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May 12, 2022

Agenda Item 9 a.

Update on Regional Housing Technical Assistance Program

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**Subject:**

Regional Housing Technical Assistance Program update on recent technical assistance to support local jurisdictions with Housing Elements, including status of local Regional Early Action Planning (REAP) Suballocations

**Discussion:**

Staff will present an analysis of a sample of 33 Housing Element compliance letters issued by California Department of Housing and Community Development (HCD) to a variety of jurisdictions in other regions. HCD's comments varied based on local conditions, but there are clear patterns. The biggest problems for other jurisdictions included Affirmatively Furthering Fair Housing (AFFH)(94%), sites inventory (94%), and insufficient public engagement (67%). HCD has repeatedly found that draft Housing Elements are not sufficiently detailed and specific with respect to the required data and analyses, and also failed to connect those findings with specific sites strategies and programs and policies.

HCD has been particularly critical of reliance on “ongoing policies and programs” or pledges of future studies without clear timelines and metrics to evaluate success. More detail on HCD's compliance letters and staff's recommendations can be found in Attachment A. ABAG has also developed extensive technical assistance on each of these topics. Additionally, if desired, the Subregional Planning Collaboratives can utilize their REAP funding to have technical assistance providers review drafts of Housing Elements against HCD's checklist to flag potential issues prior to submission to HCD.

Staff will provide a briefing on housing element deadlines and consequences for non-compliance including:

- Fines & regulatory enforcement actions
- Lawsuits from private parties
- Accelerated rezoning deadline
- Loss of eligibility for variety of state and regional funding sources

Staff will also provide an update on the Regional Housing Technical Assistance (RHTA) Program to support local jurisdictions with Housing Elements and other housing topics. Recent technical assistance includes suites of products to assist local jurisdictions to implement new laws relating to lot splits and duplexes (SB 9) as well as affirmatively furthering fair housing (AFFH) (AB 686). Additionally, recent enhancements have been made to the Housing Element Site Selection tool (HESS) including a module to help estimate realistic capacity for development at the parcel level and more detailed mapping of AFFH data points prioritized by

HCD. ABAG is also providing more support for local outreach, including translation services and communications guidance. More details on all technical assistance with links to resources can be found in Attachment B.

Staff will also give an update on the status of \$10.88M in suballocations of REAP funding to all 109 local Bay Area jurisdictions and to the Subregional Planning Collaboratives. Notification of these awards was sent in July of 2021 followed by reminders at Planning Directors meetings, Subregional Collaboratives and targeted outreach to local staff. As of April 18, 2022, 68 local jurisdictions and all of the Collaboratives are in the process of accessing their funds totaling \$9.3 million. Of these, 31 have had their contracts approved, 14 drafts are in review and 23 are in conversation. More details are provided in Attachment C, including the amounts of each suballocation. Spend-down of local suballocations in the REAP program is a statewide concern. By statute all REAP funds must be spent by December 31, 2023, and funds must be returned to the state if not spent. ABAG staff will continue to work with jurisdictions to encourage and facilitate their access to funds. If jurisdictions are unable or unwilling to access funds, staff will return to the Committee with a proposal to reallocate funds for expenditure by the deadline.

**Issues:**

None

**Recommended Action:**

Information

**Attachments:**

- A. Summary of Housing Element Review Letters
- B. RHTA First Year Highlights with TA Index
- C. Summary of Local Suballocations
- D. Regional Housing Technical Assistance (RHTA) Update Presentation

**Reviewed:**



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