



**PUBLIC INTEREST  
LAW PROJECT**

CELEBRATING 25 YEARS OF ADVANCING JUSTICE

August 12, 2021

Jamillah Williams  
Housing Policy Analyst II  
California Department of Housing & Community Development  
2020 West El Camino Avenue  
Sacramento, CA 95833

*Sent Via Email*

**Re: Riverside County's Draft 6th Cycle Housing**

Dear Ms. Williams,

We are writing to provide you with comments on Riverside County's 2021-2029 Draft Housing Element Revision for the 6th Cycle Housing Element Planning Period ("draft element" or "draft"). As our analysis details below, the draft fails to substantially comply with state Housing Element Law and fails to affirmatively further fair housing ("AFFH"). The draft element's deficiencies include a failure to adequately solicit public input, comply with requirements to demonstrate the feasibility and realistic capacity of the sites inventory, analyze disproportionate housing needs of classes protected by civil rights statutes, including displacement risk; ensure that the sites inventory complies with the County's duty to AFFH; and adopt programs that will result in a beneficial impact in the planning period. This letter strives to provide guidance to assist the County in developing a revised housing element and expanded public process to comply with state Housing Element Law and civil rights and fair housing mandates. We encourage HCD to use its authority to facilitate and ensure the County's compliance with these critical statutes for the benefit of Riverside County residents.

Leadership Counsel works alongside residents of disadvantaged communities in the Eastern Coachella Valley and the San Joaquin Valley to advocate for sound policy and eradicate injustice regardless of wealth, race, income or place. Leadership Counsel staff works with residents in the communities of Mecca, Thermal, Oasis, and North Shore to advance access to decent quality affordable housing, fair housing choice, safe and affordable drinking water, community sewer service, active transportation investments, parks and green space, a healthy environment, and equitable access to decision-making processes. The Public Interest Law Project (PILP) is a statewide organization that advances justice for low income people and communities by building the capacity of legal services organizations through impact litigation, trainings, and publications, and by advocating for low income community groups and individuals.

**I. Failure to Demonstrate A Diligent Effort to Solicit and Incorporate Input from All Economic Segments of the Community and Protected Classes**

Housing Element Law requires that cities and counties make a diligent effort to solicit public participation from all economic segments of the community. § 65583(c)(9); AFFH Guidance, p. 21. HCD's Affirmatively Furthering Fair Housing Guidance for All Public Entities and For Housing Elements ("AFFH Guidance") counsels that a variety of methods should be

used to “assure access and participation” and that the housing element must describe “meaningful, frequent, and ongoing public participation with key stakeholders.” Italics added, AFFH Guidance, p. 21. These key stakeholders must include a range of stakeholders, including but not limited to community members who are lower income, persons and households with special needs, and members of protected classes. AFFH Guidance, pp. 21-22. The draft element fails to describe public participation efforts by the County that meet these and other requirements of the Housing Element statute and AFFH duty. The County must identify additional efforts it will make to engage the public, including lower-income households, residents with special housing needs, and classes protected by civil rights laws, and revise the draft element to meaningfully incorporate public input.

**A. Failure to Adequately Engage the Public, Demonstrate Inclusion of Low-Income Populations, Groups with Special Housing Needs, and Protected Classes**

Based on Leadership Counsel’s staff participation in the housing element update public process and information contained in the draft element, the public meetings for the update were generally poorly attended and public input provided was limited. For instance, the draft element description of housing element workshops that took place at the Municipal Advisory Committee (“MAC”) and Community Council (“CC”) Meetings indicates that committee and council members and the public provided no or few comments at several meetings. PP.174-177. Leadership Counsel has advised the County that Community Council Meetings have historically not served as effective spaces to solicit public input because community residents we work with in the East Coachella Valley do not perceive CC members as representative of the community.

In addition, the draft element provides limited information relating to participation by lower-income households, groups with special housing needs, such as farmworkers, single-parent households, extremely low-income individuals, and unsheltered individuals; and members of classes protected by civil rights statutes, including classes based on race, ethnicity, country of origin, legal status, language, disability or other protected status. The information that the draft element does provide on this topic consists of numbers of online surveys completed in Spanish (7 out of 125 total) and participants who participated in Spanish-language breakout rooms at public meeting (11 out of 65 participants). The draft element provides no description of input provided by low-income individuals, persons with special housing needs, or protected classes in particular and describes no particular efforts to obtain input relating to the Assessment of Fair Housing by these or other groups.

Taken together, the draft element fails to describe adequate efforts to “assure access and participation” to the housing element update process, both by the general public and groups identified in statute and HCD guidance. The draft also fails to include any discussion of “issues that contributed to lack of participation in the housing element process by all economic segments, *particularly people with protected characteristics*,” as provided by the AFFH Guidance. p. 22. The little information the draft does provide relating to the participation of Spanish-speakers indicates a lack of representation in the public process comparable to that group’s share of the County population. The County must revise the draft housing element to acknowledge the limitations in public participation achieved for the housing element update in these meetings, identify additional strategies to solicit input from the full range of stakeholders, and ensure input received is incorporated prior to adoption. We suggest that the County conduct

extensive outreach in support of and hold in-person workshops within disadvantaged communities using robust COVID-19 safety practices to obtain more input from diverse stakeholders before finalization of the housing element.

## **B. Failure to Adequately Describe and Demonstrate Incorporation of Public Input Provided**

HCD's AFFH Guidance states that the housing element must describe "a summary of [public] comments and how the comments are considered and incorporated (including comments that were not incorporated), particularly with changes to the housing element. p. 22. While the draft element provides some description of public input provided, its summary of public comments generally lacks sufficient detail for the reader to understand the nature of the issue raised or the solution proposed. In addition, the draft element fails to demonstrate incorporation of input provided and to identify input the County chose not to incorporate as required.

The draft element's repeatedly defaults to broad, ambiguous, and categorical descriptions of public input which do not provide the reader with a clear understanding of the nature of the public comment received. For example, with respect to MAC and CC meetings, the draft element states, "At these meetings, community members expressed concerns about the placement of affordable housing within certain neighborhoods," leaving it uncertain with respect to *which* neighborhoods commenters were concerned with the location of affordable housing (i.e., low-resource/lower-income neighborhoods, high resource/high opportunity neighborhoods, or other) P-1. With respect to the January 11, 2020 Stakeholder Meetings, the draft element states that stakeholders raised questions about "implications of the COVID-19 pandemic on housing and work conditions, displacement risk and environmental justice considerations, funding mechanisms, and additional outreach opportunities" and provides no further detail about the specific nature of the input provided relating to these topic categories. P-2. And in its description of input obtained at the February 16th public outreach meetings, the draft element states only that, "[t]he County also solicited input from participants on where they would like to see additional housing development" and fails to disclose participants' responses to the question. P-3. Finally, with respect to the February 18th public outreach meeting, the draft element fails to provide *any* information about specific issues and recommendations raised by participants, stating only that "[m]any of the same types of questions were raised during this meeting" as were raised during the February 16th meeting, and that "[p]articipants..raised concerns regarding barriers to securing housing and requested additional information on the requirement of the Housing Element." P-4. The lack of detail about the specific nature of public input received limits readers' ability to discern whether the County meaningfully incorporated public feedback into the draft element's analysis, policies, and programs.

Indeed, the draft element includes no description of how general and specific input received was used to inform the draft housing element's analysis, goals, policies, or programs. The "community profile" section states that various sources of information were used in preparing the draft and cites specifically to U.C. Census, ACS, Department of Finance, SCAG, and California EDD data as sources upon which the County relief. Notably, the element does not state that public input obtained through public outreach was used to inform the element. P-43. The draft element's analysis of housing needs and constraints to housing and the assessment of fair housing all rely on census or other data sources and general discussions of statutorily-

Jamillah Williams, HCD

August 12, 2021

Page 4 of 22

mandated topic areas but almost entirely fail to include any information obtained through the public input process

The draft element also fails to acknowledge, discuss, or incorporate recommendations contained in the letter submitted to the County by Leadership Counsel and several other community-based organizations in February 2021 relating to the housing element update. Attachment 1, Leadership Counsel February 2021 Letter. The letter discusses documenting the policies and programs which the signatory organizations believe should be prioritized in the housing element update, based on our direct and daily work with low-income residents of color, farmworkers, residents of disadvantaged unincorporated communities, and other residents with special housing needs and members of protected classes. The County must revise the draft element to acknowledge this letter, summarize its contents, and revise goals, policies, and programs to incorporate its recommendations, in addition to other input it receives. The County must also revise the element to indicate what public input it chose not to incorporate, which the element currently fails to do.

### **C. The County's Submission of the Draft to HCD Before the End of the Public Comment Period Undermines Public Participation**

HCD's AFFH Guidance states, "[d]rafts of the housing element should be made available to the public for review and comment with ample time before submission to the Department of Housing and Community Development (HCD) for review." AFFH Guidance, P. 10. Despite this, the County released the draft element for public for review on the same day it submitted the draft element to HCD for review – July 9, 2021. The County's submission of its draft element to HCD the same day as draft's release to the public undermines the public process by allowing the County to receive findings from HCD on the compliance of the draft with state Housing Element Law before the County or HCD has had the opportunity to consider and incorporate public input. Without first incorporating public input relating to housing needs and disparities, policies and programs best suited to address those needs and disparities, and suitability of sites in the sites inventory, the County's draft is incomplete and should not be subject to review by HCD pursuant to Section 65585(b). We encourage HCD to decline to find the housing element out of compliance with Housing Element Law, direct the County to make additional efforts to seek public input by all economic segments of the community and protected classes, and incorporate input into a revised draft element.

### **D. Failure to Align Outreach for Environmental Justice Element Development and Housing Element Update**

Alongside its 6th cycle housing element update, the County is also developing an amendment to its General Plan pursuant to the environmental justice planning requirements set forth in Section 65302(h). HCD's AFFH Guidance states clearly that "housing element outreach should be aligned with the SB 1000 (2016) ("EJ Element") outreach to the extent possible, given the overlapping topic areas." Leadership Counsel and other organizations requested that the County align its development of both of these general plan element amendments, including by creating public participation opportunities that would provide the public with opportunities to obtain information about and provide input on both amendments at once. Despite our request, the County declined to do so, and we are unaware of the current status of the EJ Element.

The County should revise the draft housing element to identify additional public participation opportunities it will create which will allow for public input on topic areas relevant to both the housing element update and AFH and the County's SB 1000 compliance, including housing, environmental quality, and access to opportunity, to incorporate public input into the housing element update that was provided during the EJ Element development process, and ensure consistency between both amendments.

## **II. Failure to Evaluate the the 5th Cycle Housing Element Consistent with Section 65588(a)**

Section 65588(a) requires that local governments review their housing elements to evaluate four factors:

- (1) the appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
- (2) the effectiveness of the housing element in attainment of the community's housing goals and objectives.
- (3) the progress of the city, county, or city and county in implementation of the housing element, and;
- (4) the effectiveness of the housing element goals, policies, and related actions to meet the community's needs, pursuant to the housing element needs analysis required by Section 65583(a)(7).

HCD's Building Blocks guidance makes clear that compliance with Section 65588(a) requires not only the provision of information about results achieved, but also analysis of how what was achieved compares to what was anticipated and to the community's needs, description of the jurisdiction's lessons learned based on that analysis, and the demonstration of a connection between modifications to the updated housing element and lessons learned.<sup>1</sup>

The draft element fails to comply with Section 65588(a), because it entirely fails to include the analysis required by numerals (1), (2), and (3). In its "Evaluation of the Previous Housing Element" section, the draft element includes a matrix entitled "Progress in Implementing Programs and Objectives" ("Matrix"), which contains columns for "Program," "Implementation Status" and "Status" (i.e., status of the in the 6th Cycle Housing Element, including whether it is included, modified, or eliminated) and a section entitled "Efforts to Address Special Housing Needs," which describes certain results of housing element implementation with respect to various population groups, including groups identified as special needs in the 5th cycle housing element and other group. While the Matrix and Efforts to Address Special Housing Needs section contain certain information about results obtained from implementation of the 5th Cycle Housing Element, it contains none of the analysis required by Section 65588.

---

<sup>1</sup> See e.g., the Building Blocks description of the requirements of Sec. 65588(a)(1), which it describes in part as "[a] description of what has been learned based on the analysis of progress and effectiveness of the previous housing element. A description of how [the updated housing element is] being changed or adjusted to incorporated what has been learned from the results of the previous element," and with respect to Sec. 65588(a)(3), "[f]or each program, the analysis should compare significant differences between what was projected or planned in the earlier housing element and what was achieved. Analyze the differences to determined where the previous housing element met, exceeded, or fell short of what was anticipated."

With respect to Section 65583(a)(1) and (2), the Matrix notes whether programs have been “modified”, deleted” or continued” in the 6th Cycle draft element, but fails to evaluate the “appropriateness” of 5th cycle element goals, objectives, and policies “in contributing to attainment of the state housing goal” or the community’s housing goals and objectives nor describe any lessons learned based on implementation of the 5th cycle element or the basis for the County’s decisions to modify, delete, or continue various programs. The Evaluation of the Previous Housing Element does not even reference any of the 5th cycle element’s goals, objectives, or policies or compare the results to these goals.

With respect to Section 65583(a)(3), the Matrix and Efforts to Address Special Housing Needs section include information relating to the implementation of each program but fail to describe the implementation in terms of overall progress anticipated by the 5th Cycle Housing Element or analyze the differences between what was achieved and the 5th Cycle Housing Element’s projections, pursuant to HCD’s Building Blocks. In addition, while the Efforts to Address Special Housing Needs section mentions certain results relating to housing serving several different population groups, it does not include any information relating to outcomes that meet the specific needs of two special needs groups identified in the 5th Cycle Housing Element - large families and female heads of household. P-56; 5th Cycle Housing Element, H-57.

The Matrix and information contained in the special needs section in fact are largely identical to information contained in Annual Progress Reports submitted by the County to HCD on the 5th Cycle Housing Element. Section 65400’s APR requirements are aimed at ensuring that jurisdictions provide information to the public, elected officials, HCD, and OPR to allow these stakeholders to understand a jurisdiction’s progress in implementing its housing element and to take action if necessary to hold jurisdictions accountable to their obligations to do so. Section 65588 on the other hand aims to ensure that jurisdictions periodically evaluate the appropriateness and effectiveness of their housing element’s goals, policies, and programs in order to ensure that learning takes place that allows jurisdictions to modify programs as necessary to ensure that housing element implementation is effective. By simply replicating information provided by the County in its APRs in its evaluation of the 5th cycle housing element, the draft element fails to comply with Section 65588’s requirements and to achieve their fundamental purpose.

In addition, HCD’s AFFH Guidance states that, “[l]ocalities should make a specific effort to gather input from all segments of the community on the effectiveness of these programs and how to make adjustments moving forward.” p. 22. The Evaluation of the Previous Housing Element does not include any information about efforts by the County or analysis to comply with this provision. Neither do the “Efforts to Achieve Public Participation” or Appendix 1 (Public Participation) sections.

Finally, the draft element fails to incorporate data from County Consolidated Plan or other block grant reports, Department of Finance Demographic Research Unit, or other data sources as recommended by HCD’s Building Blocks. The County’s failure to do so further limits the Evaluation of the Previous Housing Element’s ability to meaningfully inform revisions to the 6th Cycle Update as the legislature intended in adopting Section 65588.

### **III. Inadequate Sites Inventory Analysis**

#### **A. Unwarranted Reliance on the Valante and Travertine Point Specific Plans to Accommodate 1,609 Lower-Income Units**

To rely on residential capacity in specific plans areas to satisfy the RHNA, a housing elements sites inventory analysis must demonstrate that the sites are available and suitable for development within the planning period, and (1) identify the date of approval of the plans and expiration date, (2) identify approved or pending projects within these plans that are anticipated in the planning period, including anticipated affordability based on the actual or projected sale prices, rent levels, or other mechanisms for establishing affordability in the planning period of the units in the project, (3) describe necessary approvals or steps for entitlements for new development, and (4) describe any development agreements, and conditions or requirements such as phasing or timing, that impact development in the planning period. Sites Inventory Guidebook, p. 18.

The County relies on the Valante and Travertine Specific Plans to respectively accommodate 243 and 1,366 units of its lower-income RHNA but fails to provide the analysis required by the Sites Inventory Guidebook. For both plans, the County fails to identify the date of approval and expiration date, approved or pending projects within the plans that are anticipated during the planning period, or development agreements, conditions or requirements that impact development in the planning period. The County also fails describe necessary approvals or steps for entitlements for new development under the Travertine Point Specific Plan.

In fact, information contained in the draft element and available to the public indicates that the County's reliance on the Travertine Point Specific Plan<sup>2</sup> to accommodate lower-income sites is unjustified for several reasons. First, the draft element relies on the plan for 1,366 lower-income units based on what the draft describes as an "affordability requirement of 10 percent of the total units" in the plan "that must fall between 35-120 percent of the area median income." The draft element states that, to determine affordability breakdown, the County multiplied 1,366 by share of the County's total RHNA comprised by its moderate-income unit allocation, which equals 18%<sup>3</sup>, to arrive at 300 moderate-income units and allocated the remaining 1,366 units towards its low and very-lower income. Yet, the Travertine Point Specific Plan does not in fact require the development of affordable units or support the allocation of moderate and lower-income units proposed by the County's calculations. The Plan includes a schedule of units to be made available on an affordable basis for lower and moderate-income households broken down into five separate development phases based on the issuance of building permits for specified numbers of market-rate units. 3-438<sup>4</sup>. The plan states that "a housing unit shall qualify as an

---

<sup>2</sup> The Travertine Point Specific Plan is available on the County's website at the following link: <https://planning.rctlma.org/Specific-Plans/Approved-Specific-Plans-Documents>.

<sup>3</sup> The County's total RHNA of 40,647 divided by its moderate-income RHNA of 7,347 equals 18.075%. The County's total lower-income RHNA is 16,998 which equal 41.81% of the County's total RHNA.

<sup>4</sup>For example, Development Phase I includes the issuance of building permits for 3,249 residential units and calls for delivery of 7% of a total of 1,666 affordable units to be provided upon buildout of the entire 16,655 planned residential units, and Development Phase II includes permit issuance for an additional 3,608 units and delivery of 12% of the affordable units. See Travertine Point Specific Point Plan, Part 5, available at [https://planning.rctlma.org/Portals/14/splans/sp\\_document/sp375/SP375%20Final%20SP%20Part-5.pdf](https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-5.pdf)

affordable unit if rented or sold to very low, low, or moderate-income households.” This indicates that pursuant to the Travertine Point Specific Plan, the plan’s affordable housing obligation may be satisfied entirely with units affordable to moderate-income households. p. 3-437.

Further, the plan states that the plan’s minimum affordability requirement is based on the assumption that “the project is built out to the maximum of 16,655 units,” and that “[t]he number of affordable units...will be adjusted to respond to market conditions.” 3-436. The plan states that “it is not the intent to require the required amount of affordable units to be necessarily located within the corresponding development phase affordable units may be provided within any phase and at any time.” p. 3-437. The plan indicates that development will be phased over an estimated 35-year period. p. 3-460. Based on this estimate, the plan’s adoption in 2014 yields 2049 as a buildout date – well beyond the end of the 6th Cycle planning period. And no development envisioned by the Travertine Point Specific Plan has occurred to-date. These facts demonstrate that the plan does not require the dedication of any units affordable to lower-income households and that affordable units may not be built, if at all, until long after the planning period. It is therefore unrealistic for the County to rely on the Travertine Point Specific Plan to accommodate the development of 1,366 lower-income units in the planning period.

On top of this, the draft element also fails to acknowledge that 980 acres of the Travertine Point Specific Plan—comprising 18 percent of the total specific plan area—are in Imperial County or to analyze that fact’s impact on the realistic capacity of sites in the plan area to accommodate Riverside County’s need for lower-income housing.<sup>5</sup> p. 2-1. At a minimum, the County must disclose how many residential units of the plan’s total 1,665 units will be located in Riverside County and adjust its calculation of lower-income units accommodated by the plan to acknowledge both its lack of control over development approvals in Imperial County and the potential for a share of the affordable units developed as a result of the plan’s affordability provisions to be located in Imperial County instead of Riverside County.

In addition, the draft element fails to acknowledge or include the requisite analysis to justify its reliance on the development of sites controlled by the Torres Martinez Desert Cahuilla Indians (“TMDCI”). The Sites Inventory Guidebook states that sites controlled by exempt entities, including tribes, can be used to accommodate the RHNA “when documentation can be provided that demonstrates the likelihood that the planned housing will be developed within the current RHNA/housing element cycle.” p. 6. The Sites Inventory Guidebook provides examples of documentation satisfying this requirement, including agreements with the entity controlling the land demonstrating approval of the planned units and data pertaining to the timing of project construction and unit affordability by household category. pp. 6-7. The plan states that TMDCI reservation lands occupy 1,410 acres of the specific plan area, which include land planned for approximately 1,307 residential units. Based on the housing element’s use of a 10% affordability standard for units anticipated by the plan, development of the 1,307 units in TMDCI territory would be associated with the delivery of approximately 130 units affordable to lower- and/or moderate-income households.<sup>6</sup> p. 2-20. The plan acknowledges that TMDCI “maintains land use jurisdiction over properties within the reservation,” and “ultimate land use decisions are to be made by the Tribe.” p. 3-31. Despite this acknowledgment, the draft element fails to

---

<sup>5</sup> See Travertine Point Specific Plan, Part 1, available at [https://planning.rctlma.org/Portals/14/splans/sp\\_document/sp375/SP375%20Final%20SP%20Part-1.pdf](https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf)

<sup>6</sup> Travertine Point Specific Point Plan, Part 3, available at [https://planning.rctlma.org/Portals/14/splans/sp\\_document/sp375/SP375%20Final%20SP%20Part-1.pdf](https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf)

include the analysis required for reliance on sites controlled by exempt entities; and the County, therefore, may not rely on the development of sites within TMCDI controlled-land to satisfy its RHNA.

Finally, the draft element does not disclose or analyze the impact on development feasibility of the lack of available infrastructure and services to support residential development that the element anticipates in the Travertine Specific Plan area. Section 65583.2(b)(5)(B) requires that parcels included in the sites inventory have “sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in...[a] mandatory program or plan” to secure such utilities.” The Sites Inventory Guidebook explains that the analysis “must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have the capacity to accommodate development on all identified sites in order to accommodate the RHNA.” p. 8. As an example, the Sites Inventory Guidebook provides that “water supply should be a reliable supply that meets federal and state drinking water standards.” p.8

The draft element asserts that infrastructure availability limitations impose a “minimal impact” on site capacity, because “all parcels listed in the site inventory are located within water districts, which provide the facility of sewer, water, and wastewater provisions for new development.” P-160. Yet the draft element also acknowledges that Coachella Valley Water District (“CVWD”) “reports that there is not currently capacity for new development in most of the district.” P-164.<sup>7</sup> The draft element lacks detail required by Section 65583.2(b) and the Sites Inventory Guidebook to justify that CVWD does in fact have capacity to supply development at Travertine Point during the planning period, including the quantities of residential units required to trigger the plan’s affordability provisions for lower and/or moderate-income households.

The Travertine Point Specific Plan indicates that infrastructure and service availability will pose a constraint to buildout of the planning area during the planning period. The plan states, “Travertine Point will need infrastructure systems to be in place prior to development.” p. 3-29. According to the plan, these systems “may include pump stations, lift stations, enclosed potable water storage tanks and similar [sic] for water distribution and waste water management.” “Other systems may include natural gas facilities, electrical substations, communications facilities, and similar utilities.” The plan also identifies the development of a wastewater treatment plant to serve the Travertine Point area and nearby properties as necessary. *Id.* The plan discusses conceptual locations for certain infrastructure and services but does not confirm definite locations, development timelines, or financing sources. Given the lack of development of any of these improvements and the lack of any program or other commitment ensuring their development in the planning period, the County cannot rely on the Travertine Point Specific Plan for sites to accommodate the RHNA.

## **B. Failure to Adequately Analyze Underutilized Sites’ Realistic Development Potential**

Pursuant to Section 65583.2(b)(3) and (g)(1), housing elements must describe the existing uses on any nonvacant sites relied upon, specify the additional development potential for each site, and provide an explanation of the methodology used to determine the development

---

<sup>7</sup> See Travertine Specific Plan, p. 1-1, available at [https://planning.rctlma.org/Portals/14/splans/sp\\_document/sp375/SP375%20Final%20SP%20Part-1.pdf](https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf); CVWD Map available at <https://www.cvwd.org/333/CVWD-Map>

potential. The methodology must consider specified factors, including the extent to which existing uses may constitute an impediment to additional residential development, the county's past experiences with converting existing uses to higher density residential development, current market demand for the existing use, an analysis of existing leases or other contracts that would perpetuate the existing use or prevent redevelopment, market conditions, and incentives or standards to encourage additional residential development on the sites. § 65583.2(g)(1). HCD's Sites Inventory Guidebook provides detailed guidance on the information and analysis which must be included to satisfy Section 65583.2(g). pp. 24-26.

The draft element provides little information about existing uses on nonvacant sites included in the inventory, making it difficult to determine the realistic potential for higher density development, potential impediments to development the use may pose, and the potential impacts of redevelopment on existing occupants. For example, for APNs 723162014 and 723174028, the sites inventory only indicates that the site's current use is "R1 – RESIDENTIAL," and that the "[p]arcel is in a development with a large portion of the lots remaining vacant." p-100. For these and other parcels with existing residential units, the draft element should confirm the type of housing that exists on the site (single family residential, multi-family residential, mobile home, etc.), the number of units, tenure (rental or ownership), current occupancy status, the presence of any affordability restrictions on the units, and any other available information. As another example, the draft element states with respect to APN 255170013 that four contiguous parcels "will likely be joined" but does not provide information about why this is so. P-108.

The draft element's site-specific information relating to nonvacant sites fails to address the requirements set forth in Section 65583.2(g) or the Sites Inventory Guidebook. While the draft provides some information about why sites may have potential for higher density development, the draft does not describe a particular methodology for determining the capacity of nonvacant sites and does not provide information about or analyze whether existing uses may impede additional residential development, the existence of any contracts or leases that could impede development, and development trends which would indicate that nonvacant sites have realistic development potential at higher densities.

With respect to APNs 520105002 and 520105007, the draft element states that there "is a possibility" of a large County facility opening in the area which would create a demand for multi-family housing. P-120. The draft should provide more detail about the possible County facility, including information about the nature of the County facility, the likelihood of its development and opening, details about the timeline, including whether development is anticipated to occur in the planning period, and information about specific efforts or plans by the County or other entities to develop the parcels for higher density housing. P-120.

With respect to development trends, the analysis does not provide any information about the County's track record or role in encouraging and facilitating redevelopment to residential or more intensive residential uses and does not describe any current or planned efforts to facilitate this type of development as provided by the Sites Inventory Guidebook. p. 25. Since the development trends analysis is missing from the draft element, the sites capacity calculation does not reflect the results of such an analysis as required. *See* Guidebook, p. 25. In addition, the draft sites inventory analysis fails to describe financial assistance or regulatory relief that will be provided to sufficient encourage and facilitate more intensive residential development on the non-vacant sites. Since the County does not describe a track record or development trends to

demonstrate feasibility of a recycling strategy, the housing element must describe such financial assistance and standards. *See* Guidebook, p. 26.

**C. Failure to Include a Program and Policy Requiring Replacement of Existing Affordable Units on Nonvacant Sites Pursuant to Section 65583.2(g)(3)**

Section 65583.2(g)(3) provides that sites that are included in the inventory that currently have residential uses that are or were subject to restrictions on rents to level affordable to lower-income households or occupied by lower-income households shall be subject to a policy requiring the replacement of those unfits affordable to the same or lower income level as a condition of any development on the site. The draft element's sites inventory identifies a number of parcels occupied by existing housing, including mobile homes and single-family residential homes. P-100, 115, 120. The draft element also refers to mobile homes as an important source of affordable housing for lower-income households in Riverside County. Despite this, the draft element fails to include the policy required by Section 65583.2(g)(3)<sup>8</sup>.

**D. Reliance on Sites Included in 5th Cycle HE Sites Inventory Without Required Rezoning Program**

Section 65583.2(c) provides that a non-vacant site identified in a prior housing element "shall not be deemed adequate to accommodate a portion of the housing need for lower-income households" for the current planning period "unless the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower-income households."

The draft element relies on non-vacant sites that were also included in the County's 5th Cycle Housing Element Sites Inventory to meet the County's lower-income RHNA to accommodate 171 units of its 6th cycle lower-income RHNA. These sites include APNs 255170013, 526160011, 526160010, 526160012, 520110007, 520105002 located in the Highgrove Area Plan, the Pass Area Plan in Cabazon Town Center, and the Rushmore/Kimdale Community. However, the draft element fails to acknowledge or discuss its reliance on sites contained in the 5th Cycle Housing Element. While the draft element includes Policy H.3.3, which provides that the "County *should* allow housing developments with at least 20-percent affordable housing and on-site inventory housing sites that have been counted in previous Housing Element cycles as a by-right use," the draft element lacks a time-bound program scheduled to occur within three-years of the start of the planning period that *requires* rezoning pursuant to section 65583.2. Italics added. H-5. Therefore, the County may not rely on the underutilized sites referenced above unless it revises the draft element to include a program consistent with section 65583.2(c).

In addition, the housing element may not rely on sites that were identified to accommodate the lower-income RHNA in two or more consecutive planning periods. § 65583.2(c). The draft element fails to disclose if the sites inventory does so, and Riverside

---

<sup>8</sup> Action H-17 provides for the County's provision of assistance to low-income mobile homeowners in un-permitted mobile home parks to purchase a replacement unit in a permitted mobile home park. H-14. This program is the only draft element Action or policy that address mobile home or housing replacement, and it does not require replacement of units located on inventory sites at prices affordable to the same or lower income level.

County's 4th Cycle Housing Element appears not to be posted on either the County's or HCD's website, preventing public review of compliance with this requirement.

**E. The Draft Element Fails to Include the Requisite Analysis to Rely on Sites Located on Tribal Land**

As mentioned above, the draft element relies on land located in the Torres Martinez Desert Cahuilla Indians Reservation to accommodate a portion of its lower-income RHNA as a result of its reliance on the Travertine Point Specific Plan. According to Appendix P-2 Housing Element Maps, Figure P-25, the draft element also relies on tribal land located in the Cabazon Town Center. For sites in both tribal land areas, the draft element does not provide documentation demonstrating that the sites can be developed during the planning period and therefore the housing element may not rely on those sites unless its revised to do so. HCD Sites Inventory Guidebook, p. 6.

**F. Inadequate Support For Reliance on 1,864 units Lower-Income Capacity From Mobile and Manufactured Homes**

The draft element calculates that mobile and manufactured homes ranging in price for \$64,000 to \$120,300 in 2020 are an affordable source of housing for lower-income residents in Riverside County. The County estimates that 233 mobile/manufactured homes will be added to the County's housing stock per year based on data from 2018 to 2019 and calculates that over eight years, new mobile homes will add 1,864 units of lower-income housing capacity. P-121.

The County's analysis is flawed for several reasons. First, it appears not to take into account the costs to mobile/manufactured home owners to rent or own land upon which to place their mobile home or the costs of utilities. The County must assess these costs and revise its calculation of the mobile homes cost for the purpose of determining affordability.

Next, the County's use of only one year of data as a basis for its calculation for the number of new mobile/manufactured home units that will be added to the County's housing stock over eight years may be misleading. A more accurate analysis would consider mobile/manufactured home cost trends over a period of time and consider factors which may impact costs in the future. In addition, the County's analysis simply assumes that availability of land for the 1,864 new units but should identify likely areas of the location of these units given trends and potential limitations on available land. The County should also consider whether land prices for mobile homes will increase as units continue to be added and suitable land with willing owners becomes scarcer. The County must revise its draft element to include these considerations and calculations and adjust its determination of its mobile/manufactured home capacity accordingly.

**G. The Draft Element Fails to Describe Environmental Constraints or Analyze Their Impacts on Inventory Site Capacity**

The draft element fails to provide required information relating to the presence of environmental constraints and their impact on the feasibility of development at the densities anticipated by the sites inventory. Housing Elements must contain a description of "any environmental constraints to the development of housing within the jurisdiction." §

65583.2(b)(4). The description must include features such as the presence of floodplains, very high fire hazard severity zones and other environmental features that have the potential to impact the development viability of sites identified in the inventory. Sites Inventory Guidebook, p. 9. The analysis “must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities.” *Id.* Environmental constraints that constitute impediments to building “must be considered when determining how many residential units can be developed on [a given] site.” *Id.*

The draft element’s discussion of environmental constraints on the housing sites inventory consists of the general acknowledgement that environmental factors, such as lands with steep slopes, may also adversely affect a parcel’s potential for development; a reference to the County’s General Plan Safety Element and a conservation plan; and the assertion that environmental constraints “may be ameliorated through proper site design, infrastructure improvements, or other facility improvements.” P-160. These general statements and reference to other planning documents do not substitute for the description and analysis of environmental constraints and their impacts on site feasibility which Housing Element Law requires to be included within the Housing Element. § 65583.2(b)(4); Sites Inventory Guidebook, p. 9.

Further, information contained in other sections of the draft element itself and information generally available to the public demonstrates that significant environmental constraints to the development of inventory sites exist. The sites inventory maps contained in Appendix P-2 demonstrate that sites located in the Lee Lake Community (Figure P-19), Meadowbrook Town Center (Figure P-20), Winchester Town Center (Figure P-21) are in Very High and High Fire Hazard zones. The maps also depict sites in these and other plans located close to Very High and High Fire Hazard zones and in Moderate Fire Hazard zones. *See e.g.*, Figure P-22 (Highgrove Town Center), Figure P-23 (Lakeview Town Center and Nuevo Community), Figure P-24 (Good Hope Community, Mead Valley Town Center, & Mead Valley Community); Figure P-25 (Cabazon Town Center), Figure P-27 (Home Gardens); Figure P-30 (Rushmore Kimdale Community & 1-10 Haugen/Lehman Ave Community). The Sites Inventory analysis must disclose the presence of fire hazards in proximity to sites inventory sites and assess their impact on site development potential, including potential impacts on site feasibility as well as housing development cost. The Sites Inventory analysis should consider to what extent hotter temperatures and longer and more intense fire seasons that are occurring as a result of climate change will magnify or alter the impacts of fire hazards on sites inventory sites.

Similarly, the draft element depicts a large share of site inventory sites located adjacent to or near highways. Appendix P-2, Figures P-17, P-19, P-20, P-21, P-23, P-24, P-25, P-28, P-30, P-31. In addition to subjecting residents to unhealthy levels of air pollution, developing housing near freeways may entail additional costs to mitigate the freeways’ impacts. The sites inventory analysis should consider whether site adjacency or proximity to freeways constitutes a constraint to development and if so, the impact of the constraint on the realistic development capacity of sites in the inventory.

The draft element also contains sites in at least one community that appear to be located in a flood zone but does not disclose or analyze the impact of this environmental constraint. Specifically, the element includes sites outside of the unincorporated community of Mecca which appear to fall within the boundaries of a flood zones identified on Federal Emergency Management Agency mapping. *See Attachment 2 (FEMA Flood Map – Mecca)*. The draft element must identify the presence of flood zones as an environmental constraint to the

development of sites in Mecca and any other sites located in a designated flood zone, assess the constraint's impact on the sites' development potential, and revise the housing element in accordance with the results of that analysis. The housing element should also consider the potential impacts of climate change during the planning period on the magnitude and nature of flood risks that may impact sites inventory sites.

#### **IV. The Draft's Assessment of Fair Housing Fails to Comply with Section 65583(c)(10)**

##### **A. Failure to Analyze Disproportionate Housing Needs and Displacement Risks Impacting Protected Classes**

The AFH must include an assessment of disproportionate housing needs, including displacement risk, on protected classes and households with low-income. § 65583(c)(10)(A)(ii); AFFH Guidance, p. 39. The draft element's disproportionate housing needs analysis fails to comply with this requirement, as it considers only disparities between renters and homeowners, with a brief reference to housing needs impacting low-income households, and entirely fails to consider the disproportionate needs of protected classes or homeless individuals. P. 87; See AFFH Guidance (identifying homelessness as one of four topics which must be considered in the disproportionate housing needs analysis), p. 39. In addition, the AFH's assessment of displacement risks consists only of a brief review of certain displacement risks associated with poor housing conditions that may be associated with housing age and type (i.e., manufactured housing) in Riverside County. The draft also notes that stakeholders emphasized the poor conditions of housing occupied by farmworkers, but it does not go beyond this statement to analyze the actual risk of displacement. The analysis omits any discussion of a range of critical components of a displacement analysis, including investment driven displacement, disinvestment-driven displacement associated with limited or absent public sector investment; and disaster-driven displacement. See AFFH Guidance, pp.41-42. Disproportionate displacement risks the draft element fails to consider include but are not limited to risks associated with:

- housing prices increases;
- population movement into Riverside County;
- lawful and unlawful evictions, both formal and informal;
- landlord harassment and retaliation against renters, including in particular renters of color, renters with a primary language other than English, and undocumented renters;
- limited local tenant protections, including a rent control;
- the lack of affordable legal counsel available to serve low-income and undocumented renters;
- the proliferation of vacation homes and luxury development in the Coachella Valley which exacerbate patterns of segregation;
- inadequate or absent public investment in basic infrastructure, services and amenities in lower-income communities and communities of color;
- development of incompatible land uses such as warehouses next to communities;

- the sites inventory inclusion of sites with existing mobile homes and single-family housing;
- environmental and climate-driven displacement, including but not limited to as a result of fires, flooding, and extreme heat

The AFFH Guidance emphasizes the importance of local data and knowledge to the Disproportionate Housing Needs and Displacement analysis. p. 39. The County must revise the draft element to include a thorough analysis which meaningfully incorporates input by diverse stakeholders, including lower-income residents and protected classes, as well as relevant local data.

## **B. Failure to Assess Disparities in Access to a Healthy Environment**

The AFH must analyze disparities in access to a healthy environment in Riverside County. HCD, AFFH Guidance, p. 35. HCD's AFFH Guidance provides that this analysis "should, at a minimum" (1) describe any disparities in access to environmentally healthy neighborhoods by protected class groups, (2) consider available statewide data such as CalEnviroScreen, (3) evaluate consistency with the environmental justice element, and (4) discuss policies, practices, and investments that impact access to environmentally healthy neighborhoods. p. 35.

The draft element fails almost entirely to conduct this analysis. The draft does not identify any general or specific disparities in access to a healthy environment impacting protected classes or other populations, beyond noting that "there are a number of EJ communities" located in unincorporated Riverside County according to the draft CalEnviroScreen 4.0. P-82. The draft element mentions that the County General Plan includes a Healthy Communities Element with an Environmental Justice section but does not provide any information about its contents or evaluate the housing element's consistency with that element. Neither does the draft element discuss policies, practices, or investments that impact access to environmentally healthy neighborhoods. P-82. The AFH contains no information based on public input provided to the County on this topic either.

The draft element's failure to meaningfully assess and address disparities in access to a healthy environment has significant implications for the County's compliance with its duty to AFFH given the deep and wide-ranging environmental health disparities that impact unincorporated Riverside County residents on the basis of race, ethnicity, country of origin, language, and other protected class status. The disparities span access to safe and affordable drinking water, functional waste water, clean air, safe and sanitary housing, flood protection, and more. Some of the environmental health disparities that impact residents of low-income communities of color and immigrant communities with which we work include but are not limited to the following:

- Reliance on contaminated water and/or shallow and unreliable domestic wells for household use;
- Reliance on aging, dilapidated and leaching septic systems which put residents at risk of exposure to coliform bacteria and nitrates in water supplies;
- Dust exposure resulting from unpaved local roadways;
- Exposure to toxic air pollution associated with the receding Salton Sea;

- Exposure to hazardous air contaminants as a result of excessive truck and vehicle traffic associated with warehouse distribution centers travelling in close proximity to sensitive land uses;
- Exposure to enhanced flood risks due to a lack of adequate flood control infrastructure in lower-income communities of color;
- Excessive heat exposure due to a combination of job conditions (such as working outdoors for farmworkers), a lack of effective and energy-efficient in-home air conditioning units, and inadequate insulation and neighborhood shade to lower indoor temperatures;

The County must revise the AFH to include a thorough analysis of these and other environmental health disparities impacting protected classes in Riverside County. The analysis must address the components set forth in HCD's AFFH Guidance, consider and discuss available data sources, and incorporate public comment.

### **C. Failure to Demonstrate That Sites Inventory AFFHs**

Housing Element Law requires that jurisdiction's sites inventory "identify sites throughout the community" consistent with its duty to AFFH. § 65583.2; 8899.50; HCD AFFH Guidance, p. 45. The housing element must evaluate sites "relative to the full scope of the assessment of fair housing." AFFH Guidance, p. 45.

The draft element fails to adequately evaluate the sites it relies on to meet its lower-income RHNA, because it fails to include a meaningful analysis of the extent to which sites' location further or exacerbate disparities in access to opportunity, including access to educational, employment, and transportation opportunities and access to a healthy environment. The AFH's sites inventory analysis with respect to these categories consists of (1) the claim that large sites zoned for mixed use development in R/ECAPs will facilitate development of services and retail to meet the needs of residents, and (2) the draft identifies sites in high poverty, low-resource areas which may be subject to longer commute distances and will advance economic mobility for residents with the inclusion of certain Actions. p. 90. First, the draft does not provide support for its claim that lower-income housing development in R/ECAPs in and of itself will lead to development of the retail and services that R/ECAPs lack at present. Second, a much more detailed analysis is necessary for the element to actually demonstrate that the sites inventory AFFHs relative to the full scope of the AFH. This analysis should consider not only the location of sites in broad geographic planning areas, but also their proximity to different types of opportunity at a smaller scale within those areas. For instance, while the draft element indicates that 30% of lower-income site capacity is located in high resource areas, it should discuss those sites proximity to transportation, employment, and high quality education in relationship to the community in or near which they are located.

The AFH's sites inventory analysis also falls short, because it includes fails to evaluate and demonstrate the sites' contribution to reducing disparities in access to a healthy environment. At the same time, a large share of lower-income RHNA sites appear to be impacted by adverse environmental health factors. First, many RHNA sites are located in environmentally-burdened disadvantaged communities pursuant to CalEnviroScreen 3.0. These includes sites in Meadowbrook Town Center, with sites in census tracts ranking in the 90-95th percentile under CalEnviroScreen, Highgrove Town (85th-90th percentile), North Shore (80-85th percentile),

Lakeview and Nuevo Community (with sites in the 90-95th percentile and 75-80th percentile), Good Hope Community and Mead Valley (with sites in the 90-95th percentile and 85-90th percentile), Home Gardens, Mecca, and Oasis. As discussed above, the sites inventory also includes a large quantity of sites next to and in close proximity to highways, which are considered major sources of pollution associated elevated cancer risk for nearby residents. Further, many lower-income sites are located in and near Very High Risk and High Risk Fire Hazard Zones and some sites appear to be located in a flood zone. The County must revise the draft element to evaluate these and other environmental health factors in relation to the sites inventory and its duty to AFFH.

#### **V. Governmental Constraints Analysis Deficiencies**

The draft element's governmental constraints analysis contains several deficiencies. First, the County severely restricts siting of "parolee-probationer homes." P-141; Riverside Co. Mun. Code 17.290. The Housing Element should analyze these limitations as a potential constraint to housing for people with criminal histories and should also analyze whether they have a disparate impact based on race or other protected characteristics. See 2 CCR 12265.

Second, the draft discusses SB 330 processing procedures but does not discuss SB 330's relocation and replacement housing requirements for projects that redevelop existing residential uses, nor does it include a program to implement SB 330's relocation and replacement housing requirements. P-157. The County must supplement its analysis of governmental constraints and revise its programs accordingly.

Third, as mentioned in the following section, the draft element identifies the need for County action to ensure compliance with Health and Safety Code Section 17021.5 to allow employee housing of up to 6 units by right on parcels that allow single-family housing but the draft does not analyze the County's compliance with Health and Safety Code Section 17021.6, the Employee Housing Act provision requiring cities and counties to allow employee housing of up to 36 beds in group quarters or 12 units by right in zone districts where agriculture is allowed. The County must revise the draft to address this omission.

#### **VI. Failure to Adopt Programs That Will Result in A Beneficial Impact During the Planning Period and AFFH**

Section 65583(c) requires that the housing element include a program with a "schedule of actions during that planning period, each with a timeline for implementation...such that there will be beneficial impacts of the programs within the planning period." Actions must reflect the results of the housing element's analysis, be specific with timelines, concrete steps, and measurable outcomes, and must AFFH. AFFH Guidance, pp. 51, 53. Pursuant to the requirement that housing elements AFFH, actions, actions must be "meaningful" and, when taken as a whole, address significant disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform R/ECAP into areas of opportunity, and foster and maintain compliance with civil rights and fair housing laws. §§ 65583(c)(5)&(10), 8899.50(a)&(b).

The draft element's Housing Action Plan fails contains numerous actions that lack concrete steps and measurably outcomes and will not necessarily result in a beneficial impact during the planning period in violation of the Housing Element Law's standards. Examples of

such inadequate programs, and some of our recommendations to improve them, include the following:

- **Action H-1 - Sites to Accommodate the Regional Housing Needs Assessment (RHNA) Allocation.** As discussed above, this program is inadequate to comply with the requirements of Government Code section 65583.2.
- **Action H-2 – Infrastructure Availability and Coordination.** Lower-resource areas in Riverside County have an urgent need for safe, affordable, and sound infrastructure and services, including but not limited to water and waste water, sidewalks, storm water drainage, streetlights and infrastructure supporting public transportation, retail, recreation facilities, and parks and green space. As currently drafted, Action H-2 is inadequate to address the scope of the need given its urgency and disparities in access to infrastructure and services based on race, ethnicity, country of origin, and language and among farmworkers, single-parent households, large families, and other populations with special housing needs. The draft element’s proposal to “*coordinate* every two years with service providers to *assess* the needs for infrastructure and services and *discuss* plans for expansion based on future proposed developments” provides no guarantee of any meaningful action that will address these disparities. Instead, the County should commit to developing a comprehensive analysis, in partnership with community residents and CBOs, of infrastructure and service needs in lower-income communities and communities of color, a prioritized schedule to address those needs considering the health and environmental consequences of infrastructure and service deficits, and commitments to serve as the lead agency to implement projects, including commitments to conduct feasibility studies, lead environmental review, develop financing mechanisms, and assist with and seek funding. The County should also revise every other action contained in Action H-2 to ensure concrete steps and measurable outcomes in the planning period.
- **Action H-7 – Land use (zoning) ordinance amendments.** The draft element includes a program to comply with Healthy and Safety Code section 17021.5 for employee housing that serves six or fewer persons. However, the draft element fails to analyze and include a similar program to ensure compliance with Healthy and Safety Code section 17021.6 which requires the County to allow employee housing up to 12 units or 36 beds by right in zone districts where agriculture is allowed. The County must revise the draft element to demonstrate compliance with section 127021.6 or include a program to attain compliance in more than one year from adoption of the 6th cycle housing element.
- **Action H-10 – Innovative Housing Options.** This action commits the County to “promote innovative and alternative housing options” and to “explore a variety of densities and housing types in all zoning districts.” These commitments lack specificity and do not ensure a beneficial outcome within the planning period. The detail included in the Implementation column that the County will “[a]nnually distributive [*sic*] educational and promotional materials to developers also does not demonstrate a beneficial impact will be achieved.

- **Action H-12 – Inclusionary Housing Requirements.** This action provides that the County will “promote” very low and low-income housing requirements for multifamily housing projects by negotiating for such units on a project-by-project basis and that the County will “explore alternatives within 3 years” and “adopt a program by the end of the 6th Cycle Housing Element.” The commitment to “explore alternatives” ensures no specific outcome or impact on the availability of affordable and inclusionary housing. The adoption of a program by the end of the planning period likewise will not achieve a beneficial outcome in the planning period, because no time will be left after adoption to allow for implementation during the planning period. On top of this, County negotiation for affordable units on a project-by-project basis, beginning at the end of the 6th cycle planning period, provides no assurance of a beneficial outcome either, since it establishes no parameters on how the County will use its negotiating powers and only applies to multi-family housing developments. Adoption of an inclusionary zoning ordinance is one of few specific policy and program recommendations provided by the public that the draft element notes in Appendix P on Public Participation section, and it was a program of the Fifth Cycle Housing Element that the County failed to implement. P-28, 177, 189. Instead of an ambiguous commitment to “negotiate”, the County should adopt a program to develop and adopt an inclusionary zoning ordinance by a date certain that is no more than three years into the planning period in order to allow the ordinance to result in the production of lower-income units during the planning period. To ensure that the ordinance AFFH and maximizes the production of affordable units, the ordinance should apply to single-family and multi-family housing and require a minimum share of affordable units (approx. 25-30%) and affordability levels of those units, including affordability for very-low and extremely-low income households. County should develop this ordinance in partnership with lower-income residents and CBOs.
- **Action H-13 – Code Enforcement.** This action commits only to continuing the County’s current code enforcement practices, but the draft element does not evaluate the effectiveness of current practices with respect to housing conditions and fair housing. Adequate analysis of code enforcement might reveal a need to change the County’s code enforcement program. In fact, the AFH notes that poor housing conditions significantly impact farmworkers, who are disproportionately Latino and immigrants compared to the County as a whole, and are a primary driver of displacement risk. This indicates that County code enforcement practices merit enhancement, not just continuation. P-87.
- **Action H-17 – Mobile Homes.** This Action contains non-specific commitment to “promote purchasing and/or installing mobile home units in moderate- and high-resource areas.” H-14. The County fails to identify measurable outcomes with respect to the Mobile Home Tenant Program included in Action H-17. This action should also consider its potential AFFH impacts given the program’s support for the essential displacement of ELI mobile home owners and should consider complimenting this action with actions that support those same residents’ ability to remain in the current mobile home park in a decent, sanitary conditions. The action also fails to describe

how the County will determine if mobile home and manufactured homes are not meeting the lower-income housing need two years into the planning period and how many and what type of “other housing sites” the County will ensure are available to accommodate the unmet portion of the lower-income RHNA. Finally, Action H-17 includes a quantified objective which includes six different numbers of moderate and lower-income units, but no detail is included to clarify to which discrete actions these quantified objectives relate. The County must revise Action H-17 to comply with the Housing Element Law’s action requirements. Additional actions are needed to address housing needs of current mobile home park residents and prevent loss of mobile home housing, including adoption of a mobile home park conversion ordinance, rental assistance, programs to improve conditions in mobile home parks (including Polanco Parks), and foreclosure-prevention assistance.

- **Action H-19 – Polanco Parks Program.** This programs commitment to “review and evaluate” the County’s Polanco Park permitting process does not include any commitment to actually revise the program based on the County’s review and therefore will not in and of itself result in a beneficial impact. The County should also consider adopting the Polanco Property Management Education Program and other actions identified in Leadership Counsel’s February 2021 letter, including a program for information and education for Polanco park owners on best management practices and the development of a Polanco park housing directory.
- **Action H-20 – Persons with Disabilities.** This program commits the County to “*cooperate* with nonprofit agencies that provide placement or referral services for persons with disabilities,” “*[e]ncourage* universal design,” “*[e]ncourage* housing developers to designate accessible and/or adaptable units,” “*[c]oordinate* with Inland Regional Center to promote outreach efforts...” H-16. These commitments are not concrete or specific and provide no assurance of a beneficial impact on persons’ with disabilities access to housing. Action H-20 should be revised to include review and enforcement of compliance with legal requirements for accessibility of multi-family and affordable housing, including in permitting processes, not just “encourage[ing]” accessibility features.
- **Action H-22 – Housing Choice Voucher Program.** This program provides that the County will “continue to administer the Housing Choice Voucher Program” and will “promote the use” of HCVs in high opportunity areas. H-16. This action lacks concrete steps, including to ensure increased use of voucher in high opportunity areas. The County should revise this program to include specific actions with measurable outcomes to increase the use of vouchers, including in high opportunity areas. These actions could include collaborating with and funding CBOs and fair housing organizations to provide information to voucher holders and landlords on California’s source of income discrimination prohibitions, which include vouchers; establishing and funding a program within the County to actively pursue enforcement against discrimination against voucher-holders and/or funding a right to counsel program which guarantees access to legal counsel to low-income tenants on housing matters;

and supplementing vouchers with additional subsidies to support voucher use in higher-cost markets in high resource areas.

- **Action H-23 – Monitor At-Risk Units.** Action H-23 does not include concrete actions or timelines that the County commits to with respect to Paseo de los Poetas, a 21-unit LIHTC property whose subsidy expires in 2026. *See* P-72.
- **Action H-27. Improve Low Income Areas Access to Opportunities.** Action H-27 is the Action Plan’s primary action focused on expanding access to opportunities in low-resource areas. Unfortunately, the Action relies on unenforceable and vague commitments without measurable or specific outcomes. These commitments include to “[c]oordinate with public transit providers,” “[a]llow for employment centers to be located near housing developments,” “[p]romote CalWorks offered by the County in rural areas,” “[i]ncrease community services in low-resource areas,” “[s]eek opportunities to access funding for improved transit service,” and “[c]ontinue to facilitate the integration of affordable housing and mixed income settings in new growth specific plan areas. While each of these commitments addresses a critical need of low-resource communities, the actions are ineffectual. Despite the inclusion of 9 discrete actions, Action 27 lists only one quantified objective: “200 low-income households, all near existing or proposed high resource areas.” It is unclear if this quantified objective is referring to the Action 27 action that addresses development of affordable housing or something else. Regardless, Action 27 includes no quantified objectives relating to the expansion of access to opportunities in existing low-resource areas.  
To comply with the County’s duty to AFFH, the draft element must be revised to include specific, timebound actions with measurable outcomes and that respond to community input provided during the housing element update.
- **Action H-28 – Homeless Collaboration.** Action H-28 commits to the County to “[c]ontinue to collaborate” with the Continuum of Care and to “support inter-jurisdictional emergency shelter programs.” The Action does not commit the County to any concrete action. Adequate analysis of needs of unhoused County residents, including AFH analysis of disproportionate needs, would likely reveal a need for concrete programs. H-19.

The draft element is also lacking policies and programs identified in Leadership Counsel’s February 2021 letter, attached hereto. We incorporate the policies and programs recommended in that letter here by reference.

In addition, to the policies and programs highlighted in Leadership Counsel’s February 2021 letter, the draft element should also be revised to include the following programs:

- A program or programs to address the impact of the prevalence of vacant vacation housing on the price and availability of housing in Eastern Riverside County, given the draft element’s finding that the area’s astounding 42% vacancy rate is primarily attributable to the presence of vacation homes. Programs we recommend the County consider include a tax on vacation homes to help fund the

Jamillah Williams, HCD

August 12, 2021

Page 22 of 22

- development and maintenance of housing affordable to lower-income households and adoption of inclusionary zoning requirements in all new development. P-58.
- A program for ensuring water and sewer priority for affordable housing. *See* § 65589.7.
  - Dedication of County land and other firm support for the creation of community-land trusts and development of permanent affordable housing, parks and green space, recreational facilities, and other community amenities on these sites.
  - Resource a program to pay for weatherization of mobile homes.
  - Commit resources to implementing policies, programs and projects contained in the Eastern Coachella Valley Transformative Climate Communities on at least an annual basis.

As discussed previously, each program must contain clear action steps, deadlines, and measurable outcomes that will be achieved within the planning period and address housing and fair housing needs prioritized during the public process.

\* \* \* \* \*

Thank you for your consideration of our comments. Please contact us if you would like to find a time to discuss them. We look forward to working together to advance access to safe, affordable housing for all Riverside County residents.

Sincerely,



Ashley Werner  
Directing Attorney  
Leadership Counsel for  
Justice and Accountability

/s/

Omar Gastelum  
Policy Advocate  
Leadership Counsel for  
Justice and Accountability



Melissa A. Morris  
Staff Attorney  
Public Interest Law Project

cc: Paul McDougall, Manager, HCD  
Paul Swancott, Planning Department, Riverside County