

# Chapter One Introduction

## **State Housing Element Law**

State of California Housing Element law was enacted in 1969 and requires jurisdictions to prepare and adopt a Housing Element as part of its respective General Plan. State Housing Element law requirements are provided for in the California Government Code, Section 65580 and 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to administer the law by reviewing Housing Element documents for compliance with State law and by reporting its written findings to the local governing body.

## **Housing Element Intent**

The Housing Element's content is intended to provide public officials, residents, and the general public with an understanding of the City's housing needs and the proposed goals, policies, and programs to be implemented to help meet those needs.

The Housing Element is one of seven State-mandated elements of the General Plan. Other mandated elements include: Land Use, Open Space, Conservation, Circulation, Noise, and Health and Safety. Housing elements are updated every five years and must include: 1) an identification and analysis of existing and projected local housing needs, 2) an identification of resources and constraints, 3) goals, policies, and scheduled programs for the rehabilitation, maintenance, improvement, and development of housing for all economic segments of the City's population.

City of Delano's Housing Element specifically intends to:

- 1) Provide comprehensive housings-related information through the compilation of data from numerous sources;
- 2) Plan for estimated present and future housing needs and problems by analyzing the most recent population data, housing characteristics, and growth trends;
- 3) Act as a planning tool for housing agencies, governmental bodies, and the local development community;
- 4) Provide direction for planning programs to ensure housing goals and policies are met;
- 5) Establish goals, policies, and programs for the next five year planning period;
- 6) Act as a guide for the development of housing within the City.

# Chapter One

## Introduction

### **Housing Element and General Plan Relationship**

Although State law allows local governments the ability to decide when to update their General Plan, State Housing Element law provides for housing elements to be updated every five years. Jurisdictions are required to submit a draft Housing Element to the State Department of Housing and Community Development for first a 60-day review of the draft and once adopted by the government body, submit the adopted version for a 90-day review. If, after the 90-day review, the Housing Element document is found to be in substantial compliance with State Housing Element law, the document will be certified by HCD. If the Housing Element document is lacking the necessary requirements, HCD will provide a letter outlining the absent analysis.

Lack of a State-certified Housing Element will prohibit the City and City agencies and local developers from seeking State-funded programs, and open the City to lawsuits beyond that related to housing and land use planning.

### **Housing Element Content**

In general, the Housing Element must at the very least include the following:

#### Housing Needs Assessment

Existing needs: The number of households overpaying for housing, living in overcrowded housing conditions, or with special housing needs, the number of housing units that need to be rehabilitated, and assisted affordable units-at risk of converting to market rate.

Projected Needs: Based on the Regional Housing Needs Allocation plan, prepare for the housing needs during the next five year planning period, ensure sufficient appropriately designated land, and provide opportunities for housing development to address projected population growth and job generation.

#### Sites Inventory and Analysis

A detailed land inventory and analysis including a sites specific inventory that provides the zoning, general plan designation, size, existing use, environmental constraints, availability of infrastructure, and evaluation of suitability, and availability and realistic development capacity to accommodate the jurisdiction's share of the regional housing needs allocation by income category.

# Chapter One

## Introduction

1-2

### Analysis of Constraints on Housing

Governmental land controls, fees and extractions, on- and off-site improvement requirements, building codes and enforcement, permit and processing procedures, and potential constraints on the development, maintenance or improvement of housing for persons with disabilities.

### Housing Programs

Programs identifying adequate sites to meet the community needs for the next plan period, assisting in the development of housing for low- and moderate-income households, removal or mitigation of governmental constraints, conservation and improvement of the existing affordable housing stock, and promotion of equal housing opportunities, and preservation of at-risk units.

### Quantified Objectives

Estimated objectives to be achieved during the planning period by unit count, income level, and housing category.

### **Current Legislation**

Assembly Bill 2348 (Mullin) – Requires a more detailed inventory of sites to accommodate projected housing needs and provide for greater development capacity.

Assembly Bill 2634 (Lieber) – Requires quantification and analysis of existing and projected housing needs of extremely low-income households. Housing Element must also identify zoning to encourage and facilitate supportive housing and single-room occupancy units.

Assembly Bill 2511 (Jones) – Targets key housing regulations in an attempt to ease affordable housing approval and construction. Also includes provisions strengthening anti-NIMBY protections and no-net loss requirements. And, adds potential penalties for non-reporting of the annual general plan progress report.

Assembly Bill 1866 (Chapter 1062, Statutes of 2002) – Strengthens the density bonus and second-unit ordinances so that local development standards will not arbitrarily deny permission to build additional housing units in built-up areas.

Assembly Bill 1233 (Jones) - Provides for sites to be rezoned with deadlines when a jurisdiction fails to adopt an adequate Housing Element.

# Chapter One

## Introduction

1-3

Senate Bill 375 (Steinberg) – Requires jurisdictions to include a sustainable communities strategies as defined in their regional transportation plans for the purpose of reducing greenhouse gas emissions.

Senate Bill 520 (Chesbro) – Requires an analysis of constraints to housing development, maintenance, and improvement of housing for persons with disabilities. Also, requires an analysis of zoning and land use, processing and building codes.

Senate Bill 1087 (Florez) – Requires local governments to immediately forward a copy of the adopted housing element to water and sewer providers. Also, requires water and sewer providers to establish specific procedures for granting priority services to housing with affordable units for lower-income households. Also, prohibits water and sewer providers from denying or conditioning the approval of or reducing the amount of service for an application for development that includes affordable housing for lower-income households unless specific written findings are made.

Senate Bill 575 (Torlakson) – Strengthens prohibitions against arbitrary denial if inconsistent with local zoning and general plan. This finding may no longer be made if a project is on a site that is identified in the Housing Element as suitable to meet low- or moderate-income need, or if the Housing Element did not identify adequate sites. The bill requires jurisdictions to have met or to exceed its regional housing need for lower- and moderate-income housing before the jurisdiction may disapprove an affordable housing development based on lack of need.

Senate Bill 2 (Cedillo) – Adds emergency shelters to the provisions, as specified. Also adds provisions to the Housing Element that requires a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.

Senate Bill 286 (Lowenthal) – Modifies criteria for property “at risk of conversion” so that a property with units that receive government assistance would be considered in satisfying the 50 percent threshold even if the property is eligible to receive an allocation of tax-exempt private activity mortgage revenue bonds from the California Debt Limit Allocation Committee.

1-4

# Chapter One Introduction

## Organization of the Housing Element

Chapter II provides information on the City’s population, housing stock data, and unit characteristics. Chapter III provides a discussion on land available for housing development. Chapter IV states market, governmental, non-governmental and social constraints that may limit housing development. Chapter V consists of the review of the accomplishment of the previous Housing Element. Chapter VI identifies goals, policies, and programs relative to the housing need as identified by the Regional Housing Needs Allocation. Chapter VII summarizes the actions that have been taken to ensure the

The Housing Element Update process has 1) sufficient public participation, 2) intergovernmental coordination, 3) consistency with other General Plan elements, 4) environmental review, and 5) contains a provision for updates.

## Regional Housing Needs Allocation (RHNA)

State HCD is required to allocate the region’s share of statewide housing needs to local Council of Governments (COG) based on the State Department of Finance population projection and the regional population forecasts. On September 10, 2007, Kern Council of Governments (KCOG) provided City of Delano with the Regional Housing Needs Allocation (RHNA) as follows:

Jurisdictions	Very-low	Low	Moderate	Above Moderate	Total
Delano	442	300	331	744	1,817
Percentage of county total					4.4% <sup>1</sup>
Kern County	10,124	6,875	7,579	17,062	41,600

The plan promotes the following housing objectives:

- 1) Increase the housing supply and mix of housing types;
- 2) Infill development;
- 3) Housing socioeconomic equity;
- 4) Protect environmental and agriculture resources;
- 5) Efficient development patterns; and
- 6) Improve jobs/housing relationships.

---

<sup>1</sup> 4.4 percent represents all income categories

# Chapter One

## Introduction

Localities use the RHNA plan to prepare their respective Housing Element document. The RHNA document is a 7 ½ year plan and covers the period from January 1, 2006 through June 30, 2013. The Housing Element is a 5 year planning document and covers the period from August 30, 2009 to June 30, 2013.

### **Research and Analysis**

Data from the 2000 U.S. Census Bureau and the California Department of Finance was extrapolated to provide a majority of the information for this update. The analysis was used to develop a plan of action to be carried out by various public entities to meet City of Delano's Regional Housing Needs Allocation.

### **City of Delano Housing Element History**

The 2009 Housing Element serves as a planning document for the period June 2009 through June 2014. The City of Delano's 2002-2007 Housing Element was adopted in April, 2003. The 1992 Housing Element served the planning period from 1992 to 1997, however, State law extended the housing element planning period to 2002 due to a state-wide slowdown in housing construction during the 1990s.

As with most jurisdictions, by the early 1970s there became an increasing need for housing-related information sparked by the infusion of federal funding, State mandates, and pressure from the real estate industry and the development community. This need paved way to the gathering and analysis of more complete housing data and to the development of housing plans, studies, and programs related to urban renewal, neighborhood revitalization, and local housing needs.