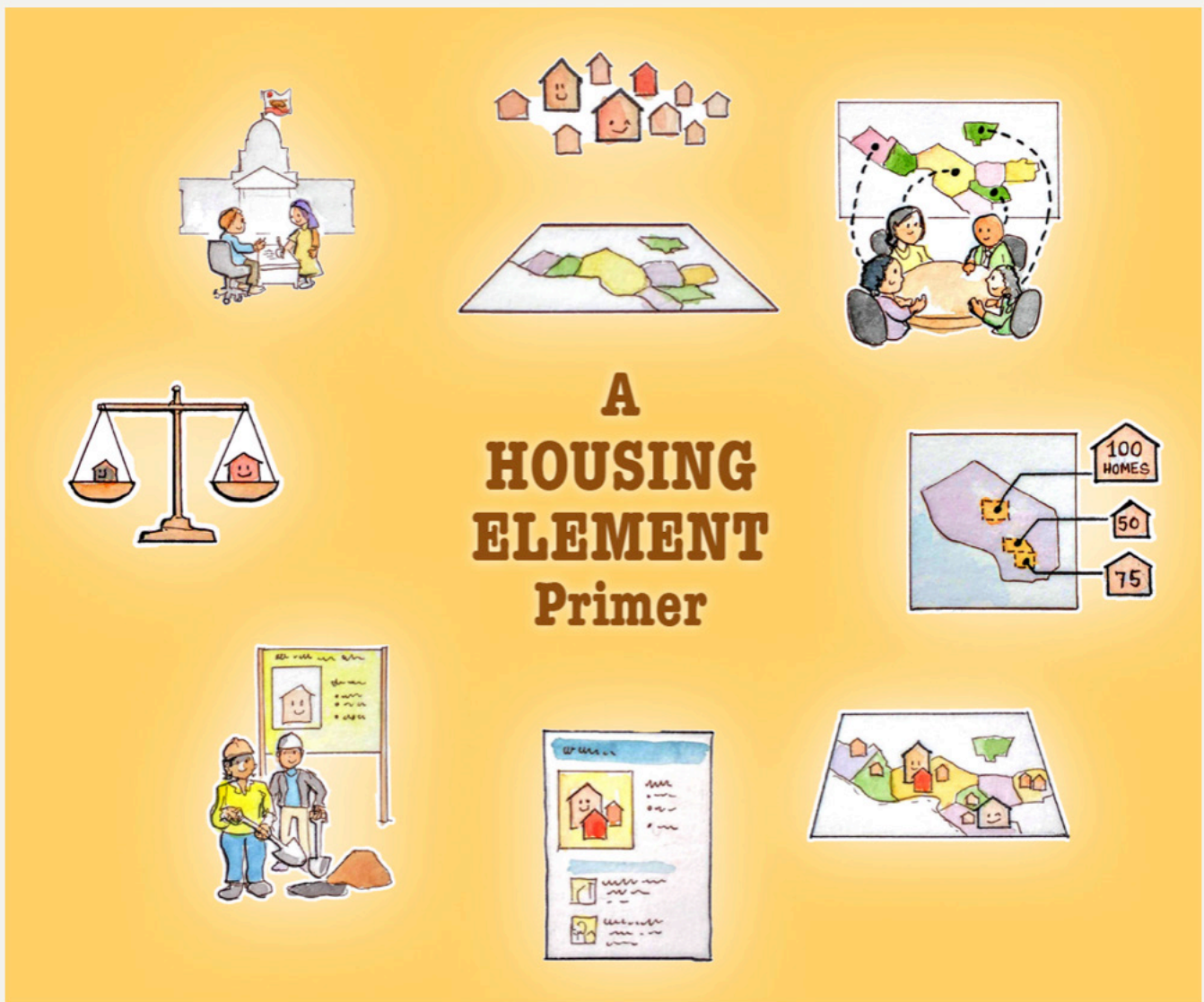




A Housing Element Primer

Elevating the conversation at the intersection of affordable housing, environment, and social justice.



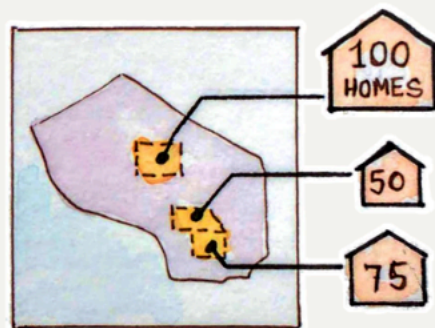
original illustrations: Alfred Twu in collaboration with the [Campaign for Fair Housing Elements](#)
text by Lisel Blash | graphic design by Kiki La Porta

A HOUSING ELEMENT PRIMER

All across California, local planning departments are gearing up for a new set of “RHNA” numbers and revising their “Housing Elements” for 2023-2030. You will be hearing about this from here on out. But, what is a “Housing Element” and what is “RHNA,” and why should you care?

What is the HOUSING ELEMENT?

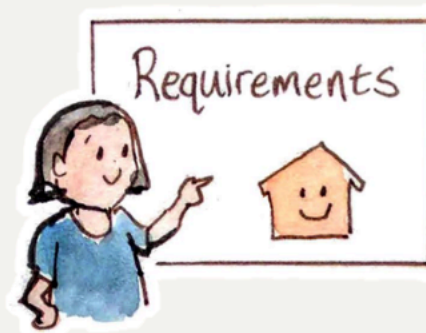
The *Housing Element* is one of the most important parts of every jurisdiction's **General Plan**—it is the “constitution” that lays out how your city, town and county plan for housing development over the next eight years. Housing Elements have been mandated by state law since 1967 to force jurisdictions to plan for their growing housing needs.



California's Housing Element requirements grew out of the Civil Rights movement. The State recognized that racial segregation was an ongoing and structural problem greatly reinforced by the zoning policies of local governments that tended to enshrine and perpetuate housing segregation by excluding affordable housing.

Each jurisdiction's Housing Element must:

- Contain goals, policies, quantified objectives and scheduled programs to preserve, improve and develop housing;
- Identify and analyze existing and projected housing needs for all economic segments of the community;
- Identify adequate sites that are zoned and will be available within the 8-year housing cycle to meet the city's fair share of regional housing needs at all income levels;
- Be approved by the State Department of Housing and Community Development (HCD) as complying with state law.



What's the Housing Element Update Process?

- **Step 1 — Determination**
Every eight years, the *State Department of Finance* determines the number of housing units needed by the various regions of the state and by each income level.
- **Step 2 — Allocation**
The *California Department of Housing and Urban Development (HCD)* gives these numbers to the regional councils of local governments — in our case the *Association of Bay Area Governments (ABAG)*.
- **Step 3 — Assignment**
Each council then determines how to distribute its allotment of housing units amongst the counties, cities and towns in the region. This is the **Regional Housing Needs Allocation**, or RHNA (“ree-nah”). For our region, ABAG

* **ZONING** is how local governments control the physical development of land in their jurisdictions. Zoning laws specify where residential, industrial, recreational or commercial development is allowed, and how, e.g., a zone may specify that only single-family homes are allowed in one place, while another zone may allow multi-family construction. Some zones may allow a mix of housing and commercial uses; others might only allow commercial or industrial uses.

assigns these numbers to the counties, cities, and towns so that each can update its **Housing Element** to include plans for how it is going to **zone*** to achieve its assigned RHNA goals.

- **Step 4 – Housing Element Update**

Counties, cities and towns create committees, often including council members or supervisors, planning commissioners and members of the public, to work with a consultant to revise the Housing Element. This work entails a *public engagement* aspect to solicit public feedback on these plans.

- **Step 5 – Proposals and Development**

Real estate developers **propose projects** on appropriately zoned land. Cities then *approve or deny* the proposed projects. If a proposed project is approved, the developer can build the project, although sometimes the process is never completed.

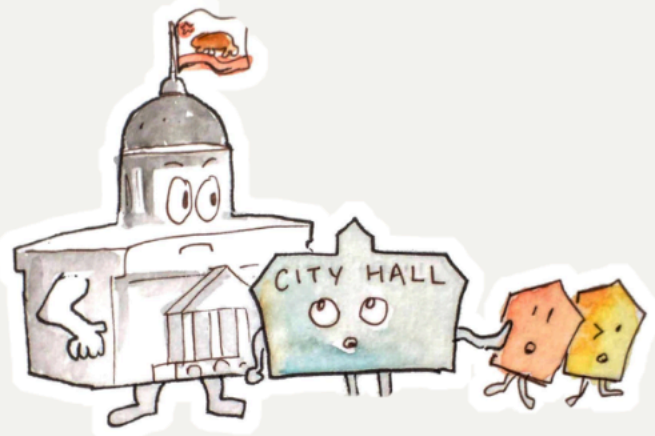
- **Step 6 – Monitoring and Compliance**

The State’s Housing and Community Development Department reviews each Housing Element for **compliance** and requires **annual progress reports** on the jurisdiction’s progress toward meeting its RHNA numbers.



What's going on now, and why is it important?

In the past, very few jurisdictions met their RHNA goals. Until recently, the law only required that jurisdictions *zone* for the required number of units, not actually permit them, and some never even got to the zoning. Whiter and wealthier jurisdictions were often able to avoid most of these requirements, as Marin did, by challenging the methodology for developing these numbers and requesting lower allocations.



The upcoming cycle, which will cover the eight years from 2023 – 2030, will be different.

First, jurisdictions will be required to

identify any policies, practices or conditions that limit access to housing for communities of color, persons with disabilities and other groups protected by the Fair Housing Act, and **establish** meaningful goals to address the impacts of systemic discrimination, such as residential segregation. Second, there are **penalties** for failure to adopt a compliant housing element. These include:

1. The loss of local authority to deny projects with 20% or more below market-rate (BMR) housing units (SB 35)
2. Fines of tens of thousands of dollars per month until compliance is reached
3. Loss of state grant funding
4. Potential lawsuits from developers and affordable housing advocates



The first draft of a new housing element for each city, town, and county jurisdiction is due January 31st, 2023. That may seem like a long way away, but to complete this very complicated process, jurisdictions must begin now.

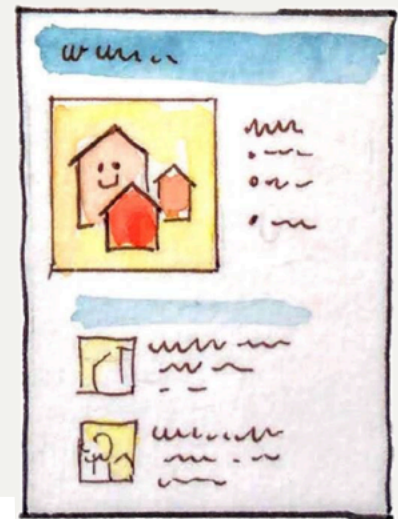
Most Marin jurisdictions are just starting on Step #3. This means there is still plenty of time for you to get involved either through serving on your town or city's *Housing Element Advisory Committee*, or through taking part in the *public engagement process!* Here is a link to a [tracking sheet](#) that will help you determine where your town is in this process.

The biggest impediments to achieving success in Marin

There still exists substantial community opposition to development of new housing throughout Marin, particularly the multi-family housing that is critical to reducing the shortage of housing affordable to those at the low and moderate income levels. Much of this opposition is based upon fears that such housing will increase traffic and burdens on other aspects of our infrastructure, will adversely affect our property values and will threaten the beauty of our County. Many of these fears are either not supported by the facts, or are overstated.



Affordable housing used to be developed by our governments — public housing. However, the US government has been dis-investing from public housing for decades, and California has done away with its redevelopment agencies. So, it is up to private for-profit or non-profit developers to meet our housing needs. What governments can do through their Housing Elements and other policies is encourage these developers to come forward. Without these third parties, even the most encouraging of Housing Elements and local housing policies will not result in any new housing development!



So, it will take all of us, our local jurisdictions through creative Housing Elements and related housing policies; housing developers, both private and non-profit; and the support of the residents of our cities, towns, and the county, to bring meaningful affordable housing to fruition. MEHC will continue to monitor and report on Housing Element progress in Marin. We welcome your support.



Donate to MEHC: <http://mehc.networkforgood.com>

Thanks for the use of original drawings by Alfred Twu,
in collaboration with the Campaign for Fair Housing Elements:

<https://campaignforfairhousingelements.org>

5/7/21