

March 9, 2023

Agenda Item 8.a.

Update on 6th Cycle Housing Element Progress

Subject:

An update on 6th Cycle Housing Elements 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 the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC)

Discussion:

The deadline for adoption of 6th Cycle Housing Elements in the Bay Area was January 31, 2023. As of February 15th, approximately 89% of the Bay Area jurisdictions had submitted at least one draft of their Housing Elements to HCD for review. In contrast, only approximately 50% of SCAG’s jurisdictions had submitted at least one draft of their Housing Elements by their deadline of October 15, 2021. As an additional point of comparison, as of February 15th only 45% of SCAG’s jurisdictions have had their Housing Elements certified by HCD, well over a year past their deadline. Below is a summary of the status of Bay Area housing elements as of February 15th.

ADOPTED	39
Certified	4
Out of compliance	1
In review	34
SUBSEQUENT DRAFTS	10
In substantial compliance	1
Out of compliance	1
In review	8
INITIAL DRAFTS	48
Out of compliance	18
In review	30
NO DRAFTS	12

HCD has 90 days to review the initial draft of a Housing Element, and an additional 60 days to review a subsequent draft or adoption. Given the new complexities of Housing Element law, it is now common to see at least 2-3 rounds of review (and sometimes as many as 4-6), based on the experience of other regions that are ahead of the Bay Area. A list of the status of all Bay Area Housing Elements can be found in Attachment A. Copies of Housing Elements and HCD’s comment Letters can be found at this link, which is updated by MTC-ABAG staff on a weekly basis: <https://mtcdrive.box.com/s/rn34iqzf81et28qlz65763f51p1louq3>. Additionally, HCD maintains an online dashboard that is available here: <https://www.hcd.ca.gov/planning-and->

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[community-development/housing-open-data-tools/housing-element-review-and-compliance-report](https://www.abag.org/community-development/housing-open-data-tools/housing-element-review-and-compliance-report).

HCD's substantive comments to ABAG jurisdictions have frequently included that there was insufficient public outreach, that sites inventories lack sufficient analysis demonstrating that they are likely to develop at the stated densities in this eight-year planning cycle, and that programs to affirmatively further fair housing lack milestones, metrics, deadlines and appropriate geographic targeting.

It is important to note that January 31, 2023 is just one of several important deadlines. Other key Housing Element deadlines include the following:

- **May 31, 2023:** Deadline for HCD to certify an adopted Housing Element, in order to retain three years for rezoning (must complete rezoning within one year if deadline is missed)
- **December 31, 2023:** MTC deadline to receive HCD certification, a requirement for the receipt of OBAG 3 funding
- **January 31, 2024:** Deadline to rezone if the 5/31/23 certification deadline is missed
- **2026:** Deadline to rezone if the 5/31/23 certification deadline is satisfied

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 of ABAG's technical assistance that highlights new products can be found in Attachment B, including the Builders Remedy Memo (Attachment C) and a summary of deadlines associated with key funding programs that are linked to Housing Element compliance (Attachment D).

Additionally, ABAG has approved nearly \$11 million in suballocations of REAP funding to Bay Area jurisdictions to assist with housing planning, approximately \$1.3 million of which remains unclaimed. A summary of those local suballocations can be found in Attachment E.

Issues:

None

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Recommended Action:

Information

Attachments:

- A. List of Housing Elements submitted to HCD including status
- B. Index of available technical assistance
- C. Builders Remedy Memo
- D. Summary of Housing Element Compliance and Key Funding Programs
- E. Summary of Local Suballocations
- F. Presentation Update on 6th Cycle Housing Element Progress

Reviewed:



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