

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 10, 2020

Jason Waters, Director  
Community Services Department  
City of Woodlake  
350 N. Valencia Avenue  
Woodlake, CA 93286

Dear Jason Waters:

**RE: Review of the Woodlake's 5<sup>th</sup> Cycle (2015-2023) Adopted Four Year Housing Element Revision**

Thank you for submitting the City of Woodlake's (City) housing element adopted November 25, 2019 and received for review on December 11, 2019. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. While the City has submitted an adopted housing element, it did not submit a draft element for review as required by State Housing Element Law (Gov. Code, § 65585(b)). Housing Element Law also requires "prior to the adoption of its draft or draft amendment, the legislative body shall consider the findings made by HCD" (Gov. Code, § 65585(e)). Since the element was not submitted to HCD prior to adoption, the City must consider these findings prior to resubmitting an adopted housing element (Gov. Code, § 65585(e) and (f)).

The element addresses many statutory requirements; however, revisions are necessary to comply with State Housing Element Law. The enclosed Appendix describes revisions that are necessary for compliance.

Government Code section 65588, subdivision (e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. The City did not meet the requirements of Government Code section 65588, subdivision (e)(4); therefore, it is subject to the four-year revision requirement. Since the City did not submit a draft housing element, it has not met the statutory provision to adopt a four-year revision by the applicable due date and the City is subject to the four-year revision requirement until the City has adopted at least two consecutive updated revisions by the applicable due dates.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's

Affordable Housing and Sustainable Communities program; and the ongoing SB 2 funding considers housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City would meet housing element requirements for these funding sources.

HCD appreciates the dedication Jason Waters provided during our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Irvin Saldana, of our staff, at (916) 263-5151.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is written in a cursive, flowing style.

Shannan West  
Land Use & Planning Manager

**Enclosure**

## APPENDIX CITY OF WOODLAKE

The following changes would bring the City of Woodlake's (City) housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites (Gov. Code, § 65583, subd. (a)(3).)*

The City has a remaining regional housing need of 303 units, of which, 52 units are allocated for very low-income households. To accommodate the need for very low-income households, the element identified vacant and partially vacant sites at varying densities and sizes. While the element demonstrates adequate sites to accommodate the regional housing need, including very low-income households, several sites were not considered due to the absence of analysis and programs or lack of appropriate zoning. Specifically, the following were not considered:

- partially vacant
- sites less than 0.5 acres or greater than 10 acres
- sites where the zoning and general plan are inconsistent

The City should not consider the above sites adequate, available or additional sites pursuant to Government Code section 65863 (No-Net Loss Law).

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Gov. Code, § 65583, subd. (a)(5).)*

*An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for*

*a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

Fees and Exactions: While the element includes an analysis of the total fees per unit, it must also include a complete list of all building, planning and impact fees.

Definition of Family: The element did not address this requirement. The element must include an analysis of potential constraints on housing for persons with disabilities. This analysis, among other things, must address the City's definition of family as used in zoning, code enforcement and other rules and procedures. The analysis must, for example, address any limits on the number of people or requirements on unrelated persons.

3. *Analyze any special housing needs such as elderly; persons with disabilities, including developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Gov. Code, § 65583, subd. (a)(7).)*

Persons with Developmental Disabilities: While the element includes a description of housing needs for persons with developmental disabilities, it must also include a quantification. HCD will send the appropriate data under separate cover.

4. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies

and officials. While the housing element includes several programs addressing these requirements, Programs 2 (zoning amendments), 3 (housing for farmworkers), and 33 (housing outreach for persons with developmental disabilities) must be revised with more discrete timing (e.g., by 2021 or at least annually) and proactive outreach. In addition, Program 24 must be revised to adopt a written procedure to grant priority water and sewer to housing developments with units affordable to lower-income households and coordinate with special districts as appropriate as noted on page 42 (review of prior Program 28).

5. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A2, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the city may need to revise or add programs and address and remove or mitigate any identified constraints.

6. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Gov. Code, § 12900-129087), Government Code sections 65008 and 65583, subdivision (c)(5), and any other state and federal fair housing and planning law.*

The element includes a program to provide fair housing information and response to fair housing complaints (Program 20) and commitment to be involved in the San Joaquin Valley Fair Housing and Equity Assessment (Program 24). However, the element must also include meaningful actions to promote and affirmatively further fair housing opportunities. For example, the element could include a program committing to implement Government Code section 8899.50(b) which requires the City to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. HCD will send sample program language under separate cover.

7. *The housing program shall preserve for low-income households the assisted housing developments identified pursuant to Government Code section 65583, subdivision (a)(9). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in Government Code section 65583, subdivision (a)(9), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Gov. Code, § 65583, subd. (c)(6).)*

While the element includes programs to preserve units at-risk of conversion to market rate uses, it only indicates one qualified entity to facilitate preservation of these crucial housing developments. For your information, several entities are qualified to assist with the preservation of at-risk units in the Tulare County area. HCD will send a list under separate cover.

## **B. Public Participation**

1. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Gov. Code, § 65583, subd.(c)(9).)*

The element should include a general summary of the public participation process and it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element could also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

During the period between the date of this review letter and the re-adoption of the final housing element, the city should continue its diligent public participation efforts to include all economic segments of the community.