Commission/City Council/Board of Supervisors, etc.]. These meetings and study sessions are summarized below. Feedback received throughout the ongoing community engagement and outreach process has assisted staff and the consulting team in preparing the draft Housing Element Update and related items.

#### Public Meetings

[Include list with (Month, Day, Year, Planning Commission/City Council/Board of Supervisors) and synopsis (optional)]

#### Study Sessions

[Include list with (Month, Day, Year, Planning Commission/City Council/Board of Supervisors) and synopsis (optional)]

## Housing Element Requirements

The following section summarizes the contents of the [City/County] Housing Element Update for the 2023-2031 Planning Period.

### Housing Needs Assessment

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

### Regional Housing Needs Allocation (RHNA)

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

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

Figure 1: [City/County] Regional Housing Needs Allocation (RHNA)

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

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

#### RHNA Buffer

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

### Constraints Analysis

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

[Include 1-2 sentence synopsis of each specific housing constraint identified in Constraints Section]

### Housing Resources & Sites Inventory

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

The [City/County]’sHousing Sites Inventory is summarized below in Figure 2. Land resources identified within the below Inventory Summary are included on the attached Map, included as **Attachment 1**.

[**Optional:** include synopsis of sites and summarize.]

Figure 2: [City/County] Housing Sites Inventory

| Site Category | ELI/VLI | LI | Moderate | Above Moderate | Total |
| --- | --- | --- | --- | --- | --- |
| **Pipeline/Pending Projects** | [number] | [number] | [number] | [number] | [number] |
| **Projected ADUs** | [number] | [number] | [number] | [number] | [number] |
| **Non-Vacant**  **[Can Provide breakdown or not]** | [number] | [number] | [number] | [number] | [number] |
| **[Non-Vacant No. 1]** | [number] | [number] | [number] | [number] | [number] |
| **Vacant**  **[Can Provide breakdown or not]** | [number] | [number] | [number] | [number] | [number] |
| **[Vacant No. 1]** | [number] | [number] | [number] | [number] | [number] |
| **Total** | [number] | [number] | [number] | [number] | [number] |

### Policies and Programs

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

[Include list of Housing Element Goals, Policies and Programs]

### AFFH

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

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

#### Targeted Community Outreach

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

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

#### Assessment of Fair Housing

The [City/County] must also describe and analyze the unique housing circumstances of the [City/County]. This analysis is referred to as an Assessment of Fair Housing (AFH) and analyzes circumstances within the [City/County] pertaining to Fair Housing issuesincluding:

Fair Housing Outreach Capacity and Enforcement

The [City/County]’s AFH includes information regarding the [City/County]’s Fair Housing Outreach Capacity and Enforcement methods which includes… [Include synopsis of how your jurisdiction disseminates information related to fair housing, provides outreach and education to assure community members are well aware of fair housing laws and rights, and addresses fair housing compliance (i.e., investigating complaints, fair housing testing, etc.) This can include a summary of HUD Fair Housing & Equal Opportunity (FEHO) Complaints filed over last planning period – see table below, or other info from this section of your AFH].

Figure 3: [City/County] FEHO Cases Filed (2015-2020)

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

#### Segregation and Integration Patterns

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

[**Note for Figure 4:** Consider using the below table and data from your ABAG Housing Needs and Segregation Report Data Packets to summarize segregation/integration trends both within your jurisdiction and across the surrounding area. The table can be filled in using “Figure 4 – Population by Race (2000-2019)” from the ABAG Housing Needs Data Packet to compare demographic differences between your jurisdiction and the larger nine-county Bay Area and identify over and underrepresented groups compared to larger region.]

Figure 4: Racial/Ethnic Composition of [City/County] and Region FEHO Cases Filed (2010 & 2019)

| Race | [City/County]  2010 | [City/County]  2019 | Nine-County Bay Area  2010 | Nine-County Bay Area  2019 |
| --- | --- | --- | --- | --- |
| **White** | [number] | [number] | [number] | [number] |
| **Black** | [number] | [number] | [number] | [number] |
| **Latinx** | [number] | [number] | [number] | [number] |
| **Asian or Pacific Islander** | [number] | [number] | [number] | [number] |
| **Mixed/Other** | [number] | [number] | [number] | [number] |

Source: ABAG Housing Needs Data Packet [or other source]

[**Note for Figure 5:** Racial Dot Maps from your UC Merced AFFH Segregation Data Packet can help visualize/ affirm trends you identify above; this may be easier than trying to describe what isolation and dissimilarity indices are portraying.

For Figure 5, use either Racial Dot Map of from the AFFH Segregation Data Packet from UC Merced/ABAG and/or Racial Dot Map of jurisdiction and Surrounding Areas from the Segregation Data Packet to visualize segregation/integration trends evident in the jurisdiction *or* across your jurisdiction’s boundaries with others.]

Figure 5: Racial Dot Map of [City/County and/or Surrounding Areas]

Source: Segregation Data Packet

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

The [City/County]’s AFH includes an analysis of Racially and or Ethnically Concentrated Areas of Poverty (R/ECAPS) which are areas in the [City/County] defined by HUD as (1) having a non-White population of 50 percent or more, and (2) having extreme levels of poverty, meaning either: (a) at least 40 percent of the population lives at or below the federal poverty line, or (b) the poverty rate is three times the average census tract level poverty rate in the region, whichever is less.

[Include a synopsis of any R/ECAPS identified by HUD & HCD using ABAG’s HESS Tool/other maps, include information regarding what neighborhoods within your jurisdiction are R/ECAPS, reference racial dot map provided within ABAG/UC Merced Segregation Reports (Figure 1) to identify concentrated racial/ethnic groups in these areas. This section can also include a summary of any relevant “Racially Concentrated Areas of Affluence” which are further defined within HCD’s AFFH Memo and should be accompanied by a summary similar to R/ECAPS.]

#### Disparities In Access to Opportunity

The [City/County]’sAFH also evaluates disparities in access to opportunity within the [City/County] which are areas within the [City/County] that have substantial differences in access to education, transportation, economic and environmental outcomes than other areas as identified by the California Tax Credit Allocation Committee (TCAC).

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

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

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

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

#### Sites Inventory

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

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

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

#### Goals, Policies, and Actions

The below table summarizes the policies and programs required by State Law to demonstrate the [City/County]’s commitment to affirmatively further fair housing as part of the Housing Element Update process.

Figure 6: [City/County] Fair Housing Action Plan (2023 & 2031)

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

### Evaluation of Past Progress

Pursuant to State Law the following table summarizes the implementation status of Goals, Policies and Programs from the [City/County]’s 5th Cycle Housing Element Update.

Figure 7: Evaluation of Past Housing Element Policies and Programs (2015 & 2023)

| Goal/Policy | Program | Progress in Implementation |
| --- | --- | --- |
| [Goal and Policy] | [Program] | [Summary of status to date] |
| [Goal and Policy] | [Program] | [Summary of status to date] |
| [Goal and Policy] | [Program] | [Summary of status to date] |

## Community Engagement

Consistent with State Law, the [City/County] has conducted ongoing community outreach efforts throughout the 6th Cycle Housing Element Update process. These efforts, inclusive of [Planning Commission, City Council/Board of Supervisors meetings, etc.] held prior to today are summarized within the [section] of the Housing Element Update and below.

### Community Meetings & Study Sessions

[Include list of meetings/sessions (Month, Day, Year, Planning Commission/City Council/Board of Supervisors) and synopsis (optional).]

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

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

## Review Process

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

On [date], the [City/County] submitted the draft Housing Element to HCD for a mandatory 90-day review. On [date], the [City/County] received HCD’s findings regarding the Element’s compliance with state law included as **Attachment 2**. **Attachment 3** and **Attachment 4**, demonstrate how the proposed Housing Element conforms with State law.

* **Attachment 3** – [Housing Element Statutory Provisions Checklist](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates) outlines how the Housing Element conforms with each provision contained in the housing element statutes.
* **Attachment 4** – [Response to HCD Findings](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates) contains a response to each of HCD’s findings.

[**Note:** If HCD *has* made findings of substantial compliance, outline HCD’s required changes, including information on the jurisdiction’s response.

Include the date HCD notified the jurisdiction that the revised draft Housing Element and associated amendments, if approved by the City Council/Board of Supervisors, would be in substantial compliance with State Housing Element Law;

And, include the following information:

* Date jurisdiction submitted the draft Housing Element to HCD for its review;
* If/when informal HCD comments were received, if any; date(s) of formal HCD Comment letters received whether first 90-day or subsequent 60-day review (include HCD Comment Letters as attachments);
* Date jurisdiction revised the draft Housing Element to include additional information and analysis;
* Date jurisdiction published revised Housing Element and requested public comment on changes;
* The number of public comment letters received during the most recent public review period and if changes were made based upon public comment letters;
* List amendments made to other documents, if any (e.g. zoning amendments)].

The following section provides an analysis of the required findings under the local ordinance.

### Required Findings

[**Note:** If found to be in substantial compliance by HCD, then you only need to include Local Ordinance Findings.]

#### Local Ordinance Required Findings

[Include chapter of local ordinance where required findings for General Plan Amendments are found.]

1. [Local Ordinance Required Finding 1] e.g. “The proposed General Plan text and diagram amendments are consistent with the policies and intent of the General Plan.” Or “The proposed General Plan text and diagram amendments will have acceptable effects on the general welfare of the community.” Or ”The proposed General Plan text and diagram amendments are in the public interest.” [Include analysis for local compliance.]

[Include additional subheadings, depending on number of required findings under local ordinance.]

#### HCD Findings Letter – Outstanding Comments

[**Note:** Jurisdictions can choose to include a response to each comment by HCD in this section or provide as an attachment. If providing as an attachment, use the [Response to HCD Findings Template](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates).]

Pursuant to Government Code section 65585, subdivision (b), HCD reviewed the draft Housing Element and reported the results of its review. The following changes were requested by HCD:

**HCD General Comment Topic Area** [E.g. Site Inventory, Revisions to Housing Programs, Public Participation]

**HCD Finding:** [Text of comment from HCD findings letter]

**[City/County] response:** [Synopsis of jurisdiction response]

#### State Law Required Findings - CA Government Code Title 7, Division 1, Chapter 3, Article 10.6 (65580 – 65589.11)

To be in substantial compliance with state law, a housing element must contain all the elements mandated by state housing element law. (*See Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191-92.) The table attached to this report, **Attachment 3** – [Housing Element Statutory Provisions Checklist](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates), demonstrates that the [City/County]’s Housing Element contains each of the elements mandated by State law.

## Environmental Review

The [City/County] has prepared the necessary environmental review, consistent with CEQA, for the Draft 2023– 2031 Housing Element Update.

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

[**Example text 1 (no EIR):** Pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review or preparation of a new EIR are present with respect to the proposed changes to the General Plan Land Use Diagram and Zoning Map Pursuant to the requirements of the California Environmental Quality Act (CEQA), the [Planning Commission and City Council/Board of Supervisors’] action to submit the Draft 2023-2031 Housing Element to HCD for review is exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the project involves only feasibility or planning studies for possible future actions which have not been approved or adopted.]

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

## Alternatives Considered

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

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

#### Attachments:

Attachment 1 – Sites Map

Attachment 2 – HCD Finding Letter, dated [date of letter]

Attachment 3 – [Housing Element Statutory Provisions Checklist](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates)

Attachment 4 – [Response to HCD Findings](https://abag.ca.gov/technical-assistance/housing-element-adoption-templates)

Attachment 5 – 2023-2031 [name] Housing Element

Attachment 6 – Draft Resolution No. X [use City/County Council Resolution or Planning Commission Resolution templates]

Attachment 7 – [CEQA document- if applicable]

Attachment 8 – [Other Updates/Amendments – if applicable]