

1 What is the Housing Element?

The Housing Element is one of seven mandatory elements that must be included in Oakley's General Plan. The Housing Element outlines goals, polices, implementation programs, and quantified objectives that will help plan for the housing needs for all segments of Oakley's population. State law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. Unlike other mandatory general plan elements, the Housing Element is required to be updated every eight years and must be reviewed and certified by the California Department of Housing and Community Development (HCD).

Visit HCD's website for more information about Housing Element requirements:

www.hcd.ca.gov/community-development/housing-element/index.shtml

2 What information is included in the Housing Element?

The Housing Element includes the following major components:

- **Housing Needs Assessment:** Provides demographic and housing need information.
- **Constraints Analysis:** Analyzes existing and potential constraints to the development of housing and how those will be addressed.
- **Evaluation of Past Performance:** Assesses progress in implementing the policies and programs set forth in the prior Housing Element.
- **Housing Sites Inventory and Analysis:** Identifies sites available for development or redevelopment and that are appropriately zoned to support housing development to accommodate the City's Regional Housing Needs Allocation (RHNA).
- **Fair Housing Assessment:** Describes Oakley's unique fair housing practices, analyzes the relationship between available sites and areas of high or low opportunity in the city, and includes a summary of strategies to affirmatively further fair housing (AFFH). See Question 6 for additional information on this topic.
- **Housing Resources:** Identifies financial and other resources available to support housing development, especially affordable housing.
- **Policies and Programs:** Establishes new policies and programs designed to address the housing needs identified in the City.

To learn more about the statutory requirements for Housing Elements, please visit HCD's website:

www.hcd.ca.gov/community-development/housing-element/docs/housing%20element%20completeness%20checklist.pdf

3 How is Oakley’s housing target (also known as the Regional Housing Needs Allocation) determined?

The Regional Housing Needs Allocation (RHNA) is part of a statewide statutory mandate for every city and county in California to address a portion of the projected statewide housing needs. Every region in the state is given a Regional Housing Needs Determination (RHND) from the California Department of Housing and Community Development (HCD), which is the number of housing units the region must plan for. The total allocation is broken down into four income categories: above moderate, moderate, low, and very low-income. The lower two income categories (“Low Income” and “Very Low Income”) must be accommodated on sites zoned for higher density residential development.

State law mandates that the Association of Bay Area Governments (ABAG) develop and approve a Regional Housing Needs Plan that contains a RHNA methodology for allocating these units by income category to each city and county in the region. **The RHNA methodology requires that the following five objectives be considered:**

1. **Increase** housing supply and housing mix
2. **Promote** infill, equity, and the environment
3. **Ensure** jobs housing balance and fit
4. **Promote** regional income parity
5. **Affirmatively further** fair housing

On May 20, 2021, the ABAG Executive Board adopted the sixth cycle 2023-2031 RHNA methodology and draft allocations for local cities and counties. By July 9, 2021, ABAG received 28 appeals from Bay Area jurisdictions on their RHNA. In December 2021, the ABAG Executive Board adopted final allocations.

To learn more about the RHNA process, please visit ABAG’s website: abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation

4 How much housing does Oakley need to plan for?

The RHNA allocates Oakley’s “fair share” of the region’s projected housing needs. As shown in the table below, ABAG’s allocation to Oakley totals 1,058 housing units for the eight-year RHNA cycle (i.e., 2023 to 2031).

CITY OF OAKLEY 2023-2031					
REGIONAL HOUSING NEEDS UNIT ALLOCATION BY INCOME					
RHNA	Very Low	Low	Moderate	Above Moderate	Total
Housing Units	279	161	172	446	1,058
Percent of Total	26%	15%	16%	42%	100%

Source: Association of Bay Area Governments, 2021

5 When will the housing be built?

That is up to property owners and the market.

Oakley must ensure that the appropriate zoning is in place to accommodate its RHNA allocation but does not control when or how much housing is built. New housing construction is based on a variety of economic factors, such as demand, available financing, land, and construction costs, and is ultimately driven by private property owners.

6 What is Affirmatively Furthering Fair Housing (AFFH) and how does it relate to the Housing Element?

Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. Affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

All housing elements must now include an Assessment of Fair Housing and meaningful programs that promote and affirmatively further fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

For further information on the topic of AFFH please visit HCD’s website:

www.hcd.ca.gov/community-development/affh/index.shtml

The four main goals are to:

- 1. Address** significant disparities in housing needs and in access to opportunity
- 2. Replace** segregated living patterns with truly integrated and balanced living patterns
- 3. Transform** racially and ethnically concentrated areas of poverty into areas of opportunity
- 4. Foster and maintain** compliance with civil rights and fair housing laws

7 What does affordable housing mean?

Providing opportunities for more affordable housing is important. Purchasing or renting a home is becoming more and more out of reach for too many people. A variety of housing types is essential to provide housing options for those young and old, for families with lower and higher incomes, as well as to meet the needs of large and small families and persons with disabilities. A mix of housing opportunities means, among other things, that young adults moving into the housing market can stay in the cities they grew up in; workers like teachers, firefighters, health care workers and essential workers can find homes near their jobs; and older adults have more options for retirement and can stay in the communities they know.

The table below defines affordability levels for Contra Costa County; these are the State income limits for 2021 by county as calculated by the state.

HCD INCOME LIMITS BASED ON PERSONS PER HOUSEHOLD, CONTRA COSTA COUNTY (2021)				
Income Category	Percent of Area Median Income (AMI)	Annual income (1-person household)	Annual income (3-person household)	Annual income (4-person household)
Extremely low-income	30%	\$28,800	\$37,000	\$41,100
Very low-income	50%	\$47,950	\$61,650	\$74,000
Low income	80%	\$76,750	\$98,650	\$109,600
Median income	100%	\$87,900	\$113,050	\$125,600
Moderate income	120%	\$105,500	\$136,650	\$150,700

Source: <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2021.pdf>

Affordable rent means a monthly rent that does not exceed 30 percent of a household's income.

It means that, after paying rent, you should still have enough money for necessities like food, health care, and transportation. Anyone paying more than 30 percent of their income on rent is considered cost burdened and could need affordable housing assistance. For example, a three-person household with an annual income of \$98,650 is classified as low income (80 percent of AMI) in 2021. A household with this income could afford to pay a monthly gross rent (including utilities) of up to \$2,466 or could afford to purchase a house price at or below \$422,903.

8

What happens if a jurisdiction does not adopt a Housing Element or the Element does not comply with State law?

- **Limited Access to State Funding:**

Several state department/agencies that award funds limit their approvals based on the status of a jurisdiction's Housing Element. This includes some transportation funds.

- **Lawsuits:**

Local governments could also be vulnerable to lawsuits for not working proactively to meet their housing needed. Without a certified housing element, developers and advocates have the right to sue jurisdictions if their Housing Element is not compliant with State Law.

- **Carryover of Unfiled RHNA:**

Oakley would be required to carry over to the next Housing Element planning period any unmet Regional Housing Need Allocation (RHNA) if it fails to identify or make available adequate sites to accommodate its RHNA. Therefore, in addition to identifying sites for the new period's RHNA, Oakley would also be required within the first year of the new planning period to zone adequate sites to accommodate the RHNA from the prior planning period that was not provided.

To learn more about the penalties and consequences for noncompliant Housing Elements, please visit HCD's website:

https://abag.ca.gov/sites/default/files/documents/2021-04/HE_Compliance_One-Pager.pdf

9

When does the Housing Element need to be adopted by the City of Oakley?

The Housing Element must be adopted by **January 31, 2023**.

Visit the project website (www.ci.oakley.ca.us/2023-2031-housing-element-update) or contact the City's Planning Manager, Ken Strelo at 925-625-7036 or strelo@ci.oakley.ca.us for more information.