



Housing Policy and Practices Advisory Group

Summary of Meeting

May 12, 2015
10:00 am – 3:00 pm

Attendance

SCAG -Frank Wen, Ma'Ayn Johnson (By Phone),
League of California Cities – Betsy Strauss (By Phone),
ABAG – Dwayne Bay, Gillian Adams
APA – Barbara Kautz
CSAC – Kiana Buss
County Planner –Leighann Moffitt (Sacramento County)
Public Interest Law Project – Mike Rawson
California Rural Legal Assistance – Ilene Jacobs
Kennedy Commission – Cesar Covarrubias
Disability Rights California – Pamela Cohen
BIA – Paul Campos
NPH – Stephane Haffner
Senate Transportation and Housing Committee - Alison Dinmore
Assembly Housing and Community Development Committee - Rebecca Rabovsky
HCD – Susan Riggs, Acting Director
 Lisa Bates, Deputy Director, Housing Policy
 Glen Campora, Assistant Deputy, Housing Policy
 Melinda Coy, Specialist
 Autumn Bernstein, Facilitator

Agenda Items

Susan Riggs: Welcoming and introductory comments:

- HCD review of 5th Cycle housing elements more than half way completed.
- Appropriate time for group to review housing element requirements and practices in light of some major changes (e.g. SB 375, dissolution of redevelopment) and approaching 6th cycle.
- Advisory Group discussions envisioned to include:
 - Closer RHNA/HE and RTP/SCS connection
 - Issues identified in survey (broader topics may surface from group discussions).
 - Process will be a little different than previous working groups (fewer meetings, members to be provided topic briefings)

Advisory Group Member Introductions and Purpose

Lisa Bates indicated focus should include goals, and how to achieve meaningful outcomes. HCD is soliciting advice from groups/stakeholders/interest groups to improve housing element requirements and practices and other housing related laws.

Members were asked for their expectations and idea of success, and guiding principle suggestions. Responses included:

- More clarity regarding group purpose and issues. Clarity on role & expectations since different from last time especially if conversations get stuck.
- Full integration of RHNA/Housing Element with SCS.
- Identify primary concerns → overlap → consensus with all the groups and parties involved.
- Debrief from last housing element cycle.
- Balance tensions between groups and interest groups.
- Develop tools and incentives for locals.
- Look at housing from different lens → opportunity / equality.
- Identify key strategies, implementation, and outcomes → concrete proposal for change.
- Address rural issues.
- Make changes that will result in building more houses.
- Need to include all populations and address issues of persons with disabilities etc. and need for supportive housing.
- Progress has been made → let's continue on improvements.
- Housing needs to be something locals will support → see positive outcomes.
- Need to broaden issues beyond housing element (e.g., CEQA, etc.) and no net loss, Housing Accountability Act, etc. – things that impact housing, community development, fair housing, and equity.
- Need to move beyond technical changes and achieve broader systemic changes.
- Counties should be able to use CEQA exemptions: infill, etc.

Guiding principles:

- Address needs of all types of communities and population groups.
- Bring clarity and transparency on issues.
- Provide fair and equitable housing, with a focus on housing element law.
- Look for opportunity for bigger changes.
- Maintain the right composition of partners at all levels.
- Move the housing element from planning document, or “busy work” to results oriented process to serve the needs of all people.
- Consensus on recommendations possible, with legislative changes as needed.

Discussion of Structure and Process –

Glen Campora gave a historical overview of need for a work group and the process for looking at issues.

Background:

- Accumulated 4th and 5th cycle issues and need to evaluate effectiveness of previous changes in statute.
- Prior working group was formed to draft legislation over a two year period.
- The Advisory Group will inform HCD actions and stakeholder action.
- HCD is seeking a balance of perspectives.

Structure:

- 6 meetings with possibility of additional meetings if it is the will of the group.
- All materials to be available on website
- The Advisory Group will be given a staff report which will include background information and HCD draft position.
- There will be outside presenters on issues or members may make presentations.
- While consensus is preferred, there may be topics that are too divisive.

Comment:

- Staff indicated openness to additional issues beyond the survey. Survey was a starting point.
- Each issue should be put in context of the broader discussion. Need to get to the technical but not forget the overall policy.
- Charter should include more on what will be discussed and extended to include role and topics to what the group will cover.
- Minutes and distributed material will be available to public.
- Consensus may be determined through a continuum of agreement: Scale range of 1-5 (e.g. 1-don't support, 3 – neutral, 5- full support) will be used to gauge agreement on topics and understand member perspectives.
- Document comments of the minority so their thoughts are still considered.
- Vote to move on to the next point or continue discussion's current issue.

Discussion of Survey Results

Melinda Coy briefed the Advisory Group on the results of the survey:

- Released in April to 700 organizations to identify issues related to housing element and RHNA law.
- Included federal agencies, developers, interest groups and persons involved with housing.

- Received 285 responses, including citizens who heard of the survey from media
- HCD will incorporate other issues presented and clarify issues under each topic with a preliminary determination of the complexity of the issue.

Issues identified by the Advisory Group:

- Issues with SB 2 compliance – both for emergency shelters and transitional and supportive housing.
- Reasonable accommodation procedures for local governments.
- Adequate accessibility -units accessible to all disabilities.
- By right development for all affordable housing.
- RHNA methodology does not account for existing housing needs.
- COG, DOF, HCD transparency around allocation and process for regional number (assuming based on differences in total population)
- Whether to eliminate streamline review.
- Site availability standards especially for under-utilized sites.
 - Infrastructure availability and adequacy guidance
- Programs to conserve and improve market rate housing -needs standards.
- Local Government constraints on housing
 - When does HCD require jurisdictions to address?
 - Is density bonus effective? How are units monitored?
 - Address NIMBY constraints
 - Non-government constraints
- Farmworker housing sites not being identified/enforced
- Manufactured housing is being lost
- Need to identify sites for mobile home parks and address existing park conditions
 - Allow as part of the alternative adequate sites provision.
- Credit for acquisition/ rehabilitation beyond at-risk housing.
- Discussion around site adequacy for lower income housing
- Public Participation – address need for non-english speaking persons to participate.
- Incentives to increase production.
- Implementation of how the housing element achieves results should be considered. The document also protects residents.
- Fair housing
 - Do sites meet community needs?
 - Talk about fair housing in a broader context
 - Forthcoming regulations on affirmatively furthering fair housing
 - Fair housing “affirmatively further” regulations should be in housing elements
- Density does not equal affordability in this market.
- The housing element should not become burdensome and hinder development.

Comment on approach to the process:

- Identify issues needing legislative/regulatory changes vs. issues needing administrative changes.
- There are four levels of conversations: technical/non-controversial; technical/controversial; legislative/non-controversial; and legislative/controversial
- The group needs to address as many issues as possible through this process.
- Other state agencies and/or a broader outreach to stakeholders may be required in some areas.
- There is concern for recommending legislative changes without agreement from the group.
- One legislative bill about public participation has been put on hold due to the convening of this group.
- Meeting content should be memorialized for constituents (even if no consensus is reached, list issues/opinions).

Issue: RHNA Population Thresholds

RHNA determination methodology DOF demographers v. regional – 3% CAP and total pop v. pop growth

Glen and Frank Wen (SCAG) provided background on an issue that has risen based on AB 1258 amendments developed by the working group in 2003/2004. “Total Population” and “Population Growth” reflect two threshold criteria in statute that can conflict with one another.

Comment:

- A member of the previous work group indicated the conflict may be due to a drafting error.
- A recommendation was made to specify only one criterion. Follow-up discussion will occur next meeting. Some members desired time to discuss issue with their staff and/or others.

Wrap-up and Next Steps

- Consider starting with RHNA issues as they are less polarizing.
- Population thresholds issue will be revisited in next meeting.
- The Advisory Group will revisit its charter.
- HCD will endeavor to provide issue papers to the Advisory Group at least two weeks in advance of meetings.
- The committee is to give feedback to HCD on the format of topic papers.