



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 12, 2009  
SUBJECT: Public Hearing to discuss the Draft 2006-2014 Housing Element Update  
APPLICANT: City of Carson  
REQUEST: Review, evaluate and provide comments and recommendations on the Draft 2006-2014 Housing Element Update  
PROPERTY INVOLVED: Citywide

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### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

***Item No. 11-A***

I. **Introduction**

State Housing Element law requires cities to plan for needed housing for the period of 2008-2014. All California cities are required by Article 10.6 of Government Code (Sections 655580-65590) to adopt a housing element as part of their general plan and submit a draft and adopted element to the State Housing and Community Development (HCD) for review and compliance with state law.

II. **Background**

On April 28, 2009, the Planning Commission held a workshop on the Draft 2006-2014 Housing Element Update and directed staff to schedule the public hearing and to provide fact sheets on affordable housing. Staff researched what other communities and housing advocacy organizations have experienced with affordable housing projects and have provided "Fact Sheets" to represent affordable housing findings.

The housing findings identified that: the location and development of affordable housing projects have no significant impact on adjoining property values; appreciation rates near affordable housing were at least as high as the area average; people who live in affordable housing projects are teachers, social workers, dental hygienist, and other similar working groups; and there is no evidence of an increase in crime in a neighborhood resulting from an affordable housing project.

The city's existing housing element was certified by the HCD in July 2002. A proposal released in April 2006 by the Southern California Association of Governments (SCAG) found the city of Carson in substantial compliance with the housing element goals by having produced 199% percent of its overall Regional Housing Needs Assessment (RHNA) target by 2005 (Exhibit No. 3). The RHNA basic construction need through 2005 for the city of Carson was 623 total housing units. Carson produced more new homes than expected but did not meet the targeted income levels for very-low and moderate income households identified in the RHNA.

HCD established the planning period for the current Regional Housing Needs Assessment from January 1, 2006 to June 30, 2014. The planning period originally ran from July 1, 2005 to June 30, 2014, however, it was reduced six months (eliminating the last 6 months of 2005) by HCD, thus shortening the planning period from 9 to 8 ½ years.

The 2006-2014 RHNA allocates a housing need of 1812 units for Carson. The allocation of 1,812 units is broken down into four categories as follows: 461 very low-income households; 287 low-income households; 307 moderate-income households; and 757 above-moderate income households.

The current housing element cycle requires cities to plan for needed housing for the period between 2006 and 2014. State law requires that housing elements be internally consistent with the city's general plan and include:

1. A Housing Needs Assessment that looks at existing needs including: overcrowding; condition of housing stock; assisted affordable units at risk of converting to market rate; and projected needs based on the RHNA.



2. A Sites Inventory and Analysis that provides a parcel-specific list of potential sites where the needed housing can be developed.
3. A Housing Constraints Analysis that identifies governmental and non-governmental constraints to housing production and to providing housing for persons with disabilities.
4. Identification of housing programs to remove or mitigate governmental constraints if appropriate, and for developing housing for low-and moderate income households.
5. Quantified objectives that estimate the maximum number of units by income level that the city intends to construct, rehabilitate and conserve during the Element's planning period.

The Housing Element Update will also consider recent state legislation and evaluate any potential impacts that it may have towards: Redevelopment Agency related housing projects; mixed-use housing; inclusionary/affordable housing programs; and housing involving special needs homeless/disabled populations.

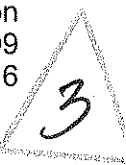
California Assembly Bill No. 2348 (Mullin) amends state housing law to require that the housing element identify adequate sites for housing, including rental housing, factory-built housing, and mobile-homes. The bill amends the criteria for the inventory of sites to require sites to be identified that can be developed for housing within the planning period to accommodate that portion of a city's share of the regional housing need (RHNA) for all income levels as specified.

Carson is obligated to support and promote the production of new housing for all economic groups as a result of various planning and redevelopment laws. The success of Carson's housing policies will be as a result of private/public partnerships and effective programs that preserve and expand affordable housing opportunities for a range of income levels. The Draft Housing Element Update included a community outreach public forum held on February 25, 2009 at the Juanita Millender-McDonald Community Center and a housing needs survey to encourage broad participation from community stakeholders. A final public hearing will be conducted by the City Council to consider the recommendations of the Planning Commission and for adoption of the Housing Element.

*General Plan Requirements*

Existing housing element goals, policies and implementation measures are provided for in the current General Plan (Exhibit No. 2). The following are the 2002 Housing Element goals and "Draft Housing Element Update" goals.

- Goal: H-1: Improvement and maintenance of the existing housing stock while preserving affordability.
- Goal: H-2: Maintenance and enhancement of neighborhood quality.
- Goal: H-3: The city shall seek to provide an adequate supply of housing for all economic segments of the city.
- Goal: H-4: Protection of the existing supply of affordable housing.



- Goal: H-5: Housing opportunities to all persons regardless of race, religion, ethnicity, sex, age, marital status, household composition and other arbitrary factor.
- Goal: H-6: Long-term maintenance of private properties with common area ownership, such as condominiums and planned unit developments.
- Goal: H-7: Conservation of natural resources and reduction of energy consumption in all areas of residential development.
- Goal: LU-8: Promote mixed use development where appropriate.

**Proposed "Draft Housing Element Goals":**

- Goal 1: Improvement and maintenance of the existing housing stock while preserving affordability.
- Goal 2: Maintenance and enhancement of neighborhood quality.
- Goal 3: The city shall seek to provide an adequate supply of housing for all economic segments of the city.
- Goal 4: Protection of existing supply of affordable housing.
- Goal 5: Housing opportunities to all persons regardless of race, religion, ethnicity, sex, age, marital status, household composition or other arbitrary factor.
- Goal 6: Long-term maintenance of private properties with common area ownership, such as condominiums and planned unit developments.
- Goal 7: Conservation of natural resources and reduction of energy consumption in all areas of residential development.

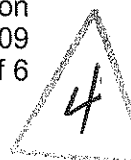
The above housing goals provide the city's vision for quality/affordable housing opportunities for all of Carson residents in compliance with state housing law requirements. For a comprehensive review please see attached Exhibit No. 2 (existing General Plan Housing Element Goal, Policies and Implementation Measures) and the "Draft Housing Element" (page 69 Housing Plan/Goals & Policies).

**III. Analysis**

*Proposal*

Staff is recommending that the Planning Commission consider:

1. Whether the proposed "Draft Housing Element Update" adequately provides goals, objectives and implementation strategies for the production of safe, quality affordable diverse housing opportunities and:
2. Whether the proposed "Draft Housing Element Update" proposes adequate goals, objectives and implementation strategies for the preservation of existing quality housing stock and provides the necessary zoning ordinance recommendations to promote housing for the special needs population including the physically/mentally disabled and the homeless.



*Topics for Discussion*

- Affordable Housing Strategies
- New changes in state housing law
- Inclusionary Zoning
- Mixed-Use housing opportunities
- Green building standards
- Mobile home rent control/mobile home park conversions

**IV. Conclusion**

If, after receipt of public testimony and Commission discussion, the Commission concurs that the Housing Element update is ready for inclusion in the General Plan, staff recommends that it be forwarded to the State Housing and Community Development and to the City Council with a recommendation of adoption.

The draft Housing Element will be submitted to the State Department of Housing and Community Development (HCD) in accordance with state law. HCD will submit its comments on the Element and may request certain changes and additions. These changes will be incorporated into the draft Element reviewed by the Commission. If the changes are minimal and do not significantly impact policy decisions, staff recommends that the revised Element be submitted directly to the City Council. If the changes are more substantial in nature, the revised Element will be returned to the Planning Commission. Upon final adoption of the Element by the City Council, the Element will be re-submitted to HCD. Per Section 65585 of the Government Code, HCD will then review the adopted Housing Element within 90 days of receipt and submit its findings back to the City.


**V. Recommendation**

That the Planning Commission:

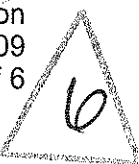
1. OPEN the public hearing and receive public testimony;
2. COMPLETE review of the Housing Element in light of testimony received; and
3. FORWARD the Housing Element to the State Housing and Community Development and to the City Council with a recommendation of adoption.

**VI. Exhibits**

1. Draft Housing Element (under separate cover/refer to previously provided copy)
2. Copies of Draft Housing Element Update revisions/summary
3. Affordable Housing Fact Sheets
4. Draft Housing Element Update Schedule

**Prepared by:**   
Zak Gonzalez II, Associate Planner

**Approved by:**   
Sheri Repp, Planning Manager



REVISIONS TO CARSON ELEMENT  
SUMMARY OF REVISED CHANGES TO BE INSERTED INTO DOCUMENT

Page 6        A paragraph has been added at the top of the page to discuss recent revisions to State Law regarding new requirements for transitional supportive housing, emergency shelters and single-room occupancies (SRO's)

Page 37       Table 27 has been revised to correct the name and tenancy of the Carson Terraces Senior's with senior tenants

Page 43       Table 29 was revised to add some column headings to add clarity to the table

Page 55       The discussion on Transitional Housing and Emergency Shelters has been corrected to indicate that there are emergency shelter services and transitional housing in the City of Carson

Page 56       The top paragraph has been corrected to identify the conditions by which transitional supportive housing and emergency shelter facilities are permitted

Pages 74, 75 and 76       Additional information has been added to Table 40

Page 76       Section C title has been changed

Page 80       The section heading was changed and the discussion on Homeless Programs in the City was revised to show the Peace and Joy Care Center as the only service provider in the City

Pages 81-84       The table title for Table 41 was changed and some new programs were added



identified for housing in the prior Element (AB 1233); and notifying water and sewer purveyors of Housing Element goals and policies and establishing priority service for units affordable to lower-income households (SB 1087). The contents of this updated Housing Element comply with these amendments and all other requirements of Housing Element law.

Recent revisions to State law require that the City's zoning code permit transitional supportive housing (7 or more persons) and emergency shelters in at least one non-residential zone as permitted uses and transitional supportive housing (7 or more persons) as a conditionally permitted use in appropriate residential zones. Similarly, in providing for a variety of housing types, appropriate zoning must be identified for single-room occupancies (SRO's). Standards for said transitional housing and shelters shall be no more restrictive than standards that apply to other residential uses of the same type permitted in the same zone. The City has identified the ML (Manufacturing Light) zone district to permit transitional supportive housing and emergency shelter facilities by right in a non-residential zone in the City and will allow transitional supportive housing with the approval of a conditional use permit in at least one residential zone in the City.

The City is obligated, under the California Government Code Section 65583, to remove potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities. Specifically the City must adopt a program to provide for reasonable accommodation of housing for the disabled which may include adoption of a "reasonable accommodation" ordinance or the State's ordinance addressing the housing needs of the disabled.

#### Regional Housing Needs Assessment

Section 65583 of the Government Code sets forth the specific components to be contained in a community's housing element. Included in these requirements is an obligation on the part of local jurisdictions to provide their "fair share" of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine the existing and future housing need and the allocation of said need must be approved by the California Department of Housing and Community Development (HCD). Carson is a member of the Southern California Association of Governments and SCAG is responsible for preparing the Regional Housing Needs Assessment (RHNA) for the six-county territory that it represents.

HCD established the planning period for the current Regional Housing Needs Assessment from January 1, 2006, to June 30, 2014. The planning period originally ran from July 1, 2005, to June 30, 2014, however, it was reduced by six months (eliminating the last 6 months of 2005) by HCD, thus shortening the planning period from 9 years to 8½ years.

SCAG's allocation for Carson was a total of 1,812 units. The allocation of 1,812 units for Carson is broken down into the four categories as follows; 461 very low income households, 287 low income households, 307 moderate income households, and 757 above moderate income households.





**Table 27  
City of Carson  
Assisted Housing Inventory**

Project Name, Address & Telephone Number	Address	Types of Project-Based Govt. Assistance	Earliest Potential Conversion Dates	Total # Units in Project	# of Units Subj. to Conversion	Tenant	Bdrm.	Reported Condition
Carson Gardens Retirement Apts.*	21811 So. Main St. Carson, CA 90745	HUD 221 D4.	Applying for a 5 year extension on 10/09  10/20/00	101	101	Senior	1 & 2	Good
El Camino Village Senior Complex	21735 So. Main St. Carson, CA 90745	Redev. Agency Set-Aside.	2022	45	0	Senior	0,1,2	Poor
Avalon Courtyard Senior Project	22121 So. Avalon Blvd. Carson, CA 90745	Low Income Housing Tax Credits/Agency Set-Aside.	2024	92	0	Senior	0,1,2	Very Good
Carson Terraces Senior's	632 E. 219 <sup>th</sup> Carson, CA 90745	Low Income Housing Tax Credits/Agency Set-Aside	2029	62	0	Seniors	0,1,2	Very Good
Villagio	545 E. Carson St. Carson, CA 90745			148	0	Family	1,2,3,4	Very Good
Grace Manor* Apartments	223 <sup>rd</sup> & Grace Carson, CA 90745	HUD Section 236	7 units are market rate & 30 units are Section 8 Vouchers	38	38	Family	1,2,3	Very Good

Source: Willdan and City of Carson Community Development

\* At Risk of Converting to Market Rate

## F. Energy Conservation

The affordability of housing can be reduced by increases in utility costs. The City of Carson has opportunities to directly affect energy use within its jurisdiction. In addition to compliance with the California building standards of the International Building Code and Title 24 of the California Administrative Code related to energy conservation, the City has set forth goals and policies which encourage the conservation of non-renewable resources in concert with the use of alternative energy sources to increase energy self-sufficiency. A Green Task Force (GTF) was established in the City of Carson to develop programs to promote energy efficiency and pursue alternative energy sources.

In large part, energy savings and utility bill reductions can be realized through the following energy design standards:



**Table 29  
City of Carson  
Existing Housing Needs**

Housing Need	Less Than 30%	30 to 50%	50 to 80%	Greater Than 80%	Total
<b>All Households *</b>					
Renters	776	738	1,039	2,638	5,191
Owners	923	1,356	2,188	14,299	18,766
Total Households	1,699	2,094	3,227	16,937	23,957
<b>Households with any Housing Problems</b>					
Renters	671	677	831	1,068	3,247
Owners	640	875	1,448	5,362	8,325
Total Households	1,311	1,552	2,279	6,430	11,572
<b>Households with Overpayment</b>					
Renters	651	617	478	200	1,946
Owners	594	818	1,293	3,117	5,822
Total Households	1,245	1,435	1,771	3,317	7,768
<b>Substandard Housing</b>					
Suitable for Rehab					332
Needs Replacement					0
Total Units					332
<b>Special Needs</b>					
Elderly Persons					9,561
Disabled Persons					6,638
Extremely Low Income					1,840
Large Families					6,989
Female-headed Hhlds					4,244
Farmworkers					68
Homeless Persons**					1,332

Source: 2000 U.S. Census Report  
HUD CHAS Data Set for 2000 Census\*

Note: Special needs figures cannot be totaled because categories are not exclusive of one another.

\*\*Homeless figure based on estimates from the 2007 LAHSA Greater Los Angeles homeless count

Special Needs Groups: Certain households in Carson may have a more difficult time finding decent, affordable housing, including the elderly, disabled persons, extremely low income households, large families, female-headed households, farmworkers, and the homeless. The special needs of elderly households result from their limited and fixed incomes, physical disabilities and dependence needs. Female-headed households also tend to have lower incomes, thus limiting housing availability for this group, while the special housing needs of farmworkers often stem from their low wages and the transitional nature of their employment. It is extremely low income persons who are the highest need group because they require the deepest subsidies to make housing affordable.



Second Units: The City's Zoning Ordinance provides for the ministerial approval of second dwelling units on single-family zoned lots which can serve to create new cost-effective housing opportunities while using existing infrastructure. Development standards that are applicable to second units include the following:

A. Minimum Lot Size

1. Seven thousand five hundred square feet required within the RS (Residential, Single-Family) Zone.
2. Six thousand five hundred square feet required within the RM (Residential, Multiple-Family) Zone.

B. Unit Sizes

1. Zero (0) bedroom, one bathroom and kitchen: five hundred square foot maximum.
2. One (1) bedroom, one bathroom and kitchen: six hundred fifty square foot maximum.
3. Two (2) bedrooms, one bathroom and kitchen: seven hundred square foot maximum.

C. Required Setbacks

1. A detached second dwelling is required to be set back a minimum of ten feet from the primary residential structure and a minimum of six feet from accessory structures. Side yard setbacks are five feet and rear yard setbacks are fifteen feet.
2. If a second unit is proposed above an accessory structure, the minimum side yard setback is ten (10) feet, including the accessory structure.

D. Permitted Height

1. A second dwelling unit is limited to two stories, with the maximum building height for a second dwelling unit established at thirty feet.

E. Required Parking

1. Studio Unit: 1 uncovered off-street parking space
2. 1 Bedroom Unit: 1 space in a garage or carport
3. 2 Bedroom Unit: 2 spaces within a garage (applies also to any unit exceeding 700 square feet).

Transitional Housing and Emergency Shelters: There are emergency shelter services within the City of Carson. Pursuant to State law, the City permits transitional or supportive housing (when there are 6 or fewer residents) in all residential zones in the City. These types of facilities are subject to the same underlying zoning standards as other residential uses in the same residential zoning district. The City funds one transitional and supportive housing organization (Peace and Joy Care Center) in the City. This organization is designed to primarily serve abused and battered women and their children.



The City has identified the ML (Manufacturing Light) zone district as an appropriate zone district to permit transitional supportive housing and emergency shelter facilities by right. Furthermore, the City intends to modify its code to permit transitional supportive housing in at least one residential zone in the City with the approval of a conditional use permit (see Table 41).

### Planning Entitlement and Building Permit Fees

Planning entitlement and building permit fees are collected by the City to defray project entitlement and review costs incurred by the Planning and Building and Safety Divisions. Table 34 includes the fees charge for basic planning entitlement applications. Building permit fees, on the other hand, are based on the total valuation of the property, which are depicted in Table 35.

Table 36 identifies an entitlement fee comparison survey of the planning and building fees of Carson's surrounding communities. The survey indicates that Carson has much lower fees than these communities thereby making it less costly to build in Carson. In addition, to help keep costs down, the City Council may waive building fees or the Redevelopment Agency may pay the fees for the developer.

**Table 34  
Carson Planning Entitlement Fees**

Fee	Fee Schedule	Fee	Fee Schedule
General Plan Amendment	\$2,500	Development Agreement	\$5,000
Zone Change	\$2,500	Environmental Review	\$500
Ordinance Amendment	\$1,500	Specific Plan	\$4,000
Variance	\$1,000	Landscape Plan Check	
Conditional Use Permit	\$1,500 - \$2,500	2,500-7,500 sq.ft.	\$120
Tentative Tract Map	\$3,000	7,501-15,000 sq.ft.	\$180
Tentative Parcel Map	\$3,000	15,001-30,000 sq.ft	\$360
		30,001 to one acre	\$440



**Table 40  
Evaluation of Program Accomplishments**

Program Name	Description	Goals	Accomplishments/ Recommended Actions
<b>Housing Improvement</b>			
Residential Rehabilitation Program	Provides financial assistance through loans and grants and technical assistance to repair code violations and provide basic housing repairs.	Continue to provide loans and grants to qualified homeowners	200 loans and grants provided totaling \$3.3 million  (Continue Program)
Code Enforcement Program	Building and Safety Division responds to complaints of violations of the City's building codes and provides inspections and notices to property owners to bring their units into compliance.	1,870 annually	(Continue Program)
Residential Property Report (RPR) Program	This program established by City ordinance requires that a RPR be obtained from the City before the sale, exchange, or transfer of a previously occupied residential property. The report allows the City to verify that residential buildings meet certain Zoning and Building Code requirements at the time of sale.	600 Annually	(Continue Program)
Residential Neighborhood Safety Program	Offers a range of neighborhood safety programs through the Public Safety Department including: neighborhood watch; property identification; community forums; residential security survey and crime prevention and community relations.		(Continue Program)
Historic Preservation Program	Incentives are offered through this program to encourage owners of historic designated properties to maintain and preserve their structures.	Not implemented	Program Discontinued
Carson Beautiful Program	This program honors excellence in property upkeep by selecting "award winning" properties that reflect hard work and pride of ownership.		(Continue Program)
Mobile Home Park Maintenance Program	Protect the affordability of mobile home units through the requirement of rent control, and provide loan assistance for mobile home rehabilitation	Continue to provide loans to mobilehome parks to ensure proper property maintenance	\$316,000 in Loans  (Continue Program)
<b>Housing Development</b>			
Development Funding for Multifamily Housing	The City's Redevelopment Agency provides development assistance through Redevelopment Set-Aside funds to promote the development of affordable multifamily housing	Continue to encourage developers to submit qualified proposals for Agency consideration	Redevelopment Agency Agreement for Carson City Center provides \$13.9 million (expected completion 2011) (Continue Program)

Program Name	Description	Goals	Accomplishments/ Recommended Actions
Housing Development Through Development Agreements	Development Agreements between a developer and local government outlines the regulations and policies governing the development with the requirement for affordable housing often included.	Encourage the development of safe and affordable housing	\$15 million in financial assistance (Continue Program)
Assess use of City-owned/publicly-owned land for affordable housing	This program evaluates alternative means to provide for affordable housing including long-term leasing of City-owned or public-owned land for housing development.	Assess feasibility of retaining a qualified development project on agency/city land meeting agency criteria	\$20 million in land value (Continue Program)
Alternative Affordable Housing Finance Programs	The City will assess a variety of alternative funding mechanisms for the construction of new affordable housing.	Pursue and retain several qualified financing sources and investment partners of affordable housing development	\$100 million in alternative financing solutions and investment opportunities (Continue Program)
Development of Special Needs Housing	Facilitate the development and maintenance of Special Needs Housing for seniors, the homeless, and physically and mentally disabled.	Evaluate and encourage development opportunities for special needs housing	\$15 million provided for developer assistance (Continue Program)
<b>Support Affordable Housing</b>			
Facilitate the Preservation of At-Risk Housing	This program will monitor at-risk housing, inform tenants of potential conversion to market rate, and educate tenants on potential tenant purchase of units.	Monitor the affordable housing stock for units that are at risk of conversion	150 units have five year renewal contract with HUD or Section 8 Vouchers and no current units at risk of conversion (Continue Program)
Facilitate the Development of Multifamily Housing	Facilitate the development of multifamily housing through the rezoning of appropriate commercial, industrial and residential zones and through the removal of the conditional use permit requirements for affordable multifamily programs.	Identify potential sites suitable for multifamily housing development and acquire site or retain qualified developer to acquire the site	\$15 million provided for developer assistance (Continue Program)
<b>Rental Assistance</b>			
Section 8 Rental Assistance Program	Provide rental subsidies to very low income households.	Work with Los Angeles Housing Authority to monitor existing vouchers and certificates and pursue additional assistance	Approximately 378 Section 8 rental assisted units are provided in Carson by the Los Angeles County Housing Authority (Continue participation in Section 8 rental assistance program)
Rental Assistance	Redevelopment Set-Aside funds are used to provide on-going rental subsidies to maintain affordable rental units for very low income households.	Foster and maintain quality affordable rental housing for low and very low income residents	Approximately 125 households assisted with \$206,000 in subsidies annually (Continue Program)



Program Name	Description	Goals	Accomplishments/ Recommended Actions
<b>Homeownership Assistance</b>			
First Time Home Buyer Program	Provide first time homebuyers with a deferred/amortized second mortgage up to \$100,000 per household.	Support homeownership opportunities for low and moderate income households-50 households annually	Assisted approximately 60 households with silent second trust deeds at more than \$5.74 million  (Continue Program)
<b>Fair Housing</b>			
Tenant/landlord Mediation and Legal Services Assistance	Provide funding to non-profit organization(s) to provide dispute resolution services, legal advice and representation on tenant/landlord matters, as well as other civil and consumer issues.	Support efforts to mediate tenant/landlord disputes	Annual funding for Fair Housing Services  (Continue Program)
<b>Energy Conservation</b>			
Energy Conservation	The City shall continue to support and assist in publicizing energy conservation programs offered through Los Angeles County and Edison International.	Encourage use of energy saving programs through the utilities companies.	(Continue Program)

### C. Affordable Housing Implementation Strategies

The Housing Element describes the housing needs of the City's current and projected population, as well as the specific needs resulting from the deterioration of older units and special needs for certain segments of the City's population. The goals and policies contained in the Housing Element address the City's identified housing needs. These goals and policies are implemented through a series of housing programs that are funded and administered through a variety of local, regional, state and federal agencies. The following comprehensive program strategy consists of both programs currently in use in the City and additional programs to provide the opportunity to adequately address the City's housing needs.

The housing programs in this section include: programs which were set forth in the previous 1998-2005 Housing Element; programs which the City has undertaken since the adoption of the prior Housing Element; and new programs which have been added to address an unmet housing need. The City's 2006-2014 program strategy builds upon the evaluation of program accomplishments under the 1998-2005 Housing Element contained in the previous section. This section provides a description of each housing program, previous program accomplishments, and future program goals. The Housing Program Summary (Table 41) at the end of this section summarizes the future 5-year goals of each program, along with the identification of the program funding source and agency responsible for implementation.

## Special Needs Housing

### 13. Homeless Programs

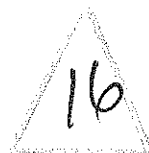
Homeless programs serving the City of Carson are administered by the Los Angeles County Homeless Services Authority (LAHSA). LAHSA is a joint powers authority created by the City and the County of Los Angeles for the purpose of planning, coordinating, and managing resources for homeless programs. LAHSA is the lead agency for developing a Continuum of Care (COC) strategy for the region to meet the needs for homeless persons for emergency shelter and to provide services and housing to transition homeless from emergency housing to transitional and permanent housing. For a variety of services, Los Angeles County is divided into eight Service Planning Areas (SPAs). LAHSA utilizes these SPAs in planning, coordinating, and managing resources for homeless programs. The City of Carson is located in SPA 8—South Bay.

There is one agency that provides homeless services located in the City of Carson. The Peace and Joy Care Center provides 15 beds of transitional housing and supportive services for homeless families facing domestic violence with dual diagnosis including mental illness and substance. Supportive services include crisis hotline intervention, counseling, life skills training, childcare, case management services and employment preparation, among others.

## Fair Housing

### 14. Fair Housing Program

Fair Housing services are provided to the residents of the City of Carson by the Housing Rights Center. The City funds an annual contract for the Housing Rights Center to provide a variety of fair housing services including: annual housing audits, fair housing workshops for property managers, owners and tenants education, fair housing outreach, and enforcement of housing complaints within the Civil Rights (Federal and State) laws. Services are provided to more than 300 persons annually. This program serves to meet a City housing goal to support the enforcement of fair housing laws and services to affirmatively further fair housing within the City.





**Table 41  
Affordable Housing Strategies and Programs**

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
<b>Housing Improvement</b>					
Residential Rehabilitation Program	Provides financial assistance through loans and grants and technical assistance to repair code Respond to complaints of violations of the City's building codes and provides inspections and notices to Program requires an RPR be obtained from the City before the sale, exchange, or transfer of a previously occupied residential property allowing City to verify residential buildings meet certain Zoning and Building Codes.	125 Households Annually	CDBG and Redevelopment	Housing and Neighborhood and Development Division	Ongoing
Code Enforcement Program		1,800 complaints annually	Redevelopment	Building and Safety Division	Ongoing
Residential Property Report (RRP) Program		600 annually		Development Services Department and Building and Safety Division	Ongoing
Residential Neighborhood Safety Program	Offers a range of neighborhood safety programs through the Public Safety Department.			LA County Sheriffs Department, Public Safety and Development Services	Ongoing
Mobile Home Park Maintenance Program	Protect the affordability of mobile home units through the requirement of rent control, and provide loan assistance for mobile home rehabilitation	60 units annually		Housing and Neighborhood and Development Division	Ongoing
Lead Base Paint Testing and Abatement Program	Provide testing and abatement to housing and mobile home structures that are acquired or rehabilitated with HUD funds	150 units tested		Housing and Neighborhood Development Division	Ongoing
<b>Development Assistance</b>					
Development Funding for Multifamily Housing	Development assistance to promote the development of affordable multifamily housing	50 units annually		Development Services Department	Ongoing



**Table 41  
Affordable Housing Strategies and Programs  
(continued)**

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
<b>Development Assistance (Cont'd)</b>					
Housing Development Through Development Agreements	Development Agreements outline the regulations and policies governing the development with the requirement for affordable housing often included.	See above goal		Development Services Department, Planning Division, City Attorney's Office	Ongoing
Assess use of City-owned/publicly-owned land for affordable housing	Evaluates alternative means to provide for affordable housing development.	See above goal		Development Services Department, Planning Division	Ongoing
Alternative Affordable Housing Finance Programs	Assess a variety of alternative funding mechanisms for the construction of new affordable housing.			Development Services Department	Ongoing
Development of Special Needs Housing	Facilitate the development and maintenance of Special Needs Housing.	See above goal		Development Services Department	Ongoing
Facilitate the Preservation of At-Risk Housing	Monitor housing at-risk of potential conversion to market rate.			Development Services Department	Ongoing
Facilitate the Development of Multifamily Housing	Facilitate the development of multifamily housing			Development Services and Planning Division	Ongoing
Density Bonus Program	Continue to implement density bonus program.			Development Services and Planning Division	Ongoing
Mobile Home Park Ownership/ Conversion Program	City or Agency will assess a variety of alternative funding mechanisms for mobile home parks the convert to condominium use	Monitor and evaluate conversion application process and provide alternative financial analysis		Development Services Department and Planning Division	Ongoing



**Table 41  
Affordable Housing Strategies and Programs  
(continued)**

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
<b>Rental Assistance</b>					
Section 8 Rental Assistance Program	Provide rental subsidies to very low income households.	378 units annually		Los Angeles County Housing Authority	Ongoing
Rental Assistance	Provide on-going rental subsidies for affordable rental units for very low income households.	125 households annually	Redevelopment Funds	Development Services	Ongoing
<b>Homeownership Assistance</b>					
First Time Home Buyer Program	Provide first time homebuyers with a deferred/amortized second mortgage up to \$100,000 per household.	50 units annually		Housing and Neighborhood Development Division	Ongoing
Mortgage Credit Certificate Program	Offers first time homebuyers a federal tax credit reducing the amount of federal taxes to be paid, thus assisting first-time homebuyers to qualify for a mortgage loan.	See above goal		Housing and Neighborhood Development Division	Ongoing
<b>Fair Housing</b>					
Tenant/landlord Mediation and Legal Services Assistance	Provide dispute resolution services, legal advice and representation on tenant/landlord matters.	Continue to provide fair housing services		Development Services Department, City Attorneys Office and Public Information Office	Ongoing
<b>Energy Conservation</b>					
Energy Conservation	Support and assist in publicizing energy conservation programs.			Development Services Department and Planning Division	Ongoing
<b>Foreclosure Programs</b>					
Foreclosure Crises Program	Provide pre-foreclosure services and post-foreclosure activity to assist residents in need of counseling and rehabilitation and resale of blighted properties to moderate income families.	7-10 homes		Housing and Neighborhood Development Division	Ongoing




**Table 41  
Affordable Housing Strategies and Programs  
(continued)**

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
<b>Zoning Changes</b>					
Transitional and Emergency Shelters	The City will amend its zoning ordinance to permit transitional supportive housing and emergency shelters in the ML zone as a permitted use and transitional supportive housing as a conditionally permitted use in at least one residential zone.	Ordinance Approval	General Fund	Planning Division	By year 2010
Single Room Occupancy (SRO)	The City will amend its zoning ordinance to permit SRO's in at least one non-residential zone as a permitted use and as a conditionally permitted use in appropriate residential zones.	Ordinance Approval	General Fund	Planning Division	By year 2010
Reasonable Accommodation Ordinance	Adopt a "reasonable accommodation" ordinance to facilitate housing for the disabled.	Ordinance Approval	General Fund	Planning Division	By year 2010



Housing » Multi-Unit Housing Developers » [Affordable Housing](#) » Affordable Housing Fact Sheet, California Clean Air Project (CCAP)

## Affordable Housing Fact Sheet, California Clean Air Project (CCAP)

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### What is Affordable Housing?

- **According to the federal government, housing is considered “affordable” if it consumes no more than 30 percent of a household’s income.** Housing that is commonly referred to as “affordable housing” is developed using government assistance to ensure that housing costs do not exceed this level. Only households which meet certain income restrictions, qualify for subsidized affordable housing. They must have an income that equals or exceeds a lower limit and their income must not exceed an upper limit. It is important to remember that most residents of affordable housing are employed. *Source~ Non Profit Housing Association of Northern California (NPH)*
- At the Federal level, housing assistance programs are the responsibility of the Department of Housing and Urban Development (HUD). HUD places these housing assistance programs into four categories.
  1. Public housing is housing that is affordable to the lowest-income households. It is built by the federal government and operated by local housing authorities.
  2. Privately owned subsidized housing consists of privately owned buildings, subsidized directly by HUD, the rent charged to tenants is set by HUD. These buildings are often owned and operated by non-profits.
  3. Block grant: In this system federal money is distributed to individual states and local governments, who administer programs tailored to their own needs, but approved by HUD.
  4. Section 8: This is run by individual local housing authorities. A prospective tenant having qualified for Section 8 assistance is issued a certificate and other documents and sent to find a rental unit.
- In California, there are approximately 149,000 units of privately owned, federally-assisted multifamily rental housing plus additional tax credit\* and mortgage revenue bond properties, many with project-based rental assistance. Elderly persons and families (also including low-income single adults, people with disabilities, farm workers and more with lower-incomes who cannot afford to pay market rate rents occupy these units.

*Source~ www.hcd.ca.gov*

- In addition to HUD funding for affordable housing, in February, 2006, the California Department of Housing and Community Development (HCD), awarded \$181.7 Million in Proposition 46 funding to create housing opportunities for thousands of Californians. The awards were distributed among 28 counties to provide housing opportunities for more than 3,100 of California’s hardworking families and neediest residents. Proposition 46 is the \$2.1 billion housing bond approved by voters in November 2002.

*Source~ Janet Huston, Director of Communications and Government Affairs, HCD.*

- These Proposition 46 awards will assist over 2,000 Californians --seniors, disabled, homeless and those transitioning from homelessness--to realize the dream of an affordable rental home. \$145.3 million has been made available through the Multifamily Housing Program (MHP) to provide permanent low-interest loans for the construction of new affordable apartment homes and rehabilitation of existing affordable units.

*Source~ Janet Huston, Director of Communications and Government Affairs, HCD.*

### Why Smoke-free Affordable Housing?

- **There is no constitutional right to smoke.** “The right to smoke or not to smoke is not a right that is protected under the Civil Rights Act of 1964 or any other HUD enforced civil rights authorities and because neither smokers or non-smokers are groups that receive special recognition under the Civil Rights Act of 1964, the restriction of smoking in privately owned apartment complexes does not violate the statute.”

## Exhibit 3



Source- HUD Legal Counsel Letter of July 2003

- HUD Detroit Regional Office Legal Counsel letter of July 2003 states that apartment owners are free under federal law to make buildings totally smoke-free, so long as they "take caution to grandfather in those smoking residents currently residing at the complex."\*. However, an October 2004 letter from the Seattle HUD office states "You asked if there is any policy or legal basis that would require grandfathering-in smoking residents and if it is permissible to require existing tenants to stop smoking in their units as long as they are given sufficient notice and the change occurs at the time of lease renewal. There is no written HUD policy requiring the grandfathering of any tenant."\*\*

"Grand-fathering," means for a reasonable period, such as until lease renewal. "The Chief Counsel recently clarified that the term 'grandfather' as used in her letter does not mean a permanent exemption for existing smokers. She said that the landlord could either wait until the annual review or expiration of the smoker's lease, or, in the case of a long-term lease, until after the provision of legally adequate notice. She said that it was reasonable to require tenants with long-term leases to move or cease smoking, as long as the smoker received reasonably adequate advance notice and had the option of moving to an apartment in which smoking was permitted." \*\*\*

Source- \*HUD Legal Counsel Letter of July 2003; \*\* Seattle HUD Office Letter of October 2004:

<http://www.tcsf.org/sfelp/HUD2004.pdf> \*\*\* MEMORANDUM To: Jim Bergman From: Susan Schoenmarklin, May 2005 In Re: Analysis of the authority of Housing Authority Directors and Section 8 multiunit housing owners to ban smoking in their residential units.

- To implement a smoke-free policy affordable housing agencies may:

~ Add smoke-free provisions to the "house rules" in public housing authority buildings.

**As long as the no smoking policies meet the normal house rules criteria HUD approval is not required.**

Source- HUD Legal Counsel Letter of July 2003

- If affordable housing operators wish to make no-smoking policies a condition of the lease, HUD approval is required to the extent that the owner is bound to utilize HUD's model lease.

Source- HUD Legal Counsel Letter of July 2003

#### **IMPORTANT TO REMEMBER!**

Since affordable housing residents have fewer housing options, affordable housing advocates are very sensitive (and rightly so) to the possibility of people losing their housing altogether – for any reason. Educating tenant advocates about ways to successfully implement smoke-free or smoking- restricted policies is a first step toward smoke-free affordable housing.

**CCAP- California's Clean Air Project, a statewide project of ETR Associates**

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## Why Affordable Housing Does Not Lower Property Values

From HomeBase/The Center For Common Concerns, San Francisco

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### Common Attitudes vs. the Facts

It is a common belief that affordable housing, including residential care facilities and supportive housing, will lower neighboring property values. However, numerous studies conducted over a period of many years and in various locations find that this widely held preconception is incorrect. Why? Because property values are primarily determined by the condition of the particular property for sale and other broader, more complex forces such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions which determine property values.

### A Wide Variety of Types of Housing and Residential Areas Were Studied

The studies cover a wide scope both of kinds of housing and of residential areas. Elaborate studies have been conducted regarding affordable rental housing, owner-occupied housing, and housing for the physically and developmentally disabled, mentally ill, the elderly and homeless women and children. The actual housing structures vary from single family houses to high-rise apartment buildings, from manufactured housing to multiple family units in garden clusters. Areas examined range from prosperous suburbs to rural routes to densely populated urban areas in locations all over the United States. Despite this variety of factors, all of the studies except one reach the same conclusion -- facilities of this kind simply do not affect neighboring property values.

### Studies Were Conducted By A Variety of Public and Private Sector Experts

Some studies come from the academic community, others are conducted by independent researchers, still more are government reports. The available studies have been conducted by the U.S. General Accounting Office, Coopers and Lybrand, U.C.B.'s Institute for Urban and Regional Development, California's Department of Housing and Community Development, and Princeton University's Woodrow Wilson School of Public and International Affairs.

### Studies Used Many Different Methods to Detect Effects

The studies assess the potential effect of housing facilities on neighboring property values in many ways. Some compare the sale prices of neighboring housing to prices in a similar control area. Some compare sale prices before, during and after the construction of a facility to determine changes and then compare this data to statistics on the prevailing trends in that community. Others utilize a sophisticated statistical technique called "regression analysis" to determine the effect of proximity to affordable housing.

### Almost No Effects on Nearby Property Values Were Found

Except for one, all of the studies, utilizing many methodologies, determined that property values are not affected by these housing facilities. The only study examined which suggested that facilities might have a negative effect on neighboring property values could not conclusively determine whether the affordable housing in question was responsible for lower property values, or whether it was caused by other neighborhood concerns.

### Conclusion

It is a common assumption that property values will go down in areas where affordable housing is located. Contrary to popular beliefs, studies indicate conclusively that affordable housing has little or no effect on neighboring property values. No one really knows what determines property values -- they are a complex phenomenon, and seem to be most closely related to the condition of the particular property for sale and broad trends in neighborhood prosperity, urban and suburban expansion, road and highway construction and nearby large-scale commercial and industrial developments.



The assumption that property values will decline with the location of affordable housing is based on the idea that one facility can affect a whole neighborhood, and that such facilities will be conspicuous, unattractive, poorly maintained and poorly managed. The studies cited on the following sample bibliography as well as others show that these assumptions are incorrect.

A Sample of the Research of Property Value Effects

1. Habitat for Humanity South Ranch 2 Community Impact Study  
(Coopers & Lybrand, 1994)

Study of potential impact of a proposed 196 owner-built and occupied home development on a previously unoccupied area of Phoenix concluded that the development would benefit the overall community by bringing in community-committed, stable, working families, drawing commercial development to a new area and spatially linking existing developed areas of Phoenix.

2. Relations between Affordable Housing Development and Property Values  
(Institute for Urban and Regional Development, University of California, Berkeley, Working Paper 599, 1993)

Determined that proximity to affordable housing is not a significant factor in determining sales prices, and in one instance it may have had a positive impact on sales prices.

3. Measuring the Effects of Affordable Housing on Residential Property Values  
(San Francisco State University, unpublished master's thesis, Smith, B., 1992)

Analysis found that among thirteen "proximity zones" the highest increases in value and the lowest turnover were in areas closest to an affordable housing facility.

4. The Effect of Group Homes for the Mentally Ill on Residential Property Values  
(*Hospital and Community Psychiatry*, Boydell, Katherine M., M.H.Sc., John N. Trainor, MSW, Anna M. Pierri, 1989)

Determined that property values in a suburban area with a group home increased more than a similar area without such a facility.

5. Texas Department of Mental Health and Mental Retardation Questions and Answers  
(Johnson and Olson Associates of Austin, 1988.)

This summary finds no evidence of property values declining because of the location of a group home for the mentally retarded, and finds that there was less residential turnover near the group home than in other similar areas.

6. The Effects of Subsidized and Affordable Housing on Property Values: A Survey of Research  
(Department of Housing and Community Development, State of California, 1988.)

Out of 15 published papers on subsidized housing, group homes for the disabled, and manufactured housing, 14 concluded that this housing had no significant negative effects on the values of neighboring properties. Some reported positive property value effects.

7. The Impact of Group Homes on Residential Property Values  
(The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, 1988)

Study found that most areas around group homes appreciated more than other similar areas in the country. Determined that there is no correlation positive or negative between location of group homes and neighboring property values.

8. Impact Study for Sacramento Housing and Redevelopment Agency  
(Spear Street Advisors, Inc., San Francisco, Calif., 1988)

Determined that proximity to affordable housing was not a statistically significant factor affecting property values.

9. Impacts on the Surrounding Neighborhood of Group Homes for Persons with Developmental Disabilities  
(Illinois Planning Council on Developmental Disabilities, Daniel Lauber, Springfield, Ill., 1986)

Research ascertained that the location of group homes had no effect on property values, mean sales price, or residential turnover rates.





10. Impact of Affordable Housing on Property Values  
(Lynn Sedway & Associates, 1983)

Study determined that appreciation rates near affordable housing were at least as high as the area average.

11. Long Term Neighborhood Property Impacts of Group Homes for Mentally Retarded People  
(Woodrow Wilson School of Public and International Affairs, Princeton University, 1982)

Of 32 group homes all over New York State, none had a short or long term impact on neighboring property values.

Source: "Building Inclusive Community: Tools to Create Support for Affordable Housing,"  
HomeBase/The Center for Common Concerns, San Francisco, 1996. Reprinted with permission.

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## Making Housing Affordable: A Solution For The Communities Of The Capay Valley

Like other attractive rural communities in California, Capay, Esparto, Guinda, Madison and Rumsey are facing the challenges of growth and change. At the core of these challenges are the very features that make these communities such desirable places to live, work or operate a business in. For the Capay Valley, it is its own natural beauty, outdoor recreation opportunities, small-town rural character, proximity to freeways, nearby Yolo County job centers and relatively inexpensive land and housing that is attracting the growth and changes that threatens the character of local communities. Unless change is planned for and managed appropriately, the future for larger communities such as Esparto and Madison is a transformation into sprawling commuter suburbs dominated by expensive subdivisions of tract homes. For the smaller towns of Capay, Guinda and Rumsey the impacts will be on local agriculture. Demand for upscale country homes and ranchettes will drive the conversion of long-time family farms into luxurious country estates. As wealthy homeowners replace farmers, pressure will be exerted on these communities to also grow and expand.

As the housing market spirals upward, local families, retirees, farmworkers, school teachers and local businesses will be pushed out. Traffic will increase dramatically in the form of reverse commutes, as workers who used to live and work locally now must commute into the Valley from outside communities. Farmers will sell off their lands for luxury homes as farmworkers are driven out of the Capay Valley by high-cost housing. Escalating land costs, demands for new services and opportunities for shopping centers and national chain stores will eventually replace local businesses.

Already the warnings signs of these trends are present:

- Single family home prices are increasing dramatically
- New construction is primarily high-cost tract homes
- Lack of rental housing in all communities in Capay Valley
- Very little housing for elderly and retirees
- Local employees have difficulty finding housing they can afford
- Employers report workforce recruitment and retention problems
- Three-fourths of local businesses and farms report a serious shortage of affordable and workforce housing

While growth cannot be totally stopped, communities can manage growth in a way that preserves their character and maintains the local residents. The key to doing this, however, is ensuring that quality housing is available for local employees, families with children and local retirees at a price that they can afford. To do this will require that state and local government provide some of the financing. Nonprofit organizations that specialize in helping working families and local employees may have to build the housing. Also, the housing is reserved for those whose earnings or income aren't high enough income to affordable the housing now on the market.

Although affordable housing is an tool for responding to growth and change, it also means communities need to take a fresh look at what is often known as "affordable

housing?. Understandably questions arise about affordable housing when it is proposed in a community. It is not uncommon for there to be a lack of information and sometimes misunderstandings about who lives in the housing, what the housing looks like and how it will affect property values. Fortunately the record and evidence shows housing that is designed for and affordable to employee in neighborhood businesses, working families and local residents is an asset for the community. Some of the common questions and concerns are:

*Concern: People who live in affordable housing won't fit into my neighborhood.*

**Fact:** Many are surprised to learn that people who need affordable housing are neighbors who already live and work in the community and are at risk of being priced out. According to the definition of affordable housing, it is housing where households should pay no more than 30% of their income to rent or mortgage payments. All “affordable housing” means is that the residents don’t pay too large a share of their income on rent or mortgage. Using this definition many local workers such as teachers, librarians, police and many other vital members of communities qualify and need affordable housing.

*Concern: Affordable housing means crime and drugs in the neighborhood*

**Fact:** There is absolutely no evidence of an increase in crime resulting from the affordable housing in a neighborhood. . Those who live in affordable housing –whether renter or owner – also value their homes and community too. They work, shop, raise families, worship and attend school in the community like everyone else. They want the same things everyone else does - to peacefully enjoy life in the surrounding community

*Concern: Affordable housing is poorly maintained and lowers property values.*

**Fact:** Study after study has shown that an affordable housing development does not affect property values. Precisely because the process of affordable housing development is so heavily scrutinized and must address these concerns in order to win approval, contemporary affordable housing is attractively designed, professionally managed, and well-maintained. In some cases, affordable housing is actually more attractive and better maintained than similar housing in the neighborhood. Consequently affordable housing maintains its good appearance and value over time. Remember: property values result primarily from neighborhood desirability, characteristics of comparable housing sales and the overall quality of a community.

*Concern: Affordable housing represents just another government welfare handout.*

**Fact:** Affordable housing is financed partially by mortgages from banks and other private sector lenders at market interest rates. Those who live in this housing do make rental or mortgage payments. Additional financing in the form of low interest loans and a limited amount of grant funding from government sources and charitable foundations is needed only to reduce the cost of building and operating the housing in order to make it affordable. It is important to remember that other homeowners benefit from federal housing subsidies in the form of income tax deduction for mortgage interest paid - the largest housing subsidy program in the U.S.



# Anti-Nimby Tools

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*By Mike Rawson  
California Affordable Housing  
Law Project*

Historically, local governments have had broad discretion in the approval of residential development. However, local parochialism and prejudices often result in policies and practices that exclude the development of affordable housing, thereby exacerbating patterns of racial and economic segregation and creating a substantial imbalance of jobs and housing. In recent years, several laws have been adopted that place important limitations and obligations on local decision-makers in the area of affordable housing.

**Housing Element Law** (Gov. Code Sec. 65580 et seq.) Every city and county must adopt a housing element as part of its general plan. Most importantly, a housing element must identify sites appropriate for affordable housing and address governmental constraints to development. If the locality fails to adopt a housing element or adopts one that is inadequate, a court can order the locality to halt development until an adequate element is adopted or order approval of specific affordable housing developments.

In most cases, the identification of sites must include sites zoned for multi-family development by right.

Section 65583.2 (AB 2348) requires the element to specifically identify sites and demonstrate their availability without restrictive zoning burdens. See our Housing Element Fact Sheet for additional detail.

**“Anti-Nimby” Law** (Gov. Code Sec. 65589.5). Even in communities with valid housing elements, local governments often deny approval of good developments. Misinformation and prejudice can generate fierce opposition to proposed projects. Recognizing this, state law prohibits a local agency from disapproving a low income housing development, or imposing conditions that make the development infeasible, unless it finds that one of five narrow conditions exist. Of the five, three are of most import: 1) the project would have an unavoidable impact on health and safety which cannot be mitigated; 2) there is no need for the project; or 3) the project is inconsistent with the general plan and the housing element is in compliance with state law. SB 948 (Alarcon) (Chapter 968, Statutes of 1999): (1) narrowed the definition of what constitutes an impact on health and safety; (2) applied the law to middle income housing; and (3) clarified the authority of courts to order localities to approve illegally denied projects. AB 369 (Dutra) (Chapter 237, Statutes of 2001) provided

attorneys fees and costs against localities that violate the law. SB 619 (Ducheny) (Chapter 793, Statutes of 2003) expanded the law to mixed use developments. SB 575 (Torlakson) (Chapter 601, Statutes of 2005) narrowed the “no need” and “zoning inconsistency” conditions for turning down affordable housing.

**Prohibition of Discrimination Against Affordable Housing** (Gov. Code Sec. 65008). This statute forbids discrimination against affordable housing developments, developers or potential residents by local agencies when carrying out their planning and zoning powers. Agencies are prohibited not only from exercising bias based on race, sex, age or religion, but from discriminating against developments because the development is subsidized or occupancy will include low or moderate income persons. Local governments may not impose different requirements on affordable developments than those imposed on non-assisted projects. Just as with the other state and federal fair housing laws (see below), this law applies even if the discrimination is not intentional. It applies to any land use action that has a disproportionate impact on assisted developments or the potential minority or low income occupants. SB 619 (Ducheny) (Chapter 793, Statutes of 2003) prohibited

discrimination against multi-family housing.

**California and Federal Fair Housing Laws.** These laws prohibit discrimination by local government and individuals based on race, color, religion, sex, familial status, marital status, national origin, ancestry or mental or physical disability. The California Fair Employment and Housing Act (Gov. Code Sec. 12900 et seq.) expressly prohibits discrimination through public or private land use practices and decisions that make housing opportunities unavailable. Similarly, the federal Fair Housing Act (42 U.S.C. Sec. 3601 et seq., or "Title VIII") has been held to prohibit public and private land use practices and decisions that have a disparate impact on the protected groups. The federal Fair Housing Amendments Act of 1988 requires local governments considering housing projects for the disabled to make reasonable accommodations in rules, policies and practices if necessary to afford disabled persons equal opportunity for housing (42 U.S.C. Sec. 3604(f)(3)(B)).

**Water/Sewer Service** (Gov Code Sec. 65589.7). Local water and sewer districts must grant priority for service hook-ups to projects that help meet the community's fair share housing need.

**Density Bonus Law** (Gov Code Sec. 65915-16). Local governments must grant projects with a prescribed minimum percentage of affordable units up to a 35% increase in density and up to 3 incentives. An incentive can include a reduction in development, parking or design standards,

modification of zoning requirements or direct financial aid. See our Fact Sheet on Density Bonuses for additional detail on new laws.

**Permit Streamlining Act** (Gov Code Sec. 65920 et seq.) This law requires localities to publish a description of the information that project applicants must file and mandates a time-line for making a decision on the application. If the local government fails to act within the prescribed time limits, a development project is "deemed" approved. SB 948 (Alarcon) (Chapter 968, Statutes of 1999) reduced the time period for action on affordable housing applications from 180 days to 90 days.

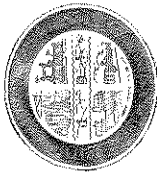
**Bonds/Attorney Fees in NIMBY Lawsuits.** A court may require persons suing to halt affordable housing projects to post a bond (Code of Civil Procedure Sec. 529.2) and to pay attorney fees (Gov. Code Sec. 65914). SB 619 (Ducheny)(Chapter 793, Statutes of 2003) permits nonprofit project proponents to intervene and collect attorneys fees in such suits.

**CEQA Exemption.** In 2002, the Legislature replaced Pub Res Code Sec. 21080.14 (100 unit exemption for affordable housing in urbanized areas, provided the site is less than 5 acres, not a wildlife habitat and is assessed for toxic contaminants, etc) and Section 21080.10 (45 unit exemption for farmworker housing) with a new "infill" exemption that also combines the former exemptions. SB 1925 (Sher) enacted Pub Res Code Sections 21159.22-25, and provided additional qualifi-

cations for those exemptions in Sections 21159.20 and 21159.21. Importantly, SB 1925 eliminated the discretion of localities to deny the exemption based on "unusual circumstances".

**Multi-Family Moratoria.** In order to circumvent Anti-Nimby law, some communities have adopted moratoria on all multifamily housing. SB 1098 (Alarcon), (Chapter 939, Statutes of 2001) amended Gov Code Sec 65858 to prohibit the extension of a multifamily moratorium beyond 45 days unless the locality makes written findings that the development of multifamily housing would have a specific, adverse impact upon public health or safety.

**Conditional Use Permits.** Most commercial, industrial and single-family residential uses do not require a conditional use permit, but many communities require a conditional use permit for multifamily housing. SB 619 (Ducheny)(Chapter 793, Statutes of 2003) prohibits conditional use permits on multifamily housing developments that meet the CEQA affordable housing, farmworker or infill exemption, and on affordable multifamily housing with 100 or fewer units, a density of at least 12 units/acre, located on an infill site in an urbanized area, consistent with the zoning and general plan, and has a neg dec or mitigated neg dec. In 2005, SB 326 (Dunn) (Chapter 598, Statutes of 2005) expanded this law to apply to attached duplexes, triplexes and fourplexes as well as multifamily housing.



CITY OF CARSON HOUSING ELEMENT UPDATE SCHEDULE

TASKS	2008												2009														
	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
1. Community Outreach Program (MIG)																											
2. Community Factors/Profile																											
3. Review of Housing Element Performance to Date																											
4. Residential Land Inventory																											
5. Housing Needs																											
6. Reexamine Constraints																											
7. Quantified Objectives/ Policy and Implement. Plan																											
8. Reexamine Energy Saving Opportunities																											
9. Prepare Draft Initial Study/Negative Declaration																											
10. Staff/Public Review of Administrative Draft Element																											
11. Prepare Draft Element																											
12. HCD Review of Draft Element (60 days)																											
13. Prepare Final Element																											
14. HCD Review of Final Element (up to 90 days)																											
15. Community Forum (February 25)																											
16. Planning Commission Meetings/Public Hearings																											
17. City Council Public Hearing																											
18. City Staff Meetings																											