



February 18, 2016

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: GENERAL PLAN AMENDMENT APPLICATION NO. PLN2014-0104 – HOUSING ELEMENT UPDATE

Staff is requesting that General Plan Amendment Application No. PLN2014-0104 – Housing Element Update be continued to an unspecified date. On February 4, 2016, Planning staff received a comment letter from a representative of the California Rural Legal Assistance, Inc., expressing concerns regarding the proposed Housing Element Update. Staff requires additional time to review and respond to the letter. A new Planning Commission hearing date will be published once staff has completed its consideration and response to the attached correspondence.

RECOMMENDATION

Staff recommends that General Plan Amendment Application No. PLN2014-0104 – Housing Element Update be continued to an unspecified date.

Attachments:

- A. Comment letter dated February 4, 2016, from Marisol Aguilar of the California Rural Legal Assistance, Inc.



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February 4, 2016

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Re: *Comments to Stanislaus County's 2015-2023 draft Housing Element and subsequent revisions*

California Rural Legal Assistance, Inc. (CRLA) is a nonprofit legal services provider serving low-income clients and communities throughout California. CRLA clients lack access to affordable, decent housing and suffer the consequences associated with lack of housing and high housing cost burden.

We submit these comments as part of the required review process in an effort to ensure that the Stanislaus County 2015-2023 draft Housing Element (draft Housing Element) complies with State Housing Element and Fair Housing laws, and to ensure that Stanislaus County plans to meet the affordable housing needs of all economic segments of the community, including the extremely disadvantaged segments of the population.

The draft Housing Element must be revised in order to comply with applicable law, including to provide sufficient information to allow the public to fully evaluate its programs, give complete information on projected and existing housing needs, and revise and have programs that include clear actions and timelines to fully address the housing needs of all segments of the population as required by law.



I. Lack of Information Prevents Evaluation of Proposed Programs

The vast majority of the programs in the 2007-2014 Housing Element were carried over and continued in the 2015-2023 draft Housing Element, yet Stanislaus County failed to provide the necessary information to evaluate the effectiveness of these programs. Gov. Code §65400 requires a jurisdiction to provide annual reports on the progress of its housing element programs. These reports would include the number of housing units built for each income category, the principal purpose of housing element law. Stanislaus County failed to complete any annual reports during the previous eight-year cycle and failed to fully report the progress of the 2007-2014 Housing Element. The draft Housing Element similarly does not include the required information.

The draft Housing Element does not report how many housing units were developed or rehabilitated for each income level during the 2007-2014 housing element cycle and thus does not report on the progress toward meeting the goals in the previous 2007-2014 cycle as required by State Housing Element Law. Appendix 2 provides a review of the 2007-2014 Housing Element programs, and states how many, if any, housing units were developed to achieve those specific programs, but the data provided is sparse, incomplete, and does not show the actual progress.

The information does not allow the public or the County to analyze each program and to make an informed decision about programs that best meet the housing needs of all segments of the population. The little information provided does not allow the public or the County to determine what percentage of the lower-income housing need was met, nor whether there was a stark imbalance in the housing needs that were met for one income category in comparison to another. It is not possible, without sufficient information, to determine whether the programs, goals and objectives in the 2007-2014 Housing Element, the vast majority of which now are continued for the 2015-2023 cycle, were effective in addressing the needs of all economic segments of the population. They should not be perfunctorily continued into the 2015-2023 cycle in the absence of that analysis. This information is necessary to analyze the effectiveness of programs and to determine whether Stanislaus County is meeting the housing needs of all economic segments of the population. Failure to do so constitutes a failure to comply with State Housing Element Law and implicates potential violations of state and federal fair housing laws.



II. Provide Complete Information on the Existing and Projected Housing Needs

The Housing Element must assess housing needs, resources and constraints. Gov. Code §65583(a). The Housing Element will be unable to truly assess the housing needs, resources and constraints of all segments of the population in the absence of reliable information. It follows that if the Housing Element cannot assess the needs it cannot adequately address the needs as required by State Housing Element Law. The draft Housing Element has at least two areas in which the information is incomplete or unreliable: wages and rental cost.

a. The information on wages is incomplete.

Housing Element law requires an analysis of population and employment trends and projections. Gov. Code §65583(a)(1). Table II-7 Wages and Employment does not include a comparison to previous years. The comparison is necessary to comply with State Housing Element Law and to give a clearer sense of the housing needs in Stanislaus County. There certainly is data available that shows that wages have decreased in Modesto and the poverty rate has increased, and that the gap between Modesto and California's median wages has widened. Stanislaus County could not have fared much better but the data is missing from the County's analysis of need. Wage data also varies by demographic characteristics, thus farmworkers, people with disabilities, racial and ethnic groups, single women with children, and other special populations characteristically face additional wage deficiencies and adverse effects of declines in income, wages and increases in poverty rates. The draft Housing Element does not address the trends for these demographic characteristics. This is necessary for compliance with State Housing Element Law requirements in analyzing need and also raises fair housing implications and a failure to affirmatively further fair housing.

b. Rental surveys are insufficient to draw valid conclusions.

Rental units are an essential part of addressing the need for housing in this community. This is especially true for extremely low-income (ELI), very low-income (VLI) and low-income (LI) households who typically lack the means to own a home and must rely on rental units. Ensuring there are sufficient rental units, and sufficient affordable rental units, of adequate size, that are accessible, is necessary to address the housing needs of lower income households. The draft Housing Element fails to analyze the need for rental units and the cost of rental units and fails to address this specific need.

The analyses of the need for rental units and the cost of rental units are insufficient and draw invalid conclusions from an unreasonably small survey sample size. Table II-21, Rental Price Survey – Unincorporated Stanislaus County and Other Regional Unincorporated Communities, is insufficient to identify rental price information. The County surveyed only 19 units. Nineteen units for an entire county is not a large enough sample to draw reasonable conclusions about rental cost. Some of the 19 units were not even in Stanislaus County, according to the footnote.



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The breakdown of the 19 units into four unit size categories is even less reliable. The draft Housing Element assesses only two sampled rental units to determine the average rent for a single-bedroom unit. The cost for two units was used to draw the average for the whole county. Drawing any conclusions from unreasonably small sample sizes is unacceptable and does not satisfy the requirements of State Housing Element Law.

Page 75 of the draft Housing Element alludes to a survey of all currently listed apartments available for rent. It references Section II, Existing Housing Needs, and Table II-20, Median House Sales Price, but neither Section II nor Table II-20 has information on a survey of all currently listed rental units. This information is missing and necessary since the HE uses this missing survey to conclude that 47% of current apartments advertised for rent are affordable to lower income households. Once the information is available, a breakdown of the currently listed rental units that are affordable to VLI, ELI, and LI households would allow the County to get a full picture of the existing housing need, and specifically, the existing need for affordable rental units for ELI, VLI, and LI households. The breakdown would need to include the size and accessibility of the units and as much as is determinable about the incomes and demographic characteristics of those who occupy the units. The County cannot know the extent of the need for affordable rental units for ELI, VLI or LI households or the extent of the need by demographics including race, national origin, family size, disability, occupation or other protected characteristics and thus cannot assess the needs of these residents as required by State Housing Element Law. State Housing Element Law requires an analysis of the housing needs specifically for ELI households. The lack of information on the affordability of rental units for each income category, and for ELI households specifically, does not comply with housing element law. It also suggests once again that there are fair housing implications for protected categories and special populations and a failure to affirmatively further fair housing.

The Housing Element also must include programs to address housing needs which set forth a schedule of actions during the planning period, each with a timeline for implementation. Gov. Code §65583(c). The draft Housing Element states that there is a need for rental units affordable to ELI and VLI households, but fails to include programs designed to address this need. Program 1-10 Affordable Rental Housing has a target of 24 ELI, VLI, and LI households but the target is not specifically for rental units or for ELI and VLI households. The County cannot assume that other programs will address this need and it is not clear which and whether there are any programs specifically designed to make rental units more affordable to ELI and VLI households or to make them more affordable to underserved groups within those categories through programs such as an increased supply of units, adequate size and accessibility of units, an increase in vouchers, additional programs to alleviate the initial moving-in costs or other appropriate programs.



III. Address Special Housing Needs

The Housing Element must identify, analyze, and provide for the housing needs of special needs groups, including the housing needs of homeless individuals and farmworkers. Gov. Code §65583(a)(7). The draft Housing Element fails to sufficiently identify and analyze the needs of homeless individuals, failed to address the actual homeless need by imposing a 20 bed maximum, failed to analyze the constraints to emergency shelters, and failed to provide programs to address these needs and constraints. The draft Housing Element similarly fails to provide programs to encourage and facilitate the development of housing to meet the needs of farmworkers.

a. Homeless Individuals

The program for emergency shelters states that a total maximum of 20 beds will be allowed in Stanislaus County by right in areas outside any city's sphere of influence in the H-1 (Highway Frontage District) and C-2 (General Commercial District) zones. Only emergency shelters with 10 or fewer beds will be permitted by right in H-1 and C-2 zones.

i. The draft Housing Element fails to adequately analyze the need for emergency shelters.

The 2015 PIT Homeless count identified only 19 homeless individuals in Stanislaus County. Stanislaus County then concluded that the "county would then need to accommodate a minimum of 19 emergency shelter beds, without a discretionary permit, to comply with SB 2." Draft Housing Element p.87. Stanislaus County cannot rely solely on this information to limit the number of beds because it is insufficient and inaccurate. This violates the requirement to analyze the need and provide sufficient capacity to accommodate the need for emergency shelters. Gov. Code §65583(a)(4). Stanislaus County must revise the emergency shelter need analysis and the restrictions placed on emergency shelters to be in compliance with State Housing Element Law.

It is well known fact that the homeless population is difficult to count and routinely undercounted. Even the best and most thorough methods must acknowledge their limit, recognizing that homeless individuals are undercounted. Any strict reliance on the number of homeless individuals counted is inappropriate and insufficient to provide a compliant analysis of the housing needs of the homeless population.

It is even more grievous to rely on a homeless count that is in and of itself flawed. Table III-11, Homeless Population by Geographic Area, shows the number of homeless individuals in 9 incorporated cities and two unincorporated communities, Empire and Keys. The table does not give a count of the number of homeless individuals in county areas other than Empire and Keys. Salida, South Modesto, West Modesto, and the Airport neighborhood are county areas where



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homeless individuals can be found, yet according to the table, no effort was made to count homeless individuals in county areas outside of Empire and Keyes.

A comparison between the previous Housing Element and this Housing Element shows too large a discrepancy. The 2009-2014 Housing Element estimated that 15% of the 1,800 homeless individuals were in the unincorporated county areas, 270 homeless individuals. The difference between 2009 and 2015 is very great and concerning. The current draft Housing Element asserts that only 1.35% of the 1,408 homeless were in the unincorporated County, 19 homeless individuals. Stanislaus County cannot rely on this number and comply with State Housing Element Law. There is no basis for this assertion.

Homeless individuals and families also include those who are doubled and tripled up and at imminent risk of becoming homeless, who are not even contemplated in the draft Housing Element. The high overcrowding numbers in Stanislaus County and the high foreclosure rates indicate that there are a great number of individuals at risk of becoming homeless.

State Housing Element Law requires an analysis of special housing needs including homeless housing needs. Failing to account for the needs of Stanislaus County's homeless population is in direct violation of the law. Stanislaus County must at least attempt to accurately identify its homeless population, analyze their needs, and plan to address those needs. A jurisdiction is required to address the needs of all segments of its population. This includes demographic characteristics of the population in order to assess fair housing needs and implications.

ii. *Failure to analyze the constraints to development of emergency shelters.*

The Housing Element must contain an analysis of potential and actual constraints upon the development of emergency shelters. Gov. Code §65583(a)(5). The draft Housing Element states that emergency shelters will only be allowed by right in areas outside any city's sphere of influence and that they will be allowed only within a city's sphere of influence with a discretionary use permit due to asserted agreements between the county and the various cities. The draft Housing Element does not identify or evaluate the effect of these agreements and fails to analyze them as constraints to the development of emergency shelters.

The draft Housing Element states that a total maximum of 20 beds will be allowed in Stanislaus County by right and a maximum of 10 beds per emergency shelter. This is yet another constraint to the development of emergency shelters to address the needs of homeless individuals and families. There is no discussion about why these bed limits are proposed or whether they will hinder development of even 20 emergency shelter beds. A survey of the number of currently provided beds in emergency shelters would shed light on whether a 10-bed maximum is a constraint. Emergency shelters, like affordable housing, need economies of scale to be viable. Emergency shelter providers and developers should be able to provide information on whether a 10-bed maximum is a constraint to the development of emergency shelters. The analysis of



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actual and potential constraints is missing and must be included in order to comply with State Housing Element Law. There also are fair housing implications if Stanislaus County places arbitrary and unreasonable constraints on emergency shelters, causing a disparate impact in the provision for the needs of all economic segments of the population and meeting the needs of protected classes and special populations.

Program 4-8, Emergency Shelter Capacity Monitoring, proposes to “monitor the areas where emergency shelters are allowed by right to determine if the identified limits pose constraints to addressing the homeless needs in the County.” The program also proposes to re-evaluate the 10 bed per shelter maximum if it is determined to hinder the feasibility of shelter development. It is clear that Stanislaus County is aware that limiting the areas where emergency shelters are allowed by right and limiting the number of beds per shelter are potential constraint to addressing the homeless needs. This acknowledgement is better served by an analysis of these potential constraints before they are included in the draft Housing Element. Such an analysis is required for the draft Housing Element to be in compliance with Government Code §65583(a)(5) and in order to affirmatively further fair housing. The program should nonetheless be maintained.

Stanislaus County must encourage and facilitate the development of emergency shelters not hinder their development.

b. Programs do not address the need for farmworker housing.

Stanislaus County relies on agriculture for a large part of its economy, yet Stanislaus County continues to ignore the housing needs of farmworkers. The need for farmworker housing is extremely high and must be addressed with actions and programs designed to address the housing need in order to comply with housing element law. The draft Housing Element describes a need to accommodate 9,330 permanent and 8,729 seasonal farmworkers and the availability of only 580 farm labor and migrant housing units provided by the Housing Authority. The 2009-2014 housing element identified 576 farm labor and migrant housing units available for a 19,293 farmworkers. There was only a net increase of 4 farm labor and migrant units to meet the housing need of thousands of farmworkers in the last housing element cycle. This shows that the programs and policies in place are not meeting the need for farmworker housing and are making hardly any progress. The same programs from the 2009-2014 housing element cycle nevertheless were continued unchanged for the 2015-2023 cycle. The draft Housing Element must be revised to address the housing needs of farmworkers in order to comply with State Housing Element and fair housing laws.

State Housing Element Law requires jurisdictions to plan to meet the needs of farmworkers, requires programs to encourage and facilitate the development of farmworker housing, and



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requires programs that set forth a schedule of actions with a timeline for implementation. Gov. Code §65583(a)(7), §65583(c)(1), §65583(c). The two programs identified in the draft Housing Element do not meet the requirements under State Housing Element Law.

Program 2-5, Farmworker Housing in Agricultural and Other Zones, is to bring the county's zoning ordinance into compliance with Health and Safety Code 17021.6. Program 2-6, State and Federal Housing Programs for Farmworkers, is to support the Housing Authority in their funding applications for and administration of farmworker housing programs. These programs and their proposed actions are not adequate to address the need for farmworker housing. The objectives for each program, 50 VLI and ELI permits and 30 rehabilitated or constructed ELI and VLI units respectively, are not designed to address the housing need of farmworkers. VLI and ELI units are not farmworker housing. The County seeks to count any units constructed under any other program for Programs 2-5 and 2-6 even if they are not for farmworkers. This is inappropriate. The draft Housing Element must include actions to specifically assist in the development of housing for *farmworkers* or it will fail to comply with State Housing Element Law and fair housing laws.

The programs fail to list specific actions with a timeline for implementation to encourage and facilitate the development of farmworker housing. Program 2-5 proposes to amend zoning but says nothing about encouraging or facilitating the development of farmworker housing. Program 2-6 vaguely supports the actions of the Housing Authority with no specifics on ways to encourage the development of farmworker housing. The programs have no timelines apart from vaguely amending the zoning code by the end of 2016. Program 2-6 does not even specify a date by which to apply for State and Federal Housing programs funding.

The County has a range of actions it could use to encourage and facilitate the development of farmworker housing, and it has the ability to identify concrete steps and dates to accomplish those actions. Programs like partnering with developers, assisting with farmworker housing site identification, working with growers to identify strategies, and meeting with developers and the agriculture industry to identify the constraints and solutions to development of farmworker housing are all programs the County could include. There also is neither an analysis of need or program design that would address demographic characteristics of farmworkers, for example, whether units are needed for farmworker families, what size, or whether units are needed for unaccompanied farmworkers, or if a variety of housing types is required. The draft Housing Element fails to identify programs to address the need for farmworker housing in violation of State Housing Element Law and state and federal fair housing law.



c. Draft Housing Element does not address the housing needs of special needs populations.

The draft Housing Element must address the housing needs of all special needs groups yet fails to provide adequate programs to address the unique housing needs of each group. The draft Housing Element attempts to group special housing needs populations in violation of State Housing Element Law and fair housing law. Each special needs population has unique housing needs, different from other special needs populations, which must be addressed. Programs must be tailored to actually address the unique housing needs of each special needs population with a schedule of actions during the planning period, each with a timeline for implementation. Gov. Code §65583(c).

Program 1-8, Housing for Special Housing Needs Populations, aims to “continue to support countywide efforts to increase the inventory of affordable and accessible housing for special needs populations.” The timeframe is to “identify projects annually” and the objective is for 24 ELI, VLI, and LI senior households. This program is too broad and vague, lacking concrete steps and timeframes as required by State Housing Element Law. Further it is insufficient to address the housing needs of all special needs populations. Senior housing cannot address the housing needs of large families or handicapped individuals. Listing a goal of 24 lower-income units does not address the housing needs of each special needs population.

Program 2-3, Funding and Technical Assistance for Special Needs Housing, is equally vague and does not address the housing needs of special needs populations. The timeline is again to “identify funding opportunities annually” and the objective is 50 ELI, VLI, and LI units. Again the draft Housing Element attempts to group all the special needs populations together without addressing the housing needs of each group as required by State Housing Element Law.

The draft Housing Element must be revised. Programs must have actions with timelines, the objectives must actually address the housing need the program purports to alleviate. The needs of special needs groups, including those with physical and developmental disabilities, seniors, families with female heads of household, large families, farmworkers, homeless, and other residents with special needs must be addressed. The draft Housing Element is out of compliance with State Housing Element Law and raises fair housing implications in view of the populations differentially effected by these omissions.



IV. Development of Affordable Housing

a. Adequacy of small sites for development of affordable housing.

Excluding the Salida Community Plan, the majority (60%) of the sites identified for affordable housing in the sites inventory list are less than half an acre, and only 6 of the 42 lots identified can accommodate 10 or more housing units. Small lots make the development of affordable housing more difficult. Affordable housing developments, especially those with state or federal financial aid usually have 50-80 units. Economies of scale often are necessary for the development of affordable housing. Small lots are a constraint to development of affordable housing and the housing element must make clear the potential of these small sites to accommodate sufficient development through a thorough analysis. Government Code §65583(b) requires the housing element to have goals and policies to address the constraints to development.

Program 4-2 also mentions small lot development. It states vaguely that the County will review its zoning standards to identify any constraints to small lot development. The draft Housing Element should have already reviewed its zoning standards to identify any constraints to small lot development. Gov. Code §65583(a)(5). The program also proposes to “help facilitate lot consolidations to combine small high density sites.” Both program goals are necessary but they fail to identify actionable steps and timeframes for the majority of the programs goals. Programs need to be action oriented and have concrete timelines. Gov. Code §65583(c).

b. Encourage and facilitate the development of affordable housing.

Government Code §65580(d) states that local governments have a responsibility to use the power vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. The greatest housing need in Stanislaus County is the need for affordable housing. Moderate-income and above moderate-income housing is usually developed if market conditions are favorable. Affordable housing on the other hand is not as readily developed, as is evident in the annual housing element progress reports in a number of jurisdictions where higher-income housing is developed at a pace many times higher than lower-income housing. Local governments must use their authority to facilitate and encourage the development of affordable housing. They are required to address the housing needs of all economic segments of the community.

The draft Housing Element does little to address all the housing needs of lower-income households. State Housing Element Law and AB 2634 require jurisdictions to quantify, analyze, and address the existing and projected housing needs of ELI households. The draft Housing Element has only one program, Program 4-8, that addresses the need for ELI housing, with the objective of developing a total of 15 ELI units. The County must analyze critically and develop programs that are not just a continuance of the unsuccessful programs of the previous housing element cycle.



The draft Housing Element states that that the County will work with developers to target affordability through maximizing density. This solution is not concrete, and developers are not required to do anything. Program 4-9 states that it will review development projects for potential density bonuses upon request. It would be more effective if all development projects were reviewed for potential density bonuses to encourage the development of affordable housing. These programs also lack the legally required specific actions and timelines, thus they fail to comply with State Housing Element Law.

Program 4-2, Vacant and Underutilized Site Development, states that the Planning Department will streamline the approval process as needed to encourage the development of vacant and underutilized sites. The program lacks any concrete information about the criteria to determine when streamlined approval is needed, nor does it propose a timeframe for creating the criteria. The program is vague and does not meet the requirements under Government Code §65583(c). The County must revise the program and could use it as a tool to encourage the development of affordable housing by providing streamlined approval process for affordable housing in vacant and underutilized land.

The dissolution of redevelopment agencies requires local jurisdictions to address the lack of funding and respond with programs and policies that can overcome the loss of redevelopment funds. Financial incentives, regulatory concessions, lower development fees and inclusionary zoning are all ways to encourage and facilitate the development of affordable housing. The County has a great opportunity to encourage the development of affordable housing especially in view of the anticipated developments in Salida. The County has the authority to require developers to develop some affordable housing units as a condition to a building permit, or to offer substantial incentives to make including affordable units in any development desirable. Not only will this ensure affordable housing is developed along with moderate and above-moderate housing, it will help alleviate the trend of concentrating lower-income housing in a few areas. The absence of an adequate analysis and program renders the draft out of compliance with State Housing Element Law and again raises fair housing implications in view of the populations differentially effected by these omissions.

V. Conserve and Improve Existing Affordable Housing Stock

Government Code §65583(c)(4) requires jurisdictions to include programs to conserve and improve the condition of the existing affordable housing stock. This can include not only rehabilitation but also replacement affordable housing to mitigate the loss of affordable housing due to private or public action, similar to the provisions in the 1991 Settlement Agreement between the former Redevelopment Agency and CRLA. The draft Housing Element lacks a program to mitigate the loss of affordable housing due to private or public development.



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The Building Code and Housing Enforcement program must be improved if the County is to conserve and improve the conditions of existing affordable housing stock. There are persistent and unaddressed issues in Stanislaus County with lower-income rental units that are allowed to operate in violation of federal and state health and safety laws. These issues worsen the condition of existing affordable housing stock and force low-income residents to live in substandard housing. Landlords are reluctant to make the necessary repairs as required by law and instead illegally evict tenants and continue to rent uninhabitable substandard housing to other low-income families. Lower-income residents and their families are forced to live in these conditions with the lack of alternative affordable housing and property owners continue to profit at the expense and exploitation of lower-income residents' inability to find alternate housing. This has a differential effect based on characteristics protected by state and federal fair housing laws and fails to address the housing needs of special populations under State Housing Element Law.

Enforcement of federal and state laws that provide minimum health and safety standards should be a priority for substandard low-income rental units; with any code enforcement program focused on ensuring repair and preventing displacement. Failing to meet minimum standards for health and safety degrades the already insufficient stock of affordable housing. Targeting substandard low-income rental units would help address the requirement under Housing Element law to conserve existing affordable housing units as well as further the County's goal to encourage the provision of adequate, affordable housing. Part of the program actions, which must be concrete actions with a timeline, should include consultation or partnering with organizations that deal specifically with low-income clients with habitability issues. There are landlords with repeat persistent chronic violations of health and safety standards all involving low-income clients and organizations that assist the populations most affected by them. Code Enforcement and Environmental Resources can help identify noncompliant landlords. Taking proactive steps to target the worst housing conditions will allow Stanislaus County to make progress towards conserving existing affordable housing stock. This must be done within a concentrated effort to preserve the supply of affordable housing, not to cause displacement of lower income households, not to have a differential effect based on protected status and not to allow gentrification or destruction of neighborhoods. Rehabilitation and repair must be required and provided.

The County can and must take proactive steps to effectively conserve the existing affordable housing stock. Page ninety-six of the draft Housing Element states that the Building Division of the Community Development Department is "well aware of the various housing rehabilitation programs. Inspectors will typically inform a property owner of the County's programs." Property owners are usually not aware of the availability of the County's programs and most will



not interact with an inspector. State Housing Element Law requires the jurisdiction to plan for conservation of existing affordable housing stock and timely rehabilitation is essential to conserve existing units. Other jurisdictions have proposed proactive programs like identifying housing in need of rehabilitation and contacting those owners directly with information on available programs. Here, Stanislaus County completed a Housing Conditions Assessment in 21 communities and neighborhoods. The County was able to identify 5,000 units, 31.1% of housing units surveyed, as in need of rehabilitation. The vast majority, 3,593, were in need of only minor repairs. Addressing these housing conditions early is quicker, less expensive, and conserves affordable housing. It also would comply with applicable law.

VI. Public Participation

Housing Element law requires a jurisdiction to make a diligent effort to achieve public participation of all economic segments of the population. Gov. Code §65583(c)(8). Public participation is necessary at various stages of the housing element update, including before the draft is created and after. The public participation for this draft Housing Element was able to gather the input of many residents to inform its development. It is not clear, however, what economic segments of the population were reached nor whether there was an effort to affirmatively further fair housing in reaching them. A breakdown would inform Stanislaus County of the public outreach strategies' effectiveness in reaching all segments of the population to ensure compliance with housing element law.

Public input again is required after the draft Housing Element is complete. The notice of public hearing Stanislaus County disseminated did not contain key information to facilitate public review and input on the draft Housing Element. It was not clear whether written comments could be submitted. There was no mention of whether there was a public comment period or when the comment period would begin or end. There was no information on where to submit written comments for those who could not attend the workshops.

It is still important to continue to keep residents involved and informed after the Housing Element has been adopted. The Housing Element Annual Progress Report is one way residents can see the progress the County is accomplishing through implementation of the programs and goals in the Housing Element. These annual reports are required by Government Code §65400 but were not available during this housing element update period.

Stanislaus County must address the draft Housing Element's shortfalls in order to comply with Housing Element law, including providing for the housing needs of all segments of the population and providing an opportunity for informed public participation. Public participation



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includes language access and the draft omits any discussion of translation, interpretation or outreach designed to provide language access or to meet the needs of underserved populations. This fails to comply with State Housing Element Law, applicable fair housing law and related civil rights laws.

The draft housing element is not in compliance with law. We welcome the opportunity to review another improved draft.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

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