

Association of Bay Area Governments

Executive Board

November 17, 2022

Agenda Item 10.c.

Update on 6th Cycle Housing Element Progress

Subject:

An update on 6th Cycle Housing Element drafts submitted to the California Department of Housing and Community Development (HCD) by Bay Area jurisdictions, HCD's comments on those drafts, and available technical assistance provided by ABAG

Discussion:

Bay Area jurisdictions are working towards meeting the January 31, 2023 deadline for adoption of 6th Cycle Housing Elements. As of November 3, 2022, 76 Bay Area jurisdictions had submitted drafts of their Housing Elements to HCD for initial review. HCD, which has 90 days to review the drafts, has responded with 24 initial comment letters. Copies of Housing Elements and HCD Letters can be found at this link, which is updated by staff on a weekly basis: <https://mtcdrive.box.com/s/rn34iqzf81et28qlz65763f51p1louq3>. The statutory deadline for jurisdictions to adopt a final version of their Housing Elements is January 31, 2023.

The statutory process anticipates one round of review and revision between jurisdictions and HCD before a Housing Element achieves certification. However, given the multitude of changes in Housing Element law operative during the 6th Cycle, it is now common to see at least 2-3 rounds of review (and sometimes as many as 4-6) in other regions that are ahead of the Bay Area. Bucking this trend, a bright spot for the Bay Area is that the City of Alameda's and the City of Emeryville's first drafts were found by HCD to be in substantial compliance with state law pending adoption by City Council. To staff's knowledge, these are the only instances statewide of jurisdictions' first drafts being considered compliant during the 6th Cycle. Given some of the unique features of Alameda's situation (described in more detail in Attachment A) as well as the particular circumstances in Emeryville, staff expects first-round approval by HCD to be an exception rather than the rule.

HCD's substantive comments to ABAG jurisdictions so far has generally been consistent with HCD's comments to jurisdictions in other regions with earlier deadlines for their Housing Elements. Common comments include insufficient public outreach, lack of detail in site inventories, and failure to sufficiently affirmatively further fair housing. More detail on HCD's comments to ABAG jurisdictions and staff's recommendations can be found in Attachment A.

The Regional Housing Technical Assistance (RHTA) Program continues to develop and deploy a wide range of resources to support local jurisdictions with their Housing Elements. Notably, the RHTA Program has extensive resources that can assist jurisdictions to resolve the most frequent HCD comments – related to community engagement, the Housing Element Site Selection Tool, and fair housing. An updated comprehensive index to ABAG's technical assistance that highlights new products can be found in Attachment B, including the recently released Builders Remedy Memo that can be found as Attachment C.

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Additionally, ABAG has approved \$10.88 million in suballocations of REAP funding to Bay Area jurisdictions to assist with housing planning, approximately \$2.3 million of which remains unclaimed. A summary of those local suballocations can be found in Attachment D.

Issues:

None

Recommended Action:

Information

Attachments:

- A. Summary of Housing Element Review Letters in Bay Area
- B. Index to Available Technical Assistance
- C. Builders Remedy Memo
- D. Summary of Local Suballocations
- E. Presentation Update on 6th Cycle Housing Element Progress

Reviewed:



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