



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach
Assistant TLMA Director
Community Development

March 9, 2017

Leadership Counsel for Justice and Accountability
Attn. Phoebe Seaton, Co-Director and Attorney at Law
764 P Street, Suite 12
Fresno, CA 93721

RE: Response to Housing Element Program and Policy Recommendations

Dear Ms. Seaton,

Thank you for the well-reasoned program and policy changes (attachment) recommended by the Leadership Counsel as modifications to the County's Housing Element. As you may know, the Board of Supervisors adopted a comprehensive update to the Housing Element on December 8, 2016. Because our work on the Housing Element was recently completed and because of a lack of resources available to effect further substantive changes such as that being proposed by the Leadership Counsel, we will be deferring further action on the recommendations at this time.

Nevertheless, staff has reviewed the Leadership Counsel-recommended Housing Element program and policy changes. Much of what is being recommended is already covered in the County's General Plan as shown in the table below.

Leadership Counsel		Associated existing policies/programs/actions
Recommended	Recommended	HE = Housing Element policy/program (Table H-62), LU = Land Use Element policy, C = Circulation Element policy, or AI = GP Implementation Program Action Item
Action type	Policy/Program	
Add	Action No. 1.1x (affordable housing policy progress workshops)	
		HE: 1.3c (farmworker housing development collaboration), 1.6a (self-help program collaboration), 2.3b (bilingual rehabilitation program/resource outreach), 3.2a (bilingual fair housing & program education/outreach), 3.3a (focused fair housing procedure/outreach), and 4.3a (Housing Element annual review)

Add	1.2x (adequate infrastructure program/progress workshops)	<p>HE: 1.2h (project specific infrastructure coordination/ assessment; funding exploration/application/support), 4.3a (Housing Element annual review)</p> <p>LU: 5.1 (infrastructure/services assessment at a project level) and 5.2 (infrastructure/services capability monitor)</p> <p>C: 25.1 (efficient provision of utilities to support LU Element’s buildout)</p> <p>AI: 31 (farmworker housing standards), 32 (funding program/priority list for underground utilities), 132 (policy updates to address infrastructure, housing, and public health needs of disadvantaged communities), 133 (address housing related infrastructure needs in disadvantaged communities), and 135 (Monitor health/safety issues of water wells; explore funding opportunities for other water supply options)</p>
Add	1.2x (affordable housing land inventory status workshops)	<p>HE: 4.3a (Housing Element annual review)</p>
Add	1.3x (farmworker housing progress workshop)	<p>HE: 4.3a (Housing Element annual review)</p>
Add	1.6b (farmworker community needs assessment/goals/ evaluation)	<p>HE: 2.3 (Rehabilitation and preservation of farmworker housing)</p>
Edit	1.7c and 1.7d (job housing analysis for SP and large scale developments)	<p>LU: 1.7 (aged specific plan assessment and GP amendment cycle specific plan(s) implementation report/update, 8.2 (promote uses that provide employment opportunities), and 10.2 (fiscal impact analysis of SP/major developments)</p>
Add	1.7x (affordable housing opportunity annual progress report)	<p>HE: 4.3a (Housing Element annual review)</p>
Add	2.1x (bi-annual progress report of housing stock conservation and improvement efforts)	<p>HE: 4.3a (Housing Element annual review)</p>
Add	2.1.x (weatherization program prioritization/annual distribution report)	<p>HE: 2.1g (Home Enhancement Program), 2.1h (preservation/rehabilitation program implementation plan with stakeholder input)</p>
Add	3.1x (fair housing efforts annual report/meetings)	<p>HE: 4.3 a (Housing Element annual review)</p>

Add	5.1c (LIHEAP/Weatherization program availability to farmworkers/funding effort collaboration)	HE: 2.1h (preservation/rehabilitation program implementation plan with stakeholder input)
Add	5.1x (focused energy efficient program identification)	HE: 2.1h (preservation/rehabilitation program implementation plan with stakeholder input)
Add	5.1y (prioritized funding of energy efficient program[s])	HE: 2.1g (Home Enhancement Program) and 2.1h (preservation/rehabilitation program implementation plan with stakeholder input)

Table 1 Associated existing policies/programs (response to recommended policies/programs from Leadership Counsel)

Regarding the proposed changes to Housing Element Policy 5.1, we are copying this letter to the Community Action Partnership of Riverside County (CAP Riverside), which is responsible for the administration of the LIHEAP and Home Weatherization programs, including prioritization of assistance to recipients.

Thank you again for reaching out to the County with recommendations to modify the Housing Element. We have added the Leadership Counsel’s contact information to our mailing list. Your office will be notified when we initiate the work effort on the next comprehensive Housing Element update which is expected to commence sometime in 2018. We will invite the Leadership Counsel to correspond with our office regarding changes to Housing Element programs and policies at that time.

Please contact me by phone at (951) 955-1195 or email at rflores@rivco.org should you have any questions or need additional information.

Sincerely,

PLANNING DEPARTMENT



Robert Flores
Urban/Regional Planner III

Enclosure

- C: Kristi Lovelady, Deputy Director
- Phayvanh Nanthavongdouangsy, Principal Planner
- Peter Hersh, Principal Planner
- Joe Pradetto, 4th Supervisorial District
- Shellie Clack, Deputy County Counsel

Proposed Policy Changes:

Riverside County will update its housing element based on a 4 year review schedule in 2017. All of the following programs actions shall be completed prior to adoption of a draft housing element and will inform adoption of said element. In the event that adoption of the 2017 element is delayed, the timelines included in this document will control. Additionally, written reports shall accompany all public meetings and workshops identified in this document.

Program 1.1.

ADD Program Action 1.1x

Hold at least two workshops annually (one in the wrvog region and one in cvag region) to report on progress of programs in facilitating new development for special needs populations including farmworkers, and for very low and extremely low income households (within 1 year of adoption)

Policy 1.2

ADD Program Action 1.2x Work with public agencies and other stakeholders, including (We'll include Leadership Counsel here, let us know who else to be listed) to develop and implement a program designed to ensure basic infrastructure, including safe and reliable drinking water and wastewater management to current housing units, including mobile homes, and sites identified as adequate per the adequate sites inventory). The Program shall include:

- An analysis, based on existing information, of the drinking water, wastewater stormwater management, fire protection and basic pedestrian safety needs (sidewalks, protected shoulders), of all existing housing units in riverside county and sites identified as adequate for development per the adequate sites inventory (within 6 months of adoption of the housing element, stakeholders convened within 2 months of the adoption of the housing element)
- Ongoing update of analysis, based on expanding body of information and county efforts, of the drinking water, wastewater, stormwater management, fire protection and basic pedestrian safety needs (sidewalks, protected shoulders), of all existing housing units in riverside county and sites identified as adequate for development per the adequate sites inventory (updated at least every 6 months)
- Development of a matrix that will prioritize infrastructure investments and relevant funding programs available (within 1 year of adoption, updated every 6 months or as needed)
- Undertake a program to seek funding (identify and apply for funding), in collaboration with service providers (e.g. desert water agency, cvwd, and municipalities) to address drinking water, wastewater, stormwater management, fire protection and pedestrian safety deficiencies (within 1 year of adoption)
- Hold at least two workshops annually (one in the wrvog region and one in cvag region) to report on progress of program action 1.2x in ensuring basic infrastructure and services to existing residences and sites identified as available for development per the adequate sites inventory.

NOTE: If sites identified in the housing element to serve lower income households remain without access to drinking water and sewer connections after 2 years from the date of the adoption of the housing element, the County will identify additional sites to serve the housing needs of very-low and low income households that do have access to drinking water and sewer

hookups. The County shall not include any sites without drinking water or sewer connection in the next inventory of available sites in the next housing element.

ADD Program action 1.2x Hold at least two workshops annually (one in the wrvog region and one in cvag region) to report on the status of the inventory of land / sites available for affordable housing development in the coming year, especially for housing for special needs populations including farmworkers, and for very low and extremely low income households (within 1 year of adoption)

Policy 1.3

ADD Program action 1.3x report annually in at least one meeting in the eastern portion of the county on progress toward achieving housing necessary to satisfy the identified need for farmworker housing

Policy 1.6

1.6b create a community needs assessment for farmworker housing self-help housing programs. Establish short and long-term goals that will be evaluated annually.

Policy 1.7

EDIT Program action 1.7c and 1.7d to require that the county undertake a jobs housing fit analysis as well as a fair housing analysis prior to approving specific plans or large scale developments (?? greater than 500 housing units? 250? 200) (is the fair housing analysis to make sure there are various types of housing included or that housing is accessible?)

ADD Program action 1.7x - report annually on progress of programs in creating affordable housing opportunities for all income levels, including very low and extremely low households, advancing county goals to affirmatively further fair housing, and advancing county goals to promote improved jobs housing fit.

Policy 2.1:

ADD Program action 2.1x - report annually in at least two meetings on progress of programs in conserving and improving housing stock, including mobile homes. Report shall include the location and recipient of grant and loan funds. Annual report shall include an analysis of farmworker housing preservation efforts.

ADD Program Action 2.1x Department of Community Action will collaborate with local non-profit organizations to insure mobile homes are being prioritized for weatherization programs. Annually the county should be able to report the distribution of weatherization and rehabilitation funding.

Policy 3.1:

Program action 3.1c report annually in at least two meetings on progress of Riverside County in affirmatively furthering fair housing, identifying action the County is taking to address obstacles to fair housing identified in the analysis of impediments to fair housing.

Policy 5.1: Encourage the use of energy conservation features in residential construction and remodeling.

EDIT 5.1c LIHEAP and Home Weatherization Programs should make available to farm workers and outreaching efforts should be done through partnership with community organizations. Conduct an annual outreach effort and collaborate with community organizations when applying for ongoing state weatherization programs.

ADD Program action 5.1x - Identify energy efficiency programs suitable for tenant and owner occupied renter units (within 6months);

ADD Program action 5.1y Prioritize funding necessary to assist mobile home park residents with energy efficiency upgrades, prioritizing those households paying 10% or more of income on energy costs (within 1 year of adoption and ongoing)



RIVERSIDE COUNTY

PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

June 12, 2017

Public Law Interest Project
Attn: Valerie Feldman, Staff Attorney
449 15th Street, Suite 301
Oakland, CA 94612

Subject: 2013-2021 Riverside County Housing Element

Dear Ms. Feldman:

Thank you for your letter of March 29, 2017, on behalf of the Public Interest Law Project, expressing concerns regarding the subject Housing Element adopted by the County on December 6, 2016. Our responses are provided below in the order raised in your letter.

We disagree that housing capacity has been overstated on sites identified to meet lower income housing needs. Great care was taken to identify locations for such housing which is not environmentally constrained and is located in and adjacent to growing unincorporated communities where infrastructure can be placed or expanded. However, the true measure of capacity will be determined by the project proposals received, be it from the private sector or from community based efforts with public funding.

The point regarding the County having identified affordable housing sites greater than 10 acres being ineligible for tax credit financing is unclear. Our focus was to identify geographic areas for such housing; these areas were not meant to be specific project sites. The greater aspect of this issue is that the County has too many individual, smaller parcels in these areas which must be consolidated to create project sites which are large enough for multifamily affordable housing projects. We are committed to working with developers and builders to facilitate any lot consolidation efforts in furtherance of affordable housing projects.

We disagree that Housing Element Table H-62 action plan items 1.1a and 1.1f prioritize housing for seniors. Note that both action items also reference "other special needs" and action plan item 1.1a also references funding for multifamily projects, without referencing senior housing. Full spectrum housing needs are also referenced in action plan items 1.1d, 1.1e, 1.2d and other action plan items thereafter emphasizing affordable and special housing needs with emphasis on meeting the needs of households and families.

The point regarding the need for providing Housing Element action plan item timelines was considered in the drafting process. For those items within the control of the County or where there was reasonable certainty regarding timing, specific timeframes were provided. Otherwise, the remaining items have ongoing implementation time frames. We believe this to be a best practice and would not support providing timelines which would be an educated guess at best.

Valerie Feldman
June 12, 2017
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The remainder of your letter addresses infrastructure needs in support of existing and new housing. The adequacy of infrastructure is a daily constraint faced by the County, both for existing and proposed development, be it residential or another use.

By way of context and background, the County does not provide water and sewer service. In the unincorporated area, water and sewer service is provided by numerous water agencies located throughout the County. These agencies have their own governing boards, their own budgets, as well as priorities for capital improvements and maintenance in response to health and safety needs. While the County coordinates with these agencies to provide service to residential and other use development which is existing or proposed, it has no direct say over what facilities are provided or expanded.

Because of budget limitations, capital improvement for water and sewer service is limited to addressing the most immediate capital and maintenance needs. New development projects, residential or otherwise, typically pay development fees to accelerate the provision of such services only for the immediate project. And, water and sewer infrastructure capacity is typically not provided in advance for what projects may be proposed in the future, but instead is provided in response to specific project proposals. It is our belief that this process will not be changing anytime soon.

Thank you again for reaching out to the County with concerns regarding the 2013-2021 Housing Element. We have added the Public Interest Law Project's contact information to our mailing list. Your office will be notified when we initiate the work effort on the next comprehensive Housing Element update which is expected to commence sometime in 2018. We will invite the Public Interest Law Project to correspond with our office regarding changes to Housing Element programs and policies at that time.

In closing, please consider that the Department of Housing and Community Development concluded that the 2013-2021 Housing Element "meets the statutory requirements of state housing element law" (letter attached).

Please contact me by phone at (951) 955-8514 or email at phersh@rivco.org should you have any questions or need additional information.

Sincerely,

PLANNING DEPARTMENT



Peter Hersh
Planning Consultant/Principal Planner

Attachment

C: Charissa Leach, Assistant TLMA Director
Phayvanh Nanthavongdouangsy, Principal Planner
Robert Flores, Urban Regional Planner III
Jerry Jolliffe, Planning Consultant
Shellie Clack, Deputy County Counsel

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95833
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COPY



April 27, 2017

Mr. Jay Orr, County Executive Officer
County Administrative Center
4080 Lemon Street, 4th Floor
Riverside, California 92501

Dear Mr. Orr:

RE: County of Riverside's 5th Cycle (2013-2021) Adopted Housing Element

Thank you for submitting Riverside County's housing element. The element was adopted on December 6, 2016 and received for review on January 27, 2017. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review. The Department also considered comments from the Public Interest Law Project in consultation with California Rural Legal Assistance and Leadership Counsel for Justice and Accountability pursuant to GC Section 65585(c).

The adopted element meets the statutory requirements of State housing element law (Article 10.6 of the Government Code). The Department's review found the adopted housing element to be substantially the same as the revised element from the Department's March 21, 2016 review. Further, the County completed zoning amendments and made revisions available to the public as noted in the prior review.

As a result, the County must revise its next element by October 15, 2017. GC Section 65588(e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates.

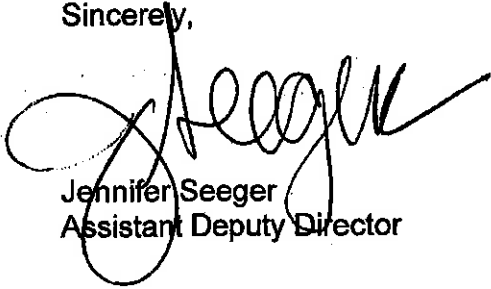
The County of Riverside now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. Please see the Department's website for specific information about housing element compliance and funding programs.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information and revisions regularly available in a timely manner, considering and incorporating comments where appropriate.

Mr. Jay Orr, County Executive Officer
Page 2

The Department wishes the County of Riverside success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Seeger". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

Jennifer Seeger
Assistant Deputy Director



Michael Rawson
Director
Extension 145
mrawson@pilpca.org

Sent Via Electronic Mail Only

Deborah Collins
Managing Attorney
Extension: 156
dcollins@pilpca.org

Phayvanh Nantharongdouransy, Project Manager
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA. 92501

Craig Castellanel
Staff Attorney
Extension 132
ccastellanel@pilpca.org

March 29, 2017

Lauren Hansen
Staff Attorney
Extension: 127
lhansen@pilpca.org

RE: Riverside County's Adopted Element

Dear Mr. Nantharongdouransy:

Valerie Feldman
Staff Attorney
Extension 125
vfeldman@pilpca.org

In consultation with the California Rural Legal Assistance and the Leadership Counsel for Justice and Accountability, the Public Interest Law Project writes today to renew our concerns regarding the County's housing element. Our organizations submitted extensive comments regarding the County's draft housing element on March 9, 2016 and incorporate those comments here by reference. Similarly, we submitted comments on the County's general plan update highlighting similar concerns with components of the Housing Element. Those too are incorporated by reference.

Noah Kirshbaum-Ray
Legal Assistant
Extension 110
nkirshbaum@pilpca.org

Linda Hill
Office Manager
Extension 123
lhill@pilpca.org

Subsequent to our submission of comments in response to the County's draft element, the County submitted additional revisions to the draft element to the Department of Housing and Community Development (HCD). These revisions were submitted on Friday, March 18, 2016, three days prior to the end of the HCD's 60 review period and deprived the public an opportunity to evaluate and comment on the revisions prior to HCD issuing its letter of findings on the County's draft element on March 21, 2016. Despite the last minute revisions, additional steps are required in order for the County's adopted element to comply with state law.

Judith Gold (1952 - 2016)

Many of the concerns raised in our previous comment letters remain unaddressed and prevent the Adopted Element from substantially complying with

state Housing Element Law, including but not limited to:

- overstating the potential capacity on sites identified to address the housing needs of lower income households,;

- the County imposes a constraint on the development of affordable housing by identifying very large sites (over 10 acres) to accommodate the need for housing for lower income households. Sites that are not competitive for tax credit financing, the primary source of funding for affordable housing in the state.

- programs focused on facilitating affordable housing prioritize housing for seniors over housing for families despite the housing needs analysis that demonstrates that seniors have a less significant population and therefore housing need than families. (Programs 1.1a, and 1.1f)

- many programs within the element lack clear and specific steps each with a timeline for action making it unlikely they will result in any beneficial impact within the planning period. Therefore these programs fail to comply with the requirements of Government Code Section 65583(c). In addition to these deficiencies the lack of adequate infrastructure is an ongoing issue in the County and one that prevents the County from complying with state law.

Lack of Infrastructure for Future Development

The Adopted Element 's inventory of sites includes many parcels that are not located in approved Specific Plans and do not have access to necessary infrastructure for development, "However, a significant portion of vacant parcels in Winchester Valley in the southeast portion of WRCOG and the vast majority of vacant parcels in CVAG do not lie within a Specific Plan. The impact of infrastructure on the overall capacity and timing of development is critical in these areas." Adopted Element p. H-183. More than 60 percent of the parcels in the WCVOG area and almost half of the sites in the CVAG area are not in a water or sanitation district or do not have water or wastewater infrastructure available to them. In response to this previously identified concern the County included action item 1.2h to attempt to mitigate the constraint on the production of affordable housing that the complete lack of infrastructure would impose.

Action Item 1.2h lacks any definitive steps the County will take to ensure the sites

identified as available for residential development will have water and sewer connections within this planning period. The program is dependent on the development of market rate housing creating the water and sewer connections therefore the County cannot assure that the sites it has identified to meet the housing needs of lower income households will have any increase in access to this necessary infrastructure within the remaining years of the current planning period. The Adopted Housing Element, notwithstanding Action Item 1.2h fails to comply with the mandate included in government code sections 65583.2(a) and (65583.2(b) that sites identified in the sites inventory be available for development within the planning period, and, accordingly, must have access to existing or planned infrastructure.

While the County is focused on long term development, the requirements of state Housing Element Law require there be development potential to address immediate and recognized housing needs on sites in the inventory within the remaining four years of the planning period. The County supplies no evidence, through Action Item 1.2h or otherwise, that the sites will be served by infrastructure and are therefore truly "available" for development.

Inadequate Infrastructure to Meet Current Housing Needs

The County does not have adequate infrastructure for the existing housing stock, including mobile homes, and yet all of the programs included in the Adopted Element focus on the potential infrastructure for future development. The Adopted Element should identify specific actions it will take to create access to water and sanitation for existing homes, including mobile homes that provide shelter to many County residents. We appreciate the opportunity to comment on the County's Adopted Element and hope that these comments will be considered in amending the current element but also for the future housing element revision in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Val Feldman", with a long horizontal flourish extending to the right.

Valerie Feldman
Staff Attorney

Riverside County Adopted Housing Element

March 30, 2017

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cc: Paul McDougall, Department of Housing and Community Development
Phoebe Seaton, Leadership Counsel for Justice and Accountability
Ilene Jacobs, California Rural Legal Assistance