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California Department of Housing and Community Development

Increased Support Is Critical for Local Jurisdictions to Complete Timely Housing Plans

Background

Since 1969, state law has required cities and counties (local jurisdictions) to develop and implement strategies to address their housing needs across all income levels through *housing elements*. These housing elements are a part of the jurisdictions' general plans, which are blueprints for growth that also address issues such as transportation, noise, and safety. Housing element law provides broad requirements that must accommodate all the diverse local jurisdictions throughout the State. The California Department of Housing and Community Development (HCD) interprets, applies, and determines whether housing elements comply with the housing element law, but HCD cannot dictate to local jurisdictions how they should specifically choose to achieve compliance. The broad requirements that maintain local discretion create a dynamic of power sharing between the State and local jurisdictions that necessitates a dialogue during the review process.

Key Findings

- The sixth cycle of the housing element approval process took longer than the fifth, primarily because of new legal requirements, community opposition to building new housing, and the increase in new housing units that local jurisdictions must plan for.
 - Local jurisdictions that fail to adopt timely HCD-approved housing elements can face significant consequences, such as legal challenges, condensed rezoning timelines, and ineligibility for some sources of funding.
- To help local jurisdictions develop compliant housing elements, HCD provides three types of assistance: formal letters in response to local jurisdictions' draft housing elements that detail the department's findings (findings letters); one-on-one meetings and correspondence directly with local jurisdictions (individualized assistance); and online guidance and resources.
 - HCD's findings letters generally provided precise, measurable, and criteria-based feedback. However, HCD did not always distinguish requirements from suggestions.
 - Because of workload constraints, HCD was not always able to provide individualized assistance to local jurisdictions, even though such assistance is critical for working through complex findings.
 - HCD and most of the 10 local jurisdictions we reviewed emphasized the importance of individualized assistance.
 - Although HCD provided detailed resources and tools, HCD did not always release timely guidance on new housing element requirements.

HCD Could Improve All Three of the Types of Assistance It Provides to Local Jurisdictions



WRITTEN FINDINGS LETTERS

HCD's findings letters generally provided feedback that was precise, measurable, and based on criteria. However, HCD did not always distinguish requirements from suggestions.



INDIVIDUALIZED ASSISTANCE

Due to workload constraints, HCD was not always available to provide individualized assistance to local jurisdictions, which is critical for working through complex findings.



ONLINE GUIDANCE

Although HCD provided detailed resources and tools, HCD did not always release timely guidance on new housing element requirements.



Key Recommendations

To ensure that local jurisdictions have the assistance and guidance necessary to update their revised housing elements, HCD should do the following:

- Ensure that it offers scheduled meetings to local jurisdictions following receipt of findings letters.
- Ensure that it uses consistent language in its findings letter to distinguish between a requirement and a suggestion.
- Establish timelines to ensure that it issues guidance for new legal requirements before those requirements take effect.

To reduce the spike in HCD's workload that occurs when many local jurisdictions submit their revised housing elements, the Legislature should consider amending the housing element law to further stagger submissions.

To allow local jurisdictions and HCD to adjust to any new or updated laws, the Legislature should consider including a transition period, such as a delay in the effective date of new laws passed during a planning cycle.