Affordable Housing

A Plan Without a Home

2022-2023
Contra Costa County
Civil Grand Jury
Report 2306
June 14, 2023

A REPORT BY
THE 2022-2023 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 2306

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APPROVED BY THE GRAND JURY

Date 6-14-2023

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ACCEPTED FOR FILING

Date 6-14-2023

Hon. JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

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Contra Costa County Grand Jury Report 2306

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TO:
Contra Costa County Board of Supervisors
City Councils for All Cities in Contra Costa County

Affordable Housing
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GLOSSARY AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
AH	Affordable Housing
Allocations	State-issued housing goals by income category that must be planned for and included in each County and city housing element plan
AMI	Area Median Income – Refer to Table 1
Builder's Remedy	A provision found in California's Housing Accountability Act (HAA) that allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are out of compliance with the Housing Element Law.
Extremely Low Income	30% or less of area AMI
HEP	Housing Element Plans
HCD	The State Department of Housing and Community Development
Inclusionary Housing Ordinance	Regulation, when adopted by a city or the County, requires new residential developments to include a minimum percentage of very low-, low-, and moderate-income households into residential developments of five units or more (generally 15%)
Low Income (LI)	50- 80% or less of area AMI.
RDA	Redevelopment Agency - dedicated to urban renewal.
RHNA	Regional Housing Needs Allocation
Measure X Housing Fund	Contra Costa County's 20-year, $12 million annual share of Measure X ½ cent sales tax to be used for housing & services.
NIMBY	Not in my back yard
SB 35	California Senate Bill 35 streamlines the housing construction process for cities and counties that fail to build enough housing to meet state-mandated requirements for very low- and low-income households.
Very Low Income (VLI)	30-50% of area AMI. Qualifications for this designation are based on the collective income of all the persons in a household (total household income).

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SUMMARY

The civil grand jury began this investigation to understand how Contra Costa County is addressing the need for affordable housing. We started by reviewing California Housing and Community reports titled Regional Housing Needs Allocation (RHNA) results for the County. These reports, issued at the end of each Housing Element cycle, show housing permits issued for various resident income classification groups against state mandated targets. Each city plus unincorporated County areas of responsibility results are listed. Appendix 3 comprises results for the past 3 Housing Element cycles plus targets for the latest cycle 2023-2031.

After reviewing these reports, we realized that most cities and our County were not providing the required number of housing permits primarily for very low- and low-income resident housing. Close examination of these reports reveals the scale and accelerated progression of missed targets. Additionally, these reports show that the very low- and low-income resident categories reflect the largest percentage of missed RHNA and plan targets over the past 20 years.

Based on these initial findings, we focused our efforts on housing for residents classified as very low or low income. We wanted to understand who in local government is responsible for implementation of approved housing plans and why were those plans failing to address permit targets for very low- and low-income residents. What are the drivers/obstacles behind these missed targets, and what actions were being taken to increase the availability of affordable housing for these residents throughout our County.

What we found was that although there is ownership for the creation and approval of Housing Elements that address affordable housing targets, we could not find clear assigned responsibility inside local government to implement plans after approval. This problem, combined with the myriad of challenging obstacles outlined in this report has translated into years of missed targets for residents classified as very low or low income. Without significant changes to how local governments address affordable housing, cities and the County risk the imposition of State mandated solutions that bypass local development protocols. This report is a summation of our work, findings and recommendations for improvement.

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METHODOLOGY

Documents

The grand jury reviewed numerous documents from local, County, regional, and State agencies. For a comprehensive list see the References section of this document.

Interviews

The grand jury conducted interviews with city and County leaders knowledgeable about the housing development process in the west, central and east County cities. We also interviewed:

- developers that specialize in affordable housing construction projects
- leaders with experience in addressing housing development issues
- various staff members with housing responsibilities

BACKGROUND

The housing element cycle was introduced in 1969, when the California State Legislature passed laws requiring that all cities and counties adequately plan to meet the housing needs of people at all income levels in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state).

The process involves significant planning from experts in local government, and citizens are asked proactively for input on these proposed plans before being submitted to the State for approval. The Department of Housing and Community Development (HCD) approves all HEPs. The role of the state, besides approval of each HEP, is to identify the total number of homes required by resident income classification so that cities and counties can include these numbers in their HEPs. These numbers are required to be included in each city and County HEP. Determining individual income classifications is a County-specific exercise. It starts with a determination of County Area Median Income (AMI). As noted in Table 1 below, the state defines for each County, which is then extrapolated into specific resident income classifications.

After development of housing allocation numbers by HCD, the data is passed down to the regional authority, the Association of Bay Area Governments, (ABAG), as a Regional Housing Need Determination (RHND). This is the first step in California's process to plan for the housing needs in each region of the state. It is RHND's responsibility to also track permits issued against allocation targets in each Housing Element Plan (HEP). This tracking of progress against targets is communicated through ABAG issued reports (Appendix 3).

The next step, allocation, is also the role of the regional authority, ABAG. It is their responsibility to allocate a share of the RHND housing numbers to each city and County as a Regional Housing Need Allocation (RHNA). These numbers are broken out by resident income, classified as very low income, low income, moderate income and above moderate income.

The next two tables reflect Contra Costa County's average median income, occupation, and wages of some of the County residents. We wanted to understand who in our community is part of the very low- and low-income groups. We realized that we all probably know someone who may be impacted by the shortage of affordable housing in the County.

Table 1 below, from the California Department of Housing and Community Development website, shows the state definition of income limits for residents in Contra Costa County based on the calculation of the average median income (AMI). AMI is based on the collective income of all the persons in a household (total household income).

Table 1: 2022 State Income Limits by Household

2022 State Income Limits

Contra Costa County

Income Limits by Household Size - Effective May 13, 2022

Median Family Income - $142,800

Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
1	$15,000	$30,000	$50,000	$76,750	$99,950	$119,950
2	$17,100	$34,300	$57,150	$87,700	$114,250	$137,100
3	$19,250	$38,600	$64,300	$98,650	$128,500	$154,200
4	$21,400	$42,850	$71,400	$109,600	**$142,800**	$171,350
5	$23,100	$46,300	$77,150	$118,400	$154,200	$185,050
6	$24,800	$49,750	$82,850	$127,150	$165,650	$198,750
7	$26,550	$53,150	$88,550	$135,950	$177,050	$212,450
8	$28,250	$56,600	$94,250	$144,700	$188,500	$226,200

For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices

Income Limits from 2022 State Income Limits from the Department of Housing and Community Development

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

Table 2 below contains data from govsalaries.com. It identifies by occupation some of the County occupations that fall into the very low- and low-income classifications as well as a few occupations that are just over the threshold, falling into the median income group.

Table 2: 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
Food Service Worker	$36,488	87%	113%	Extremely Low (<30% AMI)
Dishwasher	$38,853	82%	107%	Extremely Low
Hairdressers	$42,203	75%	98%	Extremely Low
Retail Salespersons	$43,018	74%	97%	Very Low (50% AMI)
Security Guards	$45,998	69%	90%	Very Low
Receptionists and Information Clerks	$46,833	68%	89%	Very Low
Preschool Teachers	$46,103	69%	90%	Very Low
Medical Assistants	$59,313	54%	70%	Very Low
Education and Childcare Administrators	$66,492	48%	62%	Very Low
Licensed Practical and Licensed Vocational Nurses	$78,255	41%	53%	Low (80% AMI)
Education Teachers, Postsecondary	$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	$126,289	25%	33%	Median
Computer and Mathematical Occupations	$132,023	24%	32%	Median

In addition to residents in these occupational categories, a lack of very low- and low-income affordable housing impacts senior County residents (over the age of 65). Seniors are one of the fastest growing population segments in the County. The most recent US Census for the County indicates that 6.7 percent of the total population, over 200,000 residents, is over the age of 65, an increase of 12.5 percent since 2010. The California Department of Aging projects that this group of residents will grow by over 150 percent by 2060.

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The next two charts contain data extracted from published ABAG housing reports (Appendix 3). They highlight the disappointing results in housing permits issued against mandated allocations for very low- and low-income residents.

Chart 1 shows a 21-year decline in the percentage of permits issued for very low-income residents, even as allocation targets stayed relatively flat. For the upcoming 2023-2031 allocation cycle for very low-income housing, allocations have tripled.

Chart 1: Very-low Income Housing Allocations and Permits for CCC

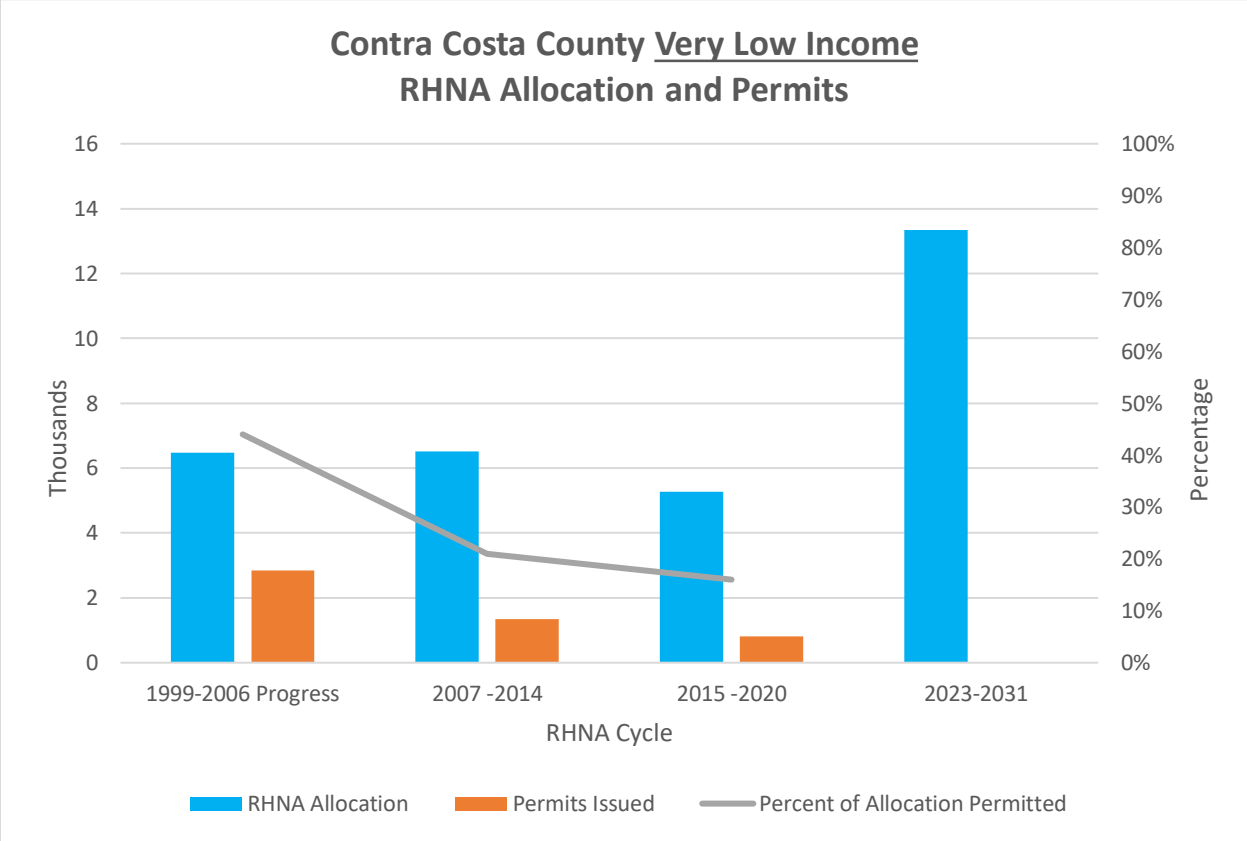
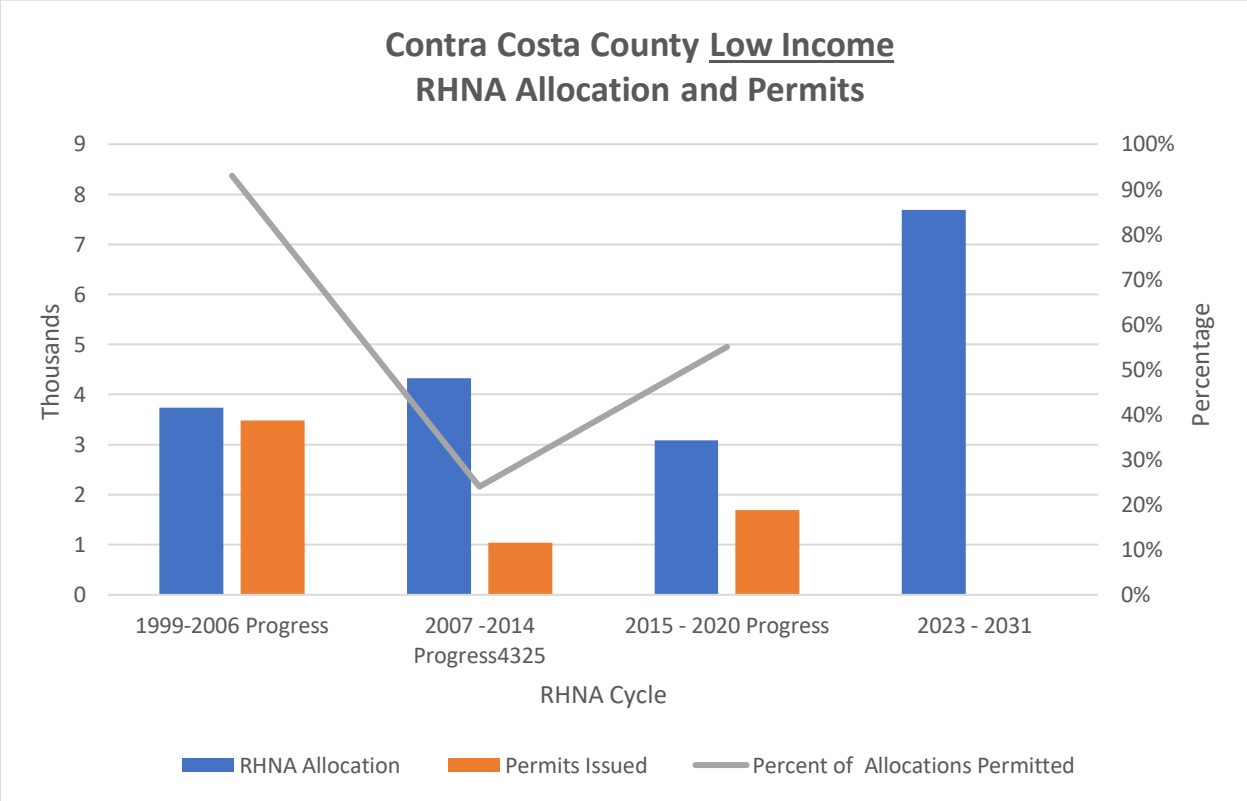


Chart 2 shows a 15-year decline in low-income housing permits, with an uplift in the most recent allocation cycle. However, the County still only issued permits for about half of the allocations mandated by the state for this same period. And again, the upcoming allocation cycle for 2023-2031 has a significant bump in the mandated allocation for low-income housing.

Chart 2: Low Income Housing Allocations and Permits for CCC



The data published in charts 1 & 2 above illustrates that over the period 1999-2020 the County has failed to provide the number of housing units mandated by the State of California and as they have planned for in their individual city and County element plans for very low- and low-income residents.

To understand the allocation targets and whether all income groups were equally impacted, the grand jury again looked at whether there had been any progress made against RHNA targets within any of the other income groups. What we found was that housing permits for high income housing had outpaced other income groups, with high income permits more than double all other income group housing permits combined. Close examination of the details published in the reports found in Appendix 3 validates this reality. The next 2 charts again use graphic descriptions of this published data to reinforce the magnitude of the problem.

Chart 3 looks at the past three Housing Element cycles results against allocations for the four income categories measured by RHNA reports for Contra Costa County. It also identifies new allocations for the current 2023-2031 Housing Element cycle. The income categories are VLI (very low), L (low), M (moderate), and H- (above moderate), which align with income categories measured in RHNA published progress reports. This chart also shows what percentage of the planned permits (allocation) resulted in a corresponding permit (Permits Issued) being issued for each income group as a percentage (Percent Permitted).

Chart 3: Contra Costa County
RHNA Allocations and Permits by Income Group

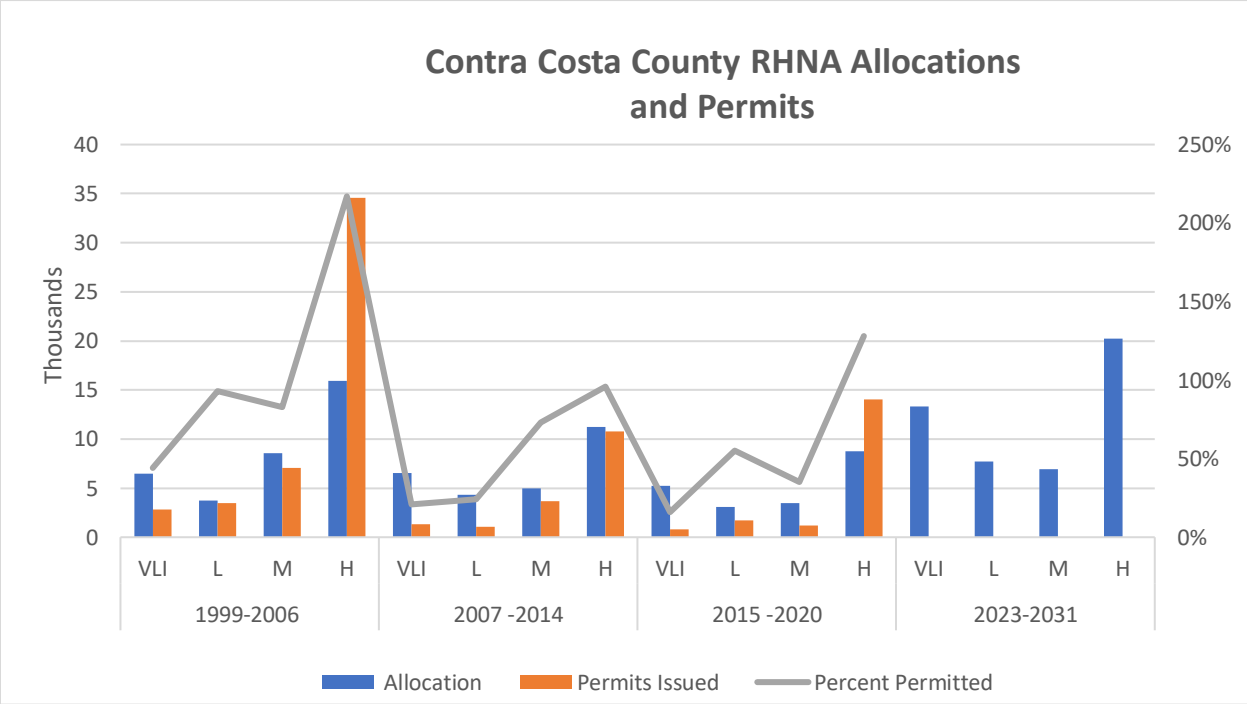


Chart 4 below takes a representative sample of cities in the County and shows the percentage of housing permits issued for very low- and low-income residents measured against all housing permits issued for the time period 1999-2020. Most of the cities identified fell short of their allocation goals.

Chart 4: Very Low and Low-Income Housing Permits as a % of All Permits by City

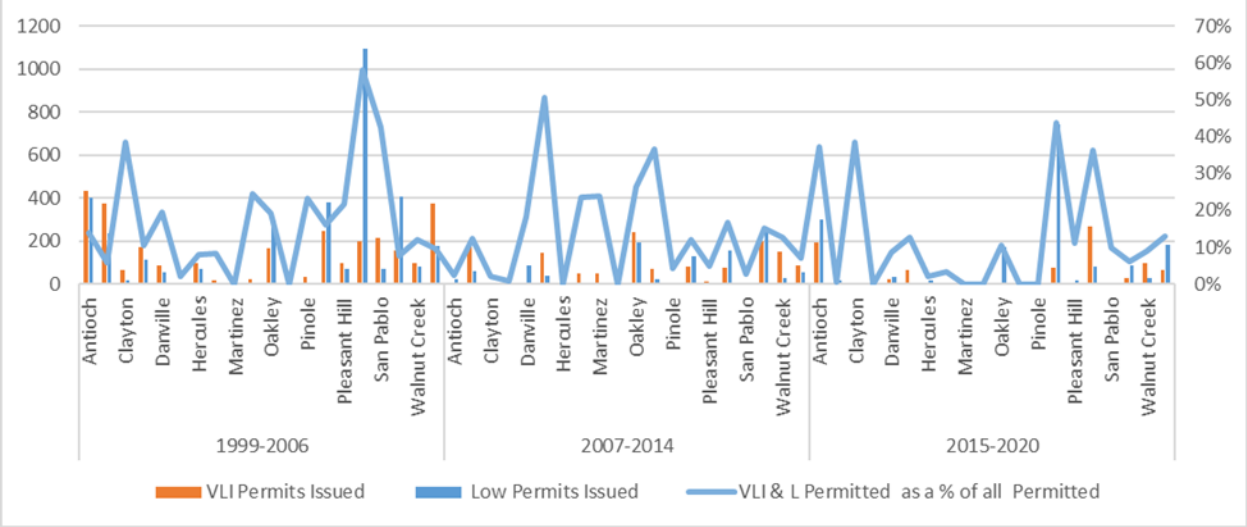
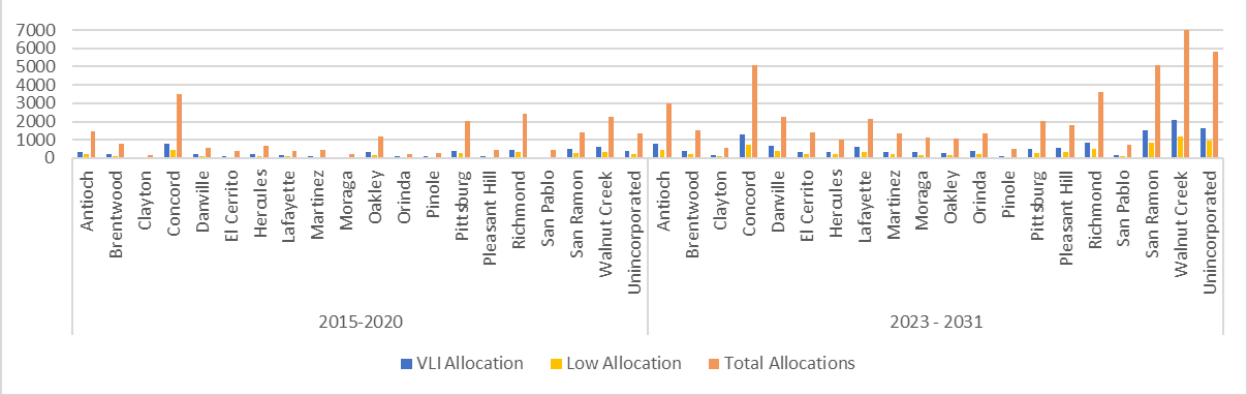


Chart 5 is a listing of all 19 cities in the County, showing how much housing was permitted for very low- and low-income residents in the last Housing Element cycle 2015-2020 and what is expected to be accomplished in 2023-2031. As the chart shows, the State of California has increased the mandatory allocation for very low- and low-income housing for many Contra Costa County cities and for the County itself.

Chart 5: Very Low and Low-Income Permit Allocations by City



Whether reviewing individual city details in Appendix 3 or reviewing the County results overall, the track record regarding very low- and low-income permitted units for affordable housing over the past 20 years is dismal. How will each city and the County meet more challenging targets (Appendix 5) for very low- and low-income housing in the next Housing Element cycle and what might enable attainment in the future?

DISCUSSION

In every interview the grand jury conducted with city and County officials, all communicated that they care deeply about the affordable housing issue in their communities. However, none of those interviewed acknowledged or identified themselves, their department or any other agency as having responsibility for the actual attainment of RHNA housing targets. Although we found the Housing Element Plans on the various city and the County entities, we did not find any language or group description that identified an owning entity that is either accountable or responsible for the execution of the Housing Element Plan, identifying and addressing obstacles, or attaining state mandated targets. The grand jury was unable to find any owner for the actual achievement of state mandated housing targets. Meaning that once a Housing Element plan containing the mandated housing targets for each income group was approved, no individual or department was responsible for implementing the approved Housing Element plan or accountable for the progress/results against the established targets within the plan.

Our investigation looked at three specific areas that should enable affordable housing. First, the RHNA targets identified in housing element plans and who in local government takes ownership to implement approved HEPs. Second, what control do our cities and the County have in the affordable housing development process? Finally, the state's relationship with our cities and the County: how decisions by the state impact affordable housing development in our County.
RHNA Targets and City and County Responsibility

Each city is required by the State of California to provide an updated housing element plan for approval every eight years. The Association of Bay Area Governments (ABAG), a Bay Area local government consortium whose mission is to strengthen cooperation and collaboration across local governments in order to build healthier and stronger communities, receives the affordable housing target data from the state. This data outlines how much housing will be needed, by income category, for the next reporting cycle. ABAG distributes the individual targets for each city and the County for the current cycle. ABAG then provides a report, before the next housing element cycle, which documents each city and the County results against targets.

Contra Costa County city and County performance in issuing housing permits for very low- and low-income residents for the last three housing element cycles, 1999-2006, 2007-2014 and 2015-2020, showed significant misses of actual permits issued against the targets.

The charts in Appendix 3 reflect the number of permits issued by city, against RHNA allocation targets for each housing element. Appendix 5 is the final RHNA allocation for 2023-2031. All data presented in appendices 3 and 5 reflect that our cities and County are permitting housing, primarily for residents in the 120 percent of median or higher income classification.

City and County officials are primarily focused on getting HCD to approve an individual housing element plan. In multiple interviews with various city officials, after HEP approval we did not find examples of consistent communication of progress to meeting targets for very low- and low-income residents. In these same interviews, RHNA targets were described as "aspirational, not

realistic, or not attainable." Interviewees used different words, but overall, RHNA targets were considered mostly an academic exercise that no one takes seriously. Furthermore, we did not find a specific owner for attainment of the housing element plan allocations, leading us to believe that this could well be one of the key reasons for our County's failure to realize (permit and build) affordable housing for very low- and low-income residents.

Additional Obstacles that Hinder the Development of AH

Six additional obstacles to the development of AH for residents identified as very low- and low-income are:

- limited availability of land;
- restrictive zoning policies specific to AH development;
- limited developer interest to bring projects forward;
- limited funding;
- lack of community support;
- NIMBY – an industry term that denotes opposition to development in a neighborhood, community, or city.

These obstacles are not uniform or constant across the County. Rather, some are more pronounced in one area or at one time.

Limited Availability of Land

Cities with less available land, but access to mass transit hubs, benefit from incentives to build AH close to transit centers. West County cities have benefitted the most from these projects. East County cities with large tracts of undeveloped land have had recent success in building AH projects for very low- and low-income residents. The Antioch Family and Senior Apartments project, completed in 2022, is an example of a successful AH project, in that it was submitted, approved, and completed in a relatively short time period with minimal roadblocks (References/ Bibliography East Bay Times October 22, 2022). Central County cities must balance extremely high land costs against AH development needs.

Restrictive Zoning Policies Specific to AH Development

City zoning ordinances vary greatly throughout the County but in many instances are not conducive to the development of AH. For instance, we conducted a limited proactive review of existing zoning policies to see if there were any subtle changes to local building codes that could be made to ease the approval of AH projects. Some cities zone land for AH development, but land that is far from basic services, in very expensive-to-develop areas, or in environmentally sensitive locations. Some cities have restrictive height zoning ordinances. Many cities do not have an inclusionary housing ordinance. (An inclusionary housing ordinance requires developers to set aside select units for very low- and low-income residents when proposing projects or to pay cities for the exclusion creating a local funding opportunity.)

Developer Interest to Bring Projects Forward

Actions by local city councils greatly influence how developers view their ability to successfully create an AH development. In our interviews with city officials and developers, it was determined that city councils that work openly to mitigate community concerns, don't flip flop after a project has been properly vetted, and are willing to team with developers as partners throughout the long approval and development process are viewed as fostering conducive and supportive environments for AH development. Failure to team with a developer or to actively address obstacles during the approval and development process often results in failing to meet AH targets.

Limited Funding

The lack of funding and the complexity associated with getting funding support for AH projects are obstacles. The state prioritizes AH projects that provide some local funding support. Developers who rely on tax incentives to help secure project funding get a better place in line to have their projects approved if there is demonstrated local funding support. City officials attribute the elimination of redevelopment agencies as a local funding source in 2012 as a key reason local funding has been so difficult to obtain. The County has been slow to provide alternative funding sources. Voters passed Measure X in 2020, and housing funds will finally be available in 2023. Other Bay Area counties took a more assertive role in providing alternative funding support for their cities.

In 2016, Alameda County passed measure A1, which dedicated $580 million for AH. In 2016, Santa Clara County passed Measure A, which allocated $950 million for AH. In Contra Costa County, Measure X carved out $240 million as a dedicated housing fund, with a stipulation that only $12 million annually for 20 years will be allocated to support housing. No funds are dedicated specifically to building housing for very low- and low-income residents, and there is no direct link of fund requests to achieving RHNA targets.

Lack of Community Support

Cities across the County have a wide range of policies around outreach and education about AH. The effort to educate communities as to why this housing issue is so important is broadly different across the County. In reviewing successful AH projects completed in the County citizen involvement and participation has shown to lessen local opposition to AH.

NIMBY Opposition and City Council response to NIMBY Opposition

NIMBY opposition was frequently cited by the developers that we interviewed as a primary cause of wasted resources and unnecessary project delays. Communities where projects get tied up in extensive local battles with non-supportive citizens or with city councils that reverse earlier decisions made through the normal local development process were cited by developers as influencing whether they would consider proposing AH projects in these communities.

Cities and Their Relationship with the State of California

The state grants cities and counties broad independence to do what is best for their community regarding housing development. But the state retains the ability to override local city jurisdiction.

The Builder's Remedy provision in California's Housing Accountability Act has been in place since 1990. It grants developers the authority to bypass any local zoning or approval process and move projects forward if a local government entity is not in compliance with its current Housing Element plans. Compliance has meant meeting the requirement to have an approved HEP. While in place for many years, the state, until recently, has rarely enforced this provision. City and County officials who were interviewed recognize that there is now a more intense state oversight process to plan submissions, and there are potential penalties for poor content plans or plans that do not get approved by state deadlines. This renewed intensity of focus has forced cities and counties to improve the quality of their Housing Element plans. The Builder's Remedy is the draconian solution that the state may enforce if cities insist on proposing Housing Element plans that are not implementable. The city and County officials interviewed for this investigation expect to get their housing element plans approved. But again, plan approval does not equal plan implementation.

Senate Bill 35 allows qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process. The bill amended the Government Code to restrict the ability of local governments to reject these projects. A project approved under SB 35 cannot be challenged under the California Environmental Quality Act (CEQA). This is an important feature of projects developed under SB35 as much has been discussed publicly about how CEQA lawsuits have been used to slow or stop the development of AH projects. Appendix 4 identifies individual cities and counties that have met their prorated very low- and low-income RHNA goals for the latest reporting period. It's a small list. In this County, only El Cerrito qualified for exemption from SB 35. We did not find examples of projects being developed in this County that have been or could be streamlined under SB 35.

Cities in this County that propose Housing Element plans, implement their approved plans, and meet RHNA targets for very low- and low-income residents will not run the risk of losing local development control through either Builder's Remedy or SB35.

Findings and Recommendations

Findings:

F1. Within existing city or County infrastructure there is no clear owner who is responsible for achieving RHNA permitting targets.

F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets.

F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.

F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).

F5. Many obstacles hinder the development of AH at the local level, specifically for very low- and low-income housing, including:
   a. Limited availability of land;
   b. Restrictive zoning policies specific to AH development;
   c. Limited developer interest to bring projects forward;
   d. Limited available funding;
   e. Lack of community support;
   f. NIMBY opposition & city council response to NIMBY opposition.

F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:
   a. Housing element plans that offer poor land choices for AH development;
   b. Restrictive height and high-density zoning policies;
   c. Lack of inclusionary housing ordinance(s) in many cities.

F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval

F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.

F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.

F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.

F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.

F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low- and low-income housing.

Recommendations:

R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.

R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress, biannually, against RHNA targets at council and supervisor meetings.

R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.

R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their community.

R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.

R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.

R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).

R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.

R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

REQUIRED RESPONSES

As required by California Penal Code sections 933(b) and 933.05, the 2022-2023 Contra Costa County civil grand jury requires responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1--F13	R1-R7 & R9-R10
Antioch City Council	F1-F13	R1-R10
Brentwood City Council	F1-F13	R1-R10
Clayton City Council	F1-F13	R1-R10
Concord City Council	F1-F13	R1-R10
Danville City Council	F1-F13	R1-R10
El Cerrito City Council	F1-F13	R1-R10
Hercules City Council	F1-F13	R1-R10
Lafayette City Council	F1-F13	R1-R10
Martinez City Council	F1-F13	R1-R10
Moraga City Council	F1-F13	R1-R10
Oakley City Council	F1-F13	R1-R10
Orinda City Council	F1-F13	R1-R10
Pinole City Council	F1-F13	R1-R10
Pittsburg City Council	F1-F13	R1-R10
Pleasant Hill City Council	F1-F13	R1-R10
Richmond City Council	F1-F13	R1-R10
San Pablo City Council	F1-F13	R1-R10
San Ramon City Council	F1-F13	R1-R10
Walnut Creek City Council	F1-F13	R1-R10

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

REFERENCES:

Bibliography:

- Association of Bay Area Governments:
  - RHNA 1999-2006 Final Report
  - RHNA San Francisco Bay Area Progress in Meeting 2007-2014
  - RHNA 2015 - 2020 Bay Area Building Permit Activity Report
  - RHNA Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031
  - RHNA - Regional Housing Needs Allocation
  - RHNA: Housing Element Law Changes from 1969 to 2020
- U.S. Census Quick Facts / Contra Costa County, CA
- Fannie Mae Area Median Income Lookup Tool / Contra Costa County, CA
- CEQA: The California Environmental Quality Act
- SB35 Affordable Housing: Streamlined Approval Process
- Housing Accountability Act (Government Code Section 65589.51): Builder's Remedy and Housing Elements
- Mercury News, February 13, 2023: New bill would extend controversial California housing law
- Mercury News, October 20, 2022: Antioch unveils its newest and largest affordable income apartment complex
- Contra Costa County Civil Grand Jury, 2015-2016, Report 1614: Where Will We Live? The Affordable Housing Waiting List is Closed
- Contra Costa Conservation and Development: Measure X Housing Fund
- Santa Clara County Office of Supportive Housing: 2016 Measure A - Affordable Housing Bond
- Alameda County HCD: Measure A1 Implementation Policies - Rental Housing Development Fund & Innovation and Opportunity Fund

Appendices

A-1. Contra Costa County Average Median Income 2022

2022 State Income Limits

Contra Costa County

Income Limits by Household Size - Effective May 13, 2022

Median Family Income - $142,800

Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
1	$15,000	$30,000	$50,000	$76,750	$99,950	$119,950
2	$17,100	$34,300	$57,150	$87,700	$114,250	$137,100
3	$19,250	$38,600	$64,300	$98,650	$128,500	$154,200
4	$21,400	$42,850	$71,400	$109,600	**$142,800**	$171,350
5	$23,100	$46,300	$77,150	$118,400	$154,200	$185,050
6	$24,800	$49,750	$82,850	$127,150	$165,650	$198,750
7	$26,550	$53,150	$88,550	$135,950	$177,050	$212,450
8	$28,250	$56,600	$94,250	$144,700	$188,500	$226,200

For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices

Income Limits from 2022 State Income Limits from the Department of Housing and Community Development

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

A-2. 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
Food Service Worker	$36,488	87%	113%	Extremely Low (<30% AMI)
Dishwasher	$38,853	82%	107%	Extremely Low
Hairdressers	$42,203	75%	98%	Extremely Low
Retail Salespersons	$43,018	74%	97%	Very Low (50% AMI)
Security Guards	$45,998	69%	90%	Very Low
Receptionists and Information Clerks	$46,833	68%	89%	Very Low
Preschool Teachers	$46,103	69%	90%	Very Low
Medical Assistants	$59,313	54%	70%	Very Low
Education and Childcare Administrators	$66,492	48%	62%	Very Low
Licensed Practical and Licensed Vocational Nurses	$78,255	41%	53%	Low (80% AMI)
Education Teachers, Postsecondary	$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	$126,289	25%	33%	Median
Computer and Mathematical Occupations	$132,023	24%	32%	Median

A-3. Bay Area RHNA Allocations and Progress

CCC Progress in Meeting 1999-2006 Regional Housing Need Allocation

	Very Low			Low			Moderate			Above Moderate			
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	Total Permits Issued
Contra Costa County													
Antioch[a]	921	435	47%	509	403	79%	1,156	1,923	166%	1,873	3,213	172%	5,974
Brentwood[a]	906	376	42%	476	238	50%	958	2,166	226%	1,733	7,687	444%	10,467
Clayton[a]	55	67	122%	33	17	52%	84	16	19%	274	119	43%	219
Concord[a]	453	171	38%	273	115	42%	606	76	13%	987	2,411	244%	2,773
Danville[c]	140	85	61%	88	56	64%	216	84	39%	666	496	74%	721
El Cerrito[a]	37	0	0%	23	5	22%	48	19	40%	77	210	273%	234
Hercules[a]	101	96	95%	62	68	110%	195	93	48%	434	1,818	419%	2,075
Lafayette[a]	30	15	50%	17	2	12%	42	0	0%	105	186	177%	203
Martinez[b]	248	0	0%	139	0	0%	341	0	0%	613	424	69%	424
Moraga[a]	32	21	66%	17	0	0%	45	0	0%	120	65	54%	86
Oakley[a]	209	168	80%	125	293	234%	321	51	16%	553	1,888	341%	2,400
Orinda[b]	31	0	0%	18	0	0%	43	0	0%	129	157	122%	157
Pinole[a]	48	34	71%	35	6	17%	74	80	108%	131	52	40%	172
Pittsburg[a]	534	247	46%	296	381	129%	696	800	115%	987	2,477	251%	3,905
Pleasant Hill[a]	129	95	74%	79	69	87%	175	226	129%	331	362	109%	752
Richmond[a]	471	200	42%	273	1,093	400%	625	131	21%	1,234	805	65%	2,229
San Pablo[a]	147	214	146%	69	70	101%	123	16	13%	155	366	236%	666
San Ramon[a]	599	157	26%	372	407	109%	984	1,143	116%	2,492	5,538	222%	7,245
Walnut Creek[a]	289	99	34%	195	80	41%	418	175	42%	751	1,123	150%	1,477
Unincorporated[a]	1,101	372	34%	642	177	28%	1,401	77	5%	2,292	5,151	225%	5,777
Total	**6,481**	**2,852**	**44%**	**3,741**	**3,480**	**93%**	**8,551**	**7,076**	**83%**	**15,937**	**34,548**	**217%**	**47,956**

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CCC Progress in Meeting 2007-2014 Regional Housing Need Allocation

CONTRA COSTA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Antioch	516	8	2%	339	20	6%	381	834	219%	1,046	381	36%	2,282	1,243	54%
Brentwood	717	192	27%	435	58	13%	480	175	36%	1,073	1,608	150%	2,705	2,033	75%
Clayton	49	-	0%	35	1	3%	33	2	6%	34	46	135%	151	49	32%
Concord*	639	2	0%	426	-	0%	498	8	2%	1,480	216	15%	3,043	226	7%
Danville[2]	196	2	1%	130	84	65%	146	101	69%	111	287	259%	583	474	81%
El Cerrito	93	142	153%	59	38	64%	80	13	16%	199	163	82%	431	356	83%
Hercules[3]	143	-	0%	74	-	0%	73	-	0%	163	153	94%	453	153	34%
Lafayette[2]	113	47	42%	77	8	10%	80	8	10%	91	170	187%	361	233	65%
Martinez	261	48	18%	166	-	0%	179	4	2%	454	148	33%	1,060	200	19%
Moraga	73	-	0%	47	-	0%	52	-	0%	62	9	15%	234	9	4%
Oakley*	219	242	111%	120	191	159%	88	874	993%	348	331	95%	775	1,638	211%
Orinda	70	72	103%	48	20	42%	55	22	40%	45	137	304%	218	251	115%
Pinole	83	2	2%	49	1	2%	48	10	21%	143	59	41%	323	72	22%
Pittsburg	322	79	25%	223	126	57%	296	666	225%	931	839	90%	1,772	1,710	97%
Pleasant Hill	160	9	6%	105	1	1%	106	8	8%	257	194	75%	628	212	34%
Richmond	391	74	19%	339	153	45%	540	243	45%	1,556	892	57%	2,826	1,362	48%
San Pablo	22	-	0%	38	1	3%	60	35	58%	178	-	0%	298	36	12%
San Ramon	1,174	196	17%	715	255	36%	740	302	41%	834	2,247	269%	3,463	3,000	87%
Walnut Creek	456	150	33%	302	25	8%	374	19	5%	826	1,206	146%	1,958	1,400	72%
Contra Costa County*	815	88	11%	598	53	9%	687	330	48%	1,408	1,672	119%	3,508	2,143	61%
County Totals	**6,512**	**1,353**	**21%**	**4,325**	**1,035**	**24%**	**4,996**	**3,654**	**73%**	**11,239**	**10,758**	**96%**	**27,072**	**16,800**	**62%**

CCC Progress in Meeting 2015 - 2020 Regional Housing Need Allocation

Jurisdiction	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
		Permits Issued					Permits Issued					Permits Issued						
	RHNA	Deed-Restricted	Non-Deed-Restricted	Total	% RHNA Met	RHNA	Deed-Restricted	Non-Deed Restricted	Total	% RHNA Met	RHNA	Deed-Restricted	Non-Deed-Restricted	Total	% RHNA Met	RHNA	permits issued	% RHNA Met
Contra Costa County	**5,264**	**798**	**19**	**817**	**16%**	**3,086**	**1,580**	**116**	**1,696**	**55%**	**3,496**	**260**	**953**	**1,213**	**35%**	**8,784**	**14,020**	**128%**
Antioch	349	175	18	193	55%	205	299	1	300	146%	214	0	34	34	16%	680	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,192	1144%
Clayton	51	0	0	0	0%	25	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	444	0	0	0	0%	559	5	5	10	2%	1,677	501	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	126	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	69	0	13	13	19%	166	459	277%
Hercules	220	0	0	0	0%	118	0	16	16	14%	100	0	217	217	217%	244	509	209%
Lafayette	138	7	0	7	5%	78	6	0	6	8%	85	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	88	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	86	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	54	0	30	30	56%	42	254	605%
Pinole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	126	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	742	292%	316	0	71	71	22%	1,063	976	92%
Pleasant Hill	118	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	438	266	0	266	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	265	36	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	164	0	164	58%	340	1,547	455%
Walnut Creek	604	96	0	96	16%	355	18	10	28	8%	381	0	44	44	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	183	84%	243	31	99	130	53%	532	1,534	288%

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	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
Jurisdiction	RHNA	Permits Issued			% RHNA Met	RHNA	Permits Issued			% RHNA Met	RHNA	Permits Issued			% RHNA Met	RHNA	Permits Issued	% RHNA Met
		Deed Restricted	Non-Deed Restricted	Total			Deed Restricted	Non-Deed Restricted	Total			Deed Restricted	Non-Deed Restricted	Total				
Contra Costa County	5,264	798	19	817	16%	3,086	1,580	116	1,696	55%	3,496	260	953	1,213	35%	8,784	14,020	128%
Antioch	349	175	18	193	55%	205	299	1	300	146%	214	0	34	34	16%	680	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,192	1144%
Clayton	51	0	0	0	0%	25	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	444	0	0	0	0%	559	5	5	10	2%	1,677	501	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	126	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	69	0	13	13	19%	166	459	277%
Hercules	220	0	0	0	0%	118	0	16	16	14%	100	0	217	217	217%	244	509	209%
Lafayette	138	7	0	7	5%	78	6	0	6	8%	85	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	88	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	86	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	54	0	30	30	56%	42	254	605%
Pinole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	126	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	742	292%	316	0	71	71	22%	1,063	976	92%
Pleasant Hill	118	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	438	266	0	266	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	265	36	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	164	0	164	58%	340	1,547	455%
Walnut Creek	604	96	0	96	16%	355	18	10	28	8%	381	0	44	44	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	183	84%	243	31	99	130	53%	532	1,534	288%

RHNA: Regional Housing Needs Allocation
%RHMA Met >100
75> %RHNA Met >100
%RHN Met <75

Final RHNA Allocations for 2023-2031

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
CONTRA COSTA COUNTY					
Antioch	792	456	493	1,275	3,016
Brentwood	402	232	247	641	1,522
Clayton	170	97	84	219	570
Concord	1,292	744	847	2,190	5,073
Danville	652	376	338	875	2,241
El Cerrito	334	192	241	624	1,391
Hercules	344	198	126	327	995
Lafayette	599	344	326	845	2,114
Martinez	350	201	221	573	1,345
Moraga	318	183	172	445	1,118
Oakley	279	161	172	446	1,058
Orinda	372	215	215	557	1,359
Pinole	121	69	87	223	500
Pittsburg	516	296	346	894	2,052
Pleasant Hill	566	326	254	657	1,803
Richmond	840	485	638	1,651	3,614
San Pablo	173	100	132	341	746
San Ramon	1,497	862	767	1,985	5,111
Unincorporated Contra Costa	2,072	1,194	1,211	3,133	7,610
Walnut Creek	1,657	954	890	2,304	5,805

A-4. SB 35 Very Low Income and Low-Income Determination Summaries

Cities and Counties Not Currently Subject to SB 35 Streamlining Provisions

This determination represents Housing Element Annual Progress Report (APR) data received as of June 1, 2022. **The following 38 jurisdictions have met their prorated Lower (Very-Low and Low) and Above-Moderate Income Regional Housing Needs Assessment (RHNA)** for the Reporting Period and submitted their latest APR (2021).

These jurisdictions are not currently subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining), but the jurisdictions are still encouraged to promote streamlining. All other cities and counties beyond these 38 are subject to at least some form of SB 35 streamlining, as indicated on the following pages.

For more detail on the proration methodology or background data see the SB 35 Determination Methodology.

JURISDICTION	JURISDICTION
1 ATHERTON	20 MILL VALLEY
2 BELL	21 MONTE SERENO
3 BELLFLOWER	22 NEWPORT BEACH
4 BEVERLY HILLS	23 NORWALK
5 BUENA PARK	24 PLUMAS CO.
6 CALISTOGA	25 ROHNERT PARK
7 CARPINTERIA	26 ROLLING HILLS ESTATES
8 CORTE MADERA	27 SAINT HELENA
9 EL CERRITO	28 SAN BERNARDINO CO.
10 FOSTER CITY	29 SANTA ANA
11 FOUNTAIN VALLEY	30 SANTA CLARA CO.
12 GUADALUPE	31 SANTA MONICA
13 HILLSBOROUGH	32 SIERRA CO.
14 INDUSTRY	33 SOLVANG
15 LA HABRA	34 SONOMA CO.
16 LA QUINTA	35 UKIAH
17 LAGUNA NIGUEL	36 VILLA PARK
18 MENDOCINO CO.	37 WESTMINSTER
19 MENLO PARK	38 WOODSIDE

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Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include ≥10% Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (APR) (2021) and therefore **are subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 10% affordability.**

JURISDICTION	JURISDICTION	JURISDICTION
1 ADELANTO	28 BURBANK	55 DEL REY OAKS
2 ALAMEDA CO.	29 BUTTE CO.	56 DELANO
3 ALISO VIEJO	30 CALAVERAS CO.	57 DESERT HOT SPRINGS
4 ALTURAS	31 CALEXICO	58 DIAMOND BAR
5 AMADOR	32 CALIFORNIA CITY	59 DORRIS
6 AMADOR CO.	33 CALIPATRIA	60 DOS PALOS
7 APPLE VALLEY	34 CARSON	61 DUNSMUIR
8 ARCADIA	35 CERES	62 EAST PALO ALTO
9 ARCATA	36 CHOWCHILLA	63 EL CAJON
10 ARROYO GRANDE	37 CITRUS HEIGHTS	64 EL CENTRO
11 ARVIN 47	38 CLAYTON	65 EL MONTE
12 AUBURN	39 CLEARLAKE	66 ESCALON
13 AVALON	40 CLOVERDALE	67 ESCONDIDO
14 AVENAL	41 COACHELLA	68 ETNA
15 AZUSA	42 COLMA	69 EUREKA
16 BAKERSFIELD	43 COLTON	70 EXETER
17 BANNING	44 COLUSA	71 FAIRFAX 107
18 BARSTOW	45 COLUSA CO.	72 FARMERSVILLE
19 BEAUMONT	46 COMMERCE	73 FERNDALE
20 BELVEDERE	47 COMPTON	74 FILLMORE
21 BENICIA	48 CONCORD	75 FIREBAUGH
22 BIGGS	49 CORCORAN	76 FORT JONES
23 BISHOP	50 CORNING	77 FORTUNA
24 BLUE LAKE	51 COSTA MESA	78 FRESNO CO.
25 BLYTHE	52 CRESCENT CITY	79 GLENN CO.
26 BRADBURY	53 CUDAHY	80 GONZALES
27 BRAWLEY	54 DEL NORTE CO.	81 GRASS VALLEY

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JURISDICTION	JURISDICTION	JURISDICTION
82 GREENFIELD	117 LEMON GROVE	152 NOVATO
83 GRIDLEY	118 LEMOORE	153 OCEANSIDE
84 GUSTINE	119 LINCOLN	154 OJAI
85 HALF MOON BAY	120 LINDSAY	155 ORANGE COVE
86 HANFORD	121 LIVINGSTON	156 ORLAND
87 HAWAIIAN GARDENS	122 LOMA LINDA	157 OROVILLE
88 HAYWARD	123 LOMPOC	158 OXNARD
89 HESPERIA	124 LOOMIS	159 PACIFICA
90 HIGHLAND	125 LOS ANGELES CO.	160 PALMDALE
91 HOLTVILLE	126 LOS GATOS	161 PARLIER
92 HUGHSON	127 LYNWOOD	162 PASO ROBLES
93 HUMBOLDT CO.	128 MADERA	163 PATTERSON
94 HUNTINGTON BEACH	129 MADERA CO.	164 PERRIS
95 HUNTINGTON PARK	130 MARICOPA	165 PICO RIVERA
96 HURON	131 MARTINEZ	166 PINOLE
97 IMPERIAL	132 MARYSVILLE	167 PLACERVILLE
98 IMPERIAL CO.	133 MAYWOOD	168 PLEASANT HILL
99 INGLEWOOD	134 MCFARLAND	169 POMONA
100 INYO CO.	135 MENDOTA	170 PORTERVILLE
101 IRWINDALE	136 MERCED CO.	171 PORTOLA
102 ISLETON	137 MILLBRAE	172 POWAY
103 KERMAN	138 MODESTO	173 RANCHO CORDOVA
104 KERN CO.	139 MONTAGUE	174 RED BLUFF
105 KINGS CO.	140 MONTEBELLO	175 REDLANDS
106 KINGSBURG	141 MONTEREY	176 REDONDO BEACH
107 LA HABRA HEIGHTS	142 MONTEREY PARK	177 REEDLEY
108 LA MIRADA	143 MORENO VALLEY	178 RIALTO
109 LA PUENTE	144 MORRO BAY	179 RICHMOND
110 LAKE CO.	145 MOUNT SHASTA	180 RIDGECREST
111 LAKE ELSINORE	146 NATIONAL CITY	181 RIO DELL
112 LAKEPORT	147 NEEDLES	182 RIPON
113 LAKEWOOD	148 NEVADA CITY	183 RIVERBANK
114 LANCASTER	149 NEVADA CO.	184 RIVERSIDE

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JURISDICTION	JURISDICTION	JURISDICTION
115 LASSEN CO.	150 NEWMAN	185 RIVERSIDE CO.
116 LAWNDALE	151 NORCO	186 ROLLING HILLS
187 ROSS	213 SANTEE	239 TUOLUMNE CO.
188 SACRAMENTO	214 SARATOGA	240 TURLOCK
189 SACRAMENTO CO.	215 SAUSALITO	241 TWENTYNINE PALMS
190 SALINAS	216 SEASIDE	242 VALLEJO
191 SAN BERNARDINO	217 SEBASTOPOL	243 VENTURA CO.
192 SAN BRUNO	218 SELMA	244 VICTORVILLE
193 SAN DIEGO CO.	219 SHAFTER	245 VISALIA
194 SAN DIMAS	220 SHASTA CO.	246 WATERFORD
195 SAN FERNANDO	221 SHASTA LAKE	247 WEED
196 SAN GABRIEL	222 SIGNAL HILL	248 WEST HOLLYWOOD
197 SAN JACINTO	223 SISKIYOU CO.	249 WEST SACRAMENTO
198 SAN JOAQUIN	224 SOLANA BEACH	250 WESTLAKE VILLAGE
199 SAN JOAQUIN CO.	225 SONORA 260	251 WESTMORLAND
200 SAN JUAN BAUTISTA	226 SOUTH GATE	252 WHEATLAND
201 SAN LEANDRO	227 SOUTH LAKE TAHOE	253 WILDOMAR
202 SAN MARINO	228 STANISLAUS CO.	254 WILLIAMS
203 SAN MATEO CO.	229 STOCKTON	255 WILLITS
204 SAN PABLO	230 SUISUN CITY	256 WILLOWS
205 SAN RAFAEL	231 SUTTER CO.	257 WINDSOR
206 SAND CITY	232 TAFT	258 WOODLAKE
207 SANGER	233 TEHACHAPI	259 YOLO CO.
208 SANTA CLARITA	234 TEHAMA	260 YREKA
209 SANTA CRUZ CO.	235 TEHAMA CO.	261 YUBA CITY
210 SANTA MARIA	236 TORRANCE	262 YUCAIPA
211 SANTA PAULA	237 TULARE CO.	263 YUCCA VALLEY
212 SANTA ROSA	238 TULELAKE	

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Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include ≥ 50 Percent Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very low- and low-income) and **are** therefore **subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability**.

JURISDICTION	JURISDICTION	JURISDICTION
1 AGOURA HILLS	28 CANYON LAKE	55 DINUBA
2 ALAMEDA	29 CAPITOLA	56 DIXON
3 ALBANY	30 CARLSBAD	57 DOWNEY
4 ALHAMBRA	31 CARMEL	58 DUARTE
5 ALPINE CO.	32 CATHEDRAL	59 DUBLIN
6 AMERICAN CANYON	33 CERRITOS	60 EASTVALE
7 ANAHEIM	34 CHICO	61 EL DORADO CO.
8 ANDERSON	35 CHINO	62 EL SEGUNDO
9 ANGELS CAMP	36 CHINO HILLS	63 ELK GROVE
10 ANTIOCH	37 CHULA VISTA	64 EMERYVILLE
11 ARTESIA	38 CLAREMONT	65 ENCINITAS
12 ATASCADERO	39 CLOVIS	66 FAIRFIELD
13 ATWATER	40 COALINGA	67 FOLSOM
14 BALDWIN PARK	41 COLFAX	68 FONTANA
15 BELL GARDENS	42 CONTRA COSTA CO.	69 FORT BRAGG
16 BELMONT	43 CORONA	70 FOWLER
17 BERKELEY	44 CORONADO	71 FREMONT
18 BIG BEAR LAKE	45 COTATI	72 FRESNO
19 BREA	46 COVINA	73 FULLERTON
20 BRENTWOOD	47 CULVER CITY	74 GALT
21 BRISBANE	48 CUPERTINO	75 GARDEN GROVE
22 BUELLTON	49 CYPRESS	76 GARDENA
23 BURLINGAME	50 DALY CITY	77 GILROY
24 CALABASAS	51 DANA POINT	78 GLENDALE
25 CALIMESA	52 DANVILLE	79 GLENDORA
26 CAMARILLO	53 DAVIS	80 GOLETA
27 CAMPBELL	54 DEL MAR	81 GRAND TERRACE
82 GROVER BEACH	114 LOS ALAMITOS	146 OAKLEY

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JURISDICTION	JURISDICTION	JURISDICTION
83 HAWTHORNE	115 LOS ALTOS	147 ONTARIO
84 HEALDSBURG	116 LOS ALTOS HILLS	148 ORANGE
85 HEMET	117 LOS ANGELES	149 ORANGE CO.
86 HERCULES	118 LOS BANOS	150 ORINDA
87 HERMOSA BEACH	119 LOYALTON	151 PACIFIC GROVE
88 HIDDEN HILLS	120 MALIBU	152 PALM DESERT
89 HOLLISTER	121 MAMMOTH LAKES	153 PALM SPRINGS
90 IMPERIAL BEACH	122 MANHATTAN BEACH	154 PALO ALTO
91 INDIAN WELLS	123 MANTECA	155 PALOS VERDES ESTATES
92 INDIO	124 MARIN CO.	156 PARADISE
93 IONE	125 MARINA	157 PARAMOUNT
94 IRVINE	126 MARIPOSA CO.	158 PASADENA
95 JACKSON	127 MENIFEE	159 PETALUMA
96 JURUPA VALLEY	128 MERCED	160 PIEDMONT
97 KING CITY	129 MILPITAS	161 PISMO BEACH
98 LA CANADA FLINTRIDGE	130 MISSION VIEJO	162 PITTSBURG
99 LA MESA	131 MODOC CO.	163 PLACENTIA
100 LA PALMA	132 MONO CO.	164 PLACER CO.
101 LA VERNE	133 MONROVIA	165 PLEASANTON
102 LAFAYETTE	134 MONTCLAIR	166 PLYMOUTH
103 LAGUNA BEACH	135 MONTEREY CO.	167 POINT ARENA
104 LAGUNA HILLS	136 MOORPARK	168 PORT HUENEME
105 LAGUNA WOODS	137 MORAGA	169 PORTOLA VALLEY
106 LAKE FOREST	138 MORGAN HILL	170 RANCHO CUCAMONGA
107 LARKSPUR	139 MOUNTAIN VIEW	171 RANCHO MIRAGE
108 LATHROP	140 MURRIETA	172 RANCHO PALOS VERDES
109 LIVE OAK	141 NAPA	173 RANCHO SANTA MARGARITA
110 LIVERMORE	142 NAPA CO.	174 REDDING
111 LODI	143 NEWARK	175 REDWOOD CITY
112 LOMITA	144 OAKDALE	176 RIO VISTA
113 LONG BEACH	145 OAKLAND	177 ROCKLIN

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JURISDICTION	JURISDICTION	JURISDICTION
178 ROSEMEAD	199 SEAL BEACH	220 TULARE
179 ROSEVILLE	200 SIERRA MADRE	221 TUSTIN
180 SAN ANSELMO	201 SIMI VALLEY	222 UNION CITY
181 SAN BENITO CO.	202 SOLANO CO.	223 UPLAND
182 SAN CARLOS	203 SOLEDAD	224 VACAVILLE
183 SAN CLEMENTE	204 SONOMA	225 VENTURA
184 SAN DIEGO	205 SOUTH EL MONTE	226 VERNON
185 SAN FRANCISCO	206 SOUTH PASADENA	227 VISTA
186 SAN JOSE	207 SOUTH SAN FRANCISCO	228 WALNUT
187 SAN JUAN CAPISTRANO	208 STANTON	229 WALNUT CREEK
188 SAN LUIS OBISPO	209 SUNNYVALE	230 WASCO
189 SAN LUIS OBISPO CO.	210 SUSANVILLE	231 WATSONVILLE
190 SAN MARCOS	211 SUTTER CREEK	232 WEST COVINA
191 SAN MATEO	212 TEMECULA	233 WHITTIER
192 SAN RAMON	213 TEMPLE CITY	234 WINTERS
193 SANTA BARBARA	214 THOUSAND OAKS	235 WOODLAND
194 SANTA BARBARA CO.	215 TIBURON	236 YORBA LINDA
195 SANTA CLARA	216 TRACY	237 YOUNTVILLE
196 SANTA CRUZ	217 TRINIDAD	238 YUBA CO.
197 SANTA FE SPRINGS	218 TRINITY CO.	
198 SCOTTS VALLEY	219 TRUCKEE	

A-5. News Articles Regarding Affordable Housing

Bay Area News Group article

NEW HOMES

Bay Area cities may not hit state deadline

Only Alameda has had housing element OK'd ahead of Jan. 31 date

By Ethan Varian
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Bay Area cities are running out of time to devise plans for enough new homes to ease the region's deepening housing crisis — and so far, state officials are sending most of their plans back to the drawing board.

Under state law, local jurisdictions have until Jan. 31 of next year to finalize their so-called housing elements — detailed road maps to meet their dramatically increased state-mandated housing goals. Between 2023 and 2031, the entire nine-county region is on the hook for approving over 441,000 new homes for residents of all income levels, more than double the amount for the current eight-year cycle.

As of last week, the California Department of Housing and Community Development had rejected drafts from 14 of

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the 15 Bay Area municipalities it had reviewed so far — with Alameda the lone success.

The agency told San Francisco, Oakland, Sunnyvale, Mountain View, Redwood City, Antioch and others to rewrite their drafts to provide proof the sites identified for future homes have a realistic chance of development, and to offer the possibility of rezoning certain neighborhoods for denser housing, among various other instructions.

Public officials and housing experts say the denials weren't a surprise given the state's high planning expectations. They anticipate many more rejection letters are on the way.

But HCD's hard line is raising questions about whether Bay Area cities and counties can meet the fast-approaching housing plan deadline at the end of January. Failing to do so risks missing out on affordable housing and infrastructure funding and could put jurisdictions in jeopardy of lawsuits, fines and the loss of local control over land-use decisions.

"I don't know if we're going to meet the deadline," said Mountain View Mayor Lucas Ramirez. "We're going to do the best we can. It may very well be that HCD says this is a strong start, but you have to do even more."

Judging by how the housing element process has gone in other parts of the state, that result seems possible for much of the Bay Area. In Southern California, just 48 of 196 local governments in the region have submitted housing elements after most blew their October 2021 deadline.

JOSE CARLOS FAJARDO — STAFF PHOTOGRAPHER

A view of a sitting area at Rosefield Village apartments during the grand opening celebration in Alameda last month. Alameda is the only Bay Area city whose housing element plan has been approved by the state.

Mathew Reed, director of policy for the Silicon Valley affordable housing advocacy group SV@Home, said the state is demanding far more than during prior planning periods. For example, cities and counties are now expected to address housing equity and discrimination issues in their plans proactively. But Reed said Bay Area jurisdictions shouldn't use that increased burden as an excuse.

"It's been apparent that if you don't reach the bar (set by the state), you'll have more work," he said. "I'm not sure the public or elected officials have been as conscious of that fact."

Officials in Alameda spent years preparing their 228-page housing plan, which the state approved in August. Planning Director Andrew Thomas said while some residents protested the small island city's plans to accommodate more than 5,800 new homes, it was important to finalize the draft so the City Council could adopt it before the election in November.

"This is the City Council that's been involved in the preparation of this document for the last three years, and we decided this should be the City Council that makes the final decision," Thomas said.

Gov. Gavin Newsom, at a bill signing event last month in San Francisco, made clear that unlike in years past, state officials aren't going to look the other way if cities and counties ignore their housing responsibilities. In addition to withholding grant funding and imposing mandatory rezoning timelines, the state is threatening to sue noncompliant jurisdictions to compel a judge to take over the process for approving and permitting new homes.

"At the end of the day we need to see local accountability," Newsom said. "We're going to celebrate success, but we're going to call out failure."

At the event, Newsom highlighted a first-ever state investigation by HCD into San Francisco's restrictive housing policies. He also singled out the town of Atherton, the wealthy San Mateo County enclave that gained national attention earlier this year when it scrubbed its housing element draft of town homes after tech industry residents — including billionaire venture capitalist Marc Andreessen — vehemently objected to adding multifamily housing.

In an interview last month, Atherton Mayor Rick DeGolia said building multifamily homes considered affordable by state standards isn't practical because the cost of land in the town is around $8 million per acre, and there is little publicly owned land to develop. Instead, Atherton's housing element draft focuses on a program to help homeowners create new in-law units for rent.

"If (state officials) refuse, we're going to be in a fight with them," DeGolia said. Judging by Southern California's example, he expects to have until the end of 2023 to come to "some settlement with the state."

Reed with SV@Home hard," he said. "The expectation is to say, 'What can you do to address some of the things that are making it hard?' And the expectation is high."

In Oakland, meanwhile, residents of the largely suburban Rockridge neighborhood are asking the city to plan for more apartments and town homes in their community. In their rejection of Oakland's housing element, state officials directed the city to examine recommendations made by the Rockridge Community Planning Council.

"We believe that welcoming significant numbers of new residents to Rockridge would be entirely consistent with our values and the cherished historically diverse character of our neighborhood," the group wrote in a letter to city planning staff.

As the certification deadline approaches, housing advocates are warning cities of another, relatively little-known consequence of failing to finish their housing elements in time: the "builders' remedy." The three-decade-old law forces noncompliant cities to accept large housing projects with affordable units, even when the developments far exceed local zoning limits.

Chris Elmendorf, a law professor at UC Davis, said that while there are few known instances of the builders' remedy coming into play, developers have in recent years become emboldened to take advantage of other state housing laws that bypass local control.

"We're seeing the emergence of developers who are not relying on their relationships with city councils and instead on their rights under state law," he

East Bay Times article

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000 SECTION B

ARGEST IN EASTERN CONTRA COSTA COUNTY

Antioch unveils affordable housing complex

The 394-unit development sits on 14.85 acres in northeast section of the city

y Judith Prieve
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The largest affordable-income amily and senior apartment complex ever in east Contra Costa ounty has opened in the northast area of Antioch.

The new 394-unit complex, hich was celebrated at a ribbonutting Thursday, is expected to ssen the shortage of affordable ousing in the city and breathe new life into the Bridgehead area, which lost major retailer Kmart and has not seen much development in recent years. The apartments were developed by AMCAL, a Southern California developer that has been constructing affordable housing since the 1990s.

Located southwest of East 18th Street and Holub Lane just west of Highway 160, the AMCAL Family and Senior Apartments include 11 three-story buildings on 14.85 acres between two residential neighborhoods. Of the 390 affordable apartments in the gated complex, 214 are designed for families and 180 for tenants 55 and older. Four will be manager apartments.

"We're excited; tenants are starting to move in," said Alex Pratt, AMCAL vice president of development. "This is an intergenerational project, and there are 394 units and 100%

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Developer AMCAL unveiled its newly opened affordable housing complex, the Antioch Family and Senior Apartments, in northeastern Antioch on Thursday. JUDITH PRIEVE STAFF

Builder's Remedy Article - The Fix

The 'fix' almost nobody wants

The 'builder's remedy' could OK projects in cities behind on their state-mandated housing plans

By Ethan Varian
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It's a NIMBY's worst nightmare: high-rise apartment buildings going up in suburban neighborhoods — and local officials helpless to halt construction.

That scenario could soon become a possibility for Bay Area cities large and small should they fail to convince the state they're doing enough to help solve a deepening housing crisis.

It's all thanks to a little-used section of state housing law known as the "builder's remedy." Uncertainties remain, but the three-decade-old provision could enable developers to push through projects of virtually any size almost anywhere they please, as long as a portion of the building includes affordable units.

The builder's remedy would only apply to Bay Area cities without a state-approved plan to meet their upcoming homebuilding goals, which are updated every eight years. The penalty doesn't kick in until early next year, but many jurisdictions appear unlikely to have plans ready in time.

Housing experts and advocates say that means a surge of proposals may be on the horizon, especially in wealthier areas that have made it challenging to build denser housing, but where developers stand to see higher profits if they can build.

"If you're not going to tell developers where they can build multifamily housing, the state is saying they don't have to follow your rules," said San Francisco real estate attorney Daniel Golub,

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Builders

FROM PAGE 1

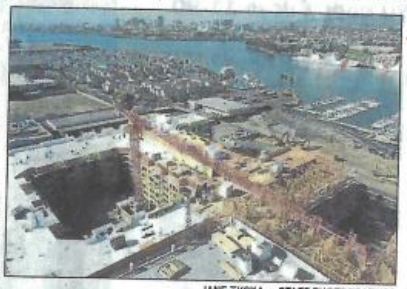
adding he's received "very substantial interest" about the builder's remedy in recent months.

It's already starting in Southern California — where over a hundred cities are behind on their housing plans due last year and developers have blitzed a handful of affluent enclaves with builder's remedy proposals in recent months. That includes more than a dozen high-rise projects in Santa Monica and a 2,300-unit oceanside complex in Redondo Beach.

In the Bay Area, cities have until Jan. 31 to get their housing plans certified and stave off a similar outcome. But so far, just two — Alameda and Emeryville — have approvals. However, the growing interest in the builder's remedy is adding pressure to meet the fast-approaching deadline.

A big part of why developers see the provision as a viable option now, despite it being on the books since 1990, appears to be that new state laws and policies have added teeth to the planning process for housing.

Homebuilding targets set by the state have doubled or even tripled for many cities. As a whole, the Bay Area is on the hook for approving more than 441,000 units for all income levels over the next decade, representing a 15% increase in the region's total homes.



JANE TYSKA — STAFF PHOTOGRAPHER

A drone photographs development along Clement Avenue in Alameda, one of only two Bay Area cities that have had their housing plans approved by the state.

For the current expiring eight-year cycle, the Bay Area permitted only about 190,000 units, according to state housing data. Of that amount, just 44,000 are for low- or middle-income residents, well under half the combined goal for those income levels.

This time around, state officials, including Gov. Gavin Newsom, have made clear they won't simply rubber-stamp cities' housing plans, and intend to hold jurisdictions accountable for actually meeting their new goals. The state is threatening fines, withholding affordable housing funding and loss of permitting authority for cities that skirt their housing responsibilities.

Paul Campos, a senior vice president with the Bay Area Building Industry Association, said despite the rush of builder's remedy proposals in Southern California, the provision's requirement that 20% of units be affordable makes it challenging for projects to actually "pencil out" — developer-speak for "turn enough of a profit to get built."

In part because of that financial reality, Campos said it's unlikely the Bay Area will see many projects that are drastically larger than what local zoning laws already allow. Instead, he views the provision as a way to "soften or eliminate some heavy-handed local regulations." For example, developers could add a few stories onto apartment projects to offset city development fees.

The type of city where the builder's remedy makes the most sense, Campos and other experts said, is one where rents are high and developers have often struggled to get large projects across the finish line.

Palo Alto, which has a population and median rent level roughly similar to that in Santa Monica, could fit the bill.

"(Santa Monica is) encountering now what we very possibly will be in three months," said Palo Alto Mayor Pat Burt.

Burt said Palo Alto is "racing" to finalize its plan for where new housing should be built, but he doesn't expect to meet the state's Jan. 31 deadline.

It's unclear what the upscale Silicon Valley suburb, home to Stanford University, would do if faced with a flurry of builder's remedy applications. Burt expects an eventual court ruling on the Southern California proposals will determine whether Palo Alto would need to approve them.

Sonja Trauss, founder of the San Francisco-based housing advocacy group YIMBY Law, which launched an online workshop to help take advantage of the builder's remedy, acknowledged the scheme has not been legally tested. Potential sticking points include how the state's strict environmental laws apply and whether a city can deny proposals by essentially self-certifying its housing plan.

Another question is whether a builder's remedy proposal would still be valid if a noncompliant city gets its housing plan certified after the planning and permitting process for the project has already begun. The state housing department has said such projects must go through.

Still, Trauss said cities planning on challenging the provision shouldn't expect an easy victory.

"They may go to court, and they could prevail, but it's definitely going to be a fight," she said.

For some local officials, a brewing clash over the builder's remedy is only the latest result of what they say are punitive state laws and policies that are wresting away local control and threatening to destroy the character of their cities. The looming specter of largely unrestricted development is creating a sense of urgency to push back.

"It's the responsibility of the state Legislature to step in and ensure we don't witness a drastic overreach," Burt said.

State Sen. Scott Wiener, a Democrat from San Francisco and one of the principal backers of recent laws that have cleared the way for the builder's remedy, said he has no such intent.

"It's time to actually have enforceable standards," Wiener said. "What's more important, local control or having enough housing for everyone?"

For now, he said the builder's remedy appears to be serving its primary purpose by convincing cities to get their housing plans in order sooner rather than later.

"The goal is not to ever have to invoke the builder's remedy," he said.