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General Plan: Housing Element

In California, cities and counties are required by State law to have a General Plan; it's the tool local governments utilize as a long-term blueprint to establish the goals and policies intended to shape and guide this future development. Additionally, State law requires that each and every General Plan, adopted by cities and counties, contain nine elements. These elements include categories such as Land Use, Community Design, Transportation, Parks & Open Spaces, Public Safety, Environmental Quality, Economic Development, Public Services & Facilities, and Housing. Unlike other general plan elements, the Housing Element is unique. Not only is it required by State law to be updated every 8-years and is subject to detailed statutory requirements, but it is also mandatory for the California Department of Housing and Community Development (HCD) to review and approve each jurisdictions' Housing Element.

The Housing Element is the foundation of any jurisdictions' housing strategy and serves as the chief policy document on housing-related issues. The primary focus of the Housing Element is to conserve and improve existing affordable housing; provide adequate housing sites for all income levels (very-low to above-moderate incomes); assist in the development of affordable housing; remove constraints to housing development; and promote equal housing opportunities throughout the community.

Pursuant to State requirements, the Housing Element contains detailed information on the housing needs of the community. This information not only defines the amount of housing units needed to be built for each income level, but it also includes information on the needs of the homeless, people with disabilities, and seniors. In addition to this information, the Housing Element process generates a list of properties within a jurisdiction that have the ability to sufficiently satisfy these needs. The driving force that defines cities or counties future housing needs is determined through the Regional Housing Needs Assessment (RHNA).

RHNA is a tool utilized by the HCD to determine California's projected housing needs. Based on the RHNA findings, the total number of housing units is then allocated and split among the various regions, counties, and cities within the State. For this area of southern California, the Southern California Association of Governments (SCAG) is responsible for allocating the number of needed housing units within the region as defined by HCD. In addition, the City is required to provide a progress report each year to HCD (each year of the 8-year cycle) regarding housing stats for the past year. Even though the City is not responsible to actually

build the homes, HCD utilizes the annual reports to evaluate whether cities are properly meeting the goals of the State and that home building is occurring.

Unfortunately, a variety of recent state laws (Senate Bill 330, Senate Bill 686, Senate Bill 9 and Assembly Bill 166) have resulted in significantly more stringent requirements being put in place to ensure that land is zoned to facilitate the required housing sites identified in the Housing Element and that home. For example, these new requirements include limitations on what can be considered a feasible site as well as imposes more rigorous standards for the analysis of identifying potential housing sites. These changes have been implemented by the State as an effort to avoid creating ‘paper’ designated affordable housing sites that feature size and development limitations which may make them infeasible to complete, but these requirements also constrain the number of sites that would have otherwise been considered in prior Housing Elements. Additionally, cities and counties must also show that its Development Code and requirements, or other policies do not disproportionately constrain the development of housing.

If HCD determines that a jurisdiction’s Housing Element fails to substantially comply with the State’s Housing Element Law, there are serious consequences that extend beyond the realm of residential land use planning. Non-compliance can result in the following consequences:

- RHNA assignment that is not accommodated in one housing cycle will be rolled over to the next housing cycle, increasing the number of units and the potential land a city is required to designate for multi-family housing during the next Housing Element Update cycle.
- A city could become vulnerable to lawsuits (as a number of cities have) for noncompliance, including from the State of California.
- A city could risk the delay in receiving of transportation funding and become ineligible for a number of grants from the State.
- A city will be required to update the housing element every 4 years instead of every 8 years.

Additionally, if the Attorney General files a lawsuit for a violation related to Housing Element compliance and the jurisdiction does not bring its Housing Element into compliance after seeking remedies, the jurisdiction can be fined up to \$100,000 per month until the violation is corrected.

HCD is currently finalizing the 6th Housing Element update for a large majority of cities and counties across the State. For the 2021-2029 Housing Element cycle, the City of Yucaipa has been allocated 2,866 units, out of the 1,341,827 units delegated to the entire SCAG region.

“The housing crisis in our State is a very unfortunate truth, I’m sure we all know someone who is struggling to find housing. While this crisis is a direct result of years of bad policies being implemented in Sacramento, we are all now having to work together to address these issues and return as much local control as possible in the process,” said Mayor David Avila.

The City of Yucaipa's Housing Element can be found online at Yucaipa.org/Yucaipa-housing-element/.