

# Proposed Amendments to the 2021-2029 Housing Element

City Planning Case: CPC-2022-2698-GPA  
ENV-2020-6762-EIR-ADD1

CITY PLANNING COMMISSION

LOS ANGELES  
CITY PLANNING

May 19, 2022

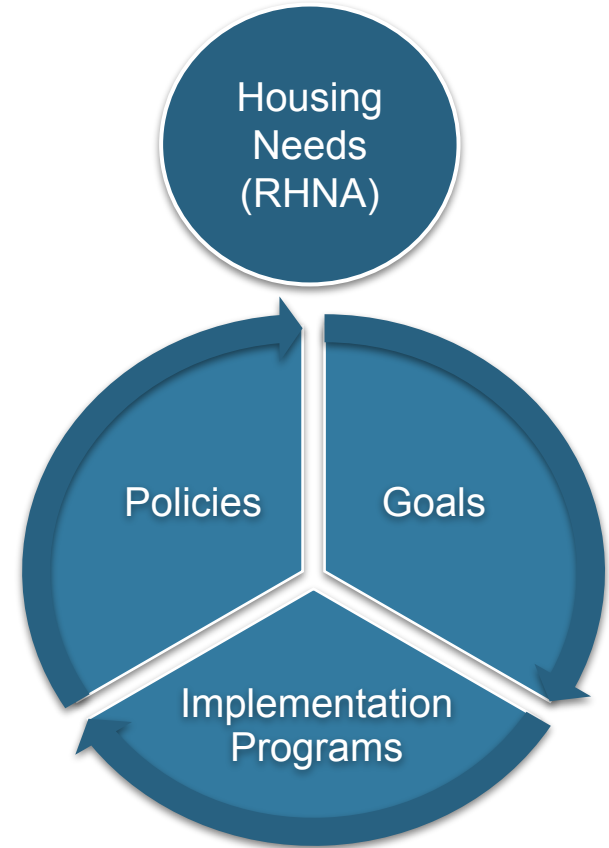
# Overview

The **Housing Element** establishes the City's General Plan housing **goals, policies, objectives and programs**

Must be updated every eight years and requires **state (HCD) review for compliance** with state law

State law requirements include:

- Ensuring jurisdictions do their **"fair share"** around planning for housing (**RHNA**)
- Ensuring housing elements **affirmatively further fair housing (AFFH)**



# Housing Element Adoption

The Los Angeles City Council adopted the 2021-2029 Housing Element on **November 24, 2021**.

The California Department of Housing and Community Development (HCD) responded to the City's adopted Housing Element on **February 22, 2022**.

*“HCD applauds the substantial rezoning program and actions to facilitate housing choices, affordability and supply, the element now demonstrates adequate sites to accommodate the regional housing need allocation.”*

**However**, HCD did require the City to revise the Adopted Housing Element to ensure compliance with the new Affirmatively Furthering Fair Housing (AFFH) state law requirements.



# HCD Direction

HCD's letter cited two related deficiencies relating to the **AFFH Programs** in the Housing Element

1. **Metrics** and **milestones** for AFFH Programs
2. **Place-based community revitalization**/investments in lower resource areas

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
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GAVIN NEWSOM, Governor



February 22, 2022

Vincent Bertoni, Director  
 Department of City Planning  
 City of Los Angeles  
 Los Angeles City Hall  
 200 North Spring Street, Suite 525  
 Los Angeles, CA 90012

Dear Vincent Bertoni:

**RE: City of Los Angeles 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Los Angeles (City) housing element adopted on November 24, 2021 and received for review on November 24, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Alliance for Community Transit – Los Angeles (ACT-LA) and a coalition of 24 community organizations, Tieira Ryder and Abundant Housing LA pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's September 3, 2021, review. For example, HCD applauds the substantial rezoning program and actions to facilitate housing choices, affordability and supply, the element now demonstrates adequate sites to accommodate the regional housing need allocation. However, an additional revision is necessary to fully comply with State Housing Element Law, as follows:

*Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair*

# Affirmatively Furthering Fair Housing (AFFH)

- AFFH adopted per **AB 686** (2018)
- AFFH is defined as *“taking 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.”*
- With regards to housing elements, specific requirements include:
  - **Assessment of Fair Housing** with identification of contributing factors, barriers and AFFH priorities (Appendix 1.1)
  - Creation of **AFFH strategies and actions** expected to address these issues (Ch. 6).

# AFFH and the City's Adopted Housing Element

## Assessment of Fair Housing

Summary (Chapter 1)

Detailed Analysis (Appendix 1.1)

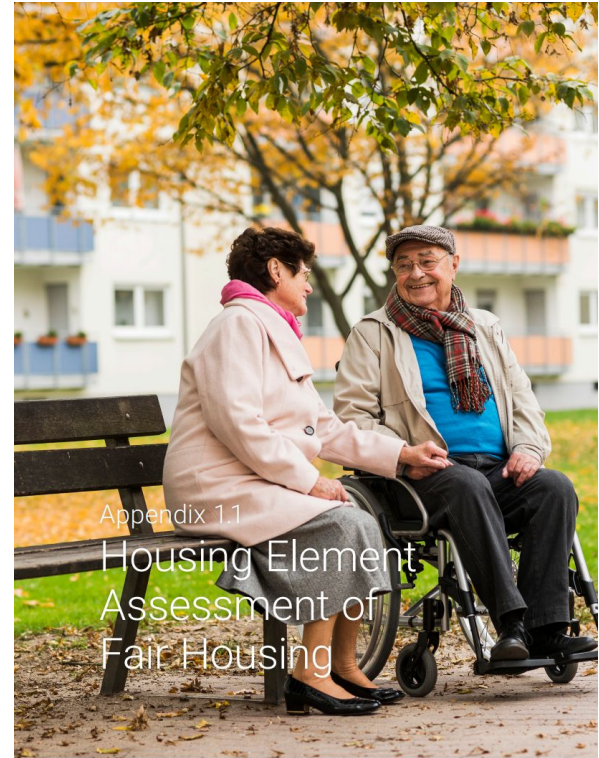
## AFFH Analysis of Inventory of Sites and Rezoning Program

Summary (Ch. 4)

Detailed AFFH Data Analysis (Appendix 4.4)

## AFFH Strategies and Actions (Programs)

**AFFH Program 124** (Ch. 6) compiles many other Housing Element strategies and actions that further fair housing goals



# Existing AFFH Program 124

## 124. AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) PROGRAM

**Goal #: 4,1**

**Lead Agencies:** LACP, LAHD

**Supporting Agencies:** HACLA

**Funding Sources:** Regional Early Action Planning (REAP) Grant

**Objective:** Compliance with US Housing and Urban Development (HUD) and AB 686 (2018).

**Respective Policies:** 4.1.4, 4.1.5, 4.2.3, 4.3.2, 1.1.6, 1.1.7, 1.1.9, 1.1.10, 1.3.1

Promote and affirmatively further fair housing (AFFH) opportunities throughout the community in all housing, planning and community development activities. Take a variety of actions to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity to promote diverse communities that grant all Angelenos access to housing. Increase place-based strategies to encourage community revitalization and protect existing residents from displacement through various policies, programs, and goal setting (e.g. AFH Plan).

The following specific actions are either ongoing activities or will be undertaken by LAHD and/or LACP as part of actions to address AFFH issue areas in partnership with key local stakeholders:

- e. Expand efforts for the preservation and rehabilitation of deed-restricted affordable housing, naturally occurring affordable housing, RSO units and residential hotels (Programs 10, 27, 30).
- f. Continue to develop greater tenant protections for City Council consideration, including rental assistance and legal representation services for lower-income households and protected classes (Programs 85, 86, 88, 89, 91).
- g. Continue the City’s Systematic Code Enforcement Program (SCEP) activities that maintain housing stock while providing opportunities to legalize units and not displace existing tenants (See program 22).
- h. Provide housing voucher assistance and mobility-related services to families with children to encourage such families to move to lower-poverty areas, to expand their access to opportunity areas, pursuant to HUD’s Mobility Demonstration Voucher NOFA (Programs 41, 93, 98, 102, 108).
- i. Expand the use of the City’s Accessible and Affordable Housing Registry to provide a coordinated source of information about accessible and affordable housing opportunities (Program 8).

# Proposed Housing Element Amendments

## AFFH Programs

Many **Existing AFFH Programs** (referenced in AFFH Program 124) were **amended** to include metrics and milestones that target significant and meaningful AFFH outcomes

Some AFFH Programs did not require amendments

A few existing AFFH Programs were detached from the AFFH Program 124

**Additional existing Housing Element Programs** were added to the AFFH Program 124

**4 New Programs** have been added and attached to AFFH Program 124

**AFFH Program 124** was reorganized to include more AFFH considerations

Additional **Technical Amendments** - Appendix 4.1 data formatting error, acknowledgements and amendment project information



# Proposed Program Revisions

- Replaced language around exploring or considering specific actions, to include more specific commitments.
- Provided clearer timelines for program implementation.
- Added language detailing geographic targets of programs
- Added reasonable and achievable AFFH metrics, which are intended to aid in ongoing evaluation of program success.
- More clearly defined program objectives and description text.

## Example: Program 15. Public Land For Affordable Housing

Objective: Increase the utilization of public land for affordable housing with particular emphasis in high resource and gentrifying areas; Identify publicly owned housing opportunity sites and issue RFPs to develop the sites by 2023, and annually thereafter; Rezone PF (Public Facility) zoned land to allow affordable housing by-right by 2024 (see Program 121 and 48); Maintain a publicly accessible citywide inventory of publicly owned sites; Revise the Asset Management Evaluation Framework to add AFFH criteria into the property review and evaluation process.

# Proposed New Programs

**4 New Programs** have been added:

Program 133 - **Mobility Improvements in Lower-Income Areas**

Program 134 - **Promote Equitable Economic Development in High Poverty and High Unemployment Areas**

Program 135 - **Place Based Community Revitalization Efforts**

Program 136 - **Solid Ground Program**

# Revised Structure for Program 124

Strategies and Actions	Primary Contributing Factor(s)	Implementing Program Summaries (see individual Programs for detailed Objectives and Program Descriptions)	AFFH Category
<p><b>A.</b> <u>Prioritize and expand housing choices for those with the greatest housing needs, including those with the lowest incomes, persons with disabilities, seniors, large families, and victims of domestic violence.</u></p>	<p><b>3.</b> <u>Affordable and Accessible Units in a Range of Sizes</u></p> <p><b>6.</b> <u>Housing Discrimination</u></p>	<p><b>8:</b> <u>Exceed state and federal law requirements by adding more accessible units in affordable housing developments, providing for 4,031 accessible affordable units by September 2026. Operate and improve a waiting list/registry for persons with disabilities and others through the Accessible and Affordable Housing Registry to target available units to persons in need. By 2024, establish public counters for assistance in applying for affordable and accessible housing.</u></p> <p><b>48 and 121:</b> <u>Create new incentives for senior and other special needs housing through the update to the city's affordable housing incentive programs by 2024.</u></p> <p><b>42:</b> <u>Provide 375 vouchers annually to very low-income seniors and people with disabilities.</u></p>	<p><b>1.</b> <u>Mobility and Inclusion</u></p> <p><b>2.</b> <u>Access to Opportunity</u></p>

# Key Issue: Housing Element Compliance

State law has been **significantly strengthened** and requires **compliance** by the state (HCD) or there can be consequences including:

**Significant funding put at risk** (PLHA, AHSC, IIG, TCC, Planning Grants, etc.)

**Compressed Housing Element rezoning schedule** (one year vs. three)

**No Net Loss Requirements** (findings required for more projects)

**Court Imposed Fines** (up to \$600K per month) and other court actions that may affect zoning controls and require compliance

# State HCD Review

The proposed amendments were sent to the state HCD for their review on April 28th

The state HCD sent their review letter for the draft on May 11th that said:

“The revised element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when the revisions are adopted and submitted to HCD.”

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GAVIN NEWSOM, Governor



May 11, 2022

Vincent Bertoni, Director  
 Department of City Planning  
 City of Los Angeles  
 Los Angeles City Hall  
 200 North Spring Street, Suite 525  
 Los Angeles, CA 90012

Dear Vincent Bertoni:

**RE: City of Los Angeles 6<sup>TH</sup> Cycle (2021-2029) Revised Draft Housing Element**

Thank you for submitting the City of Los Angeles (City) revised draft housing element update received for review on April 28, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The revised draft element meets the statutory requirements described in HCD's February 22, 2022 review. The element now includes specific and significant actions, including metrics and milestones, to affirmatively further fair housing (AFFH). Among many actions, the element also now includes place-based strategies to promote community revitalization and conservation and foster more inclusive and equitable communities. As a result, the revised element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when the revisions are adopted and submitted to HCD, pursuant to Government Code section 65585. Any changes to the revised draft will be subject to additional review by HCD and may impact the finding that the revised draft meets statutory requirements. HCD encourages the City to expeditiously adopt, and submit to HCD to regain housing element compliance.

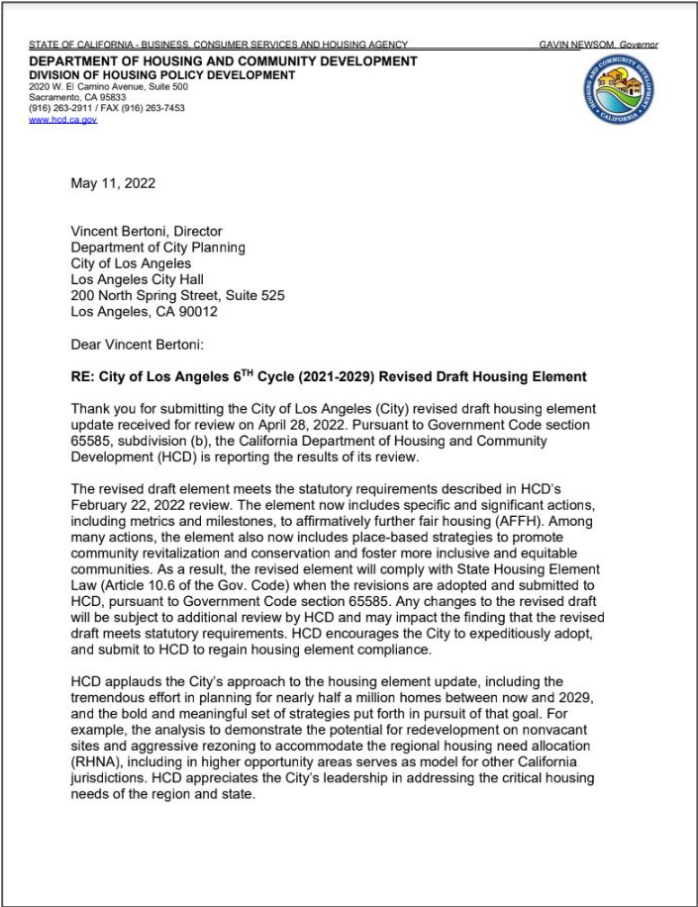
HCD applauds the City's approach to the housing element update, including the tremendous effort in planning for nearly half a million homes between now and 2029, and the bold and meaningful set of strategies put forth in pursuit of that goal. For example, the analysis to demonstrate the potential for redevelopment on nonvacant sites and aggressive rezoning to accommodate the regional housing need allocation (RHNA), including in higher opportunity areas serves as model for other California jurisdictions. HCD appreciates the City's leadership in addressing the critical housing needs of the region and state.

# State HCD Review

The state HCD sent their review letter for the draft on May 11th that said:

“Any changes to the revised draft will be subject to additional review by HCD and may impact the finding that the revised draft meets statutory requirements.

HCD encourages the City to expeditiously adopt, and submit to HCD to regain housing element compliance.”



# Public Comment

- The Department received six comment letters via email, including one letter from ACT-LA, a coalition of community-based organizations
- One additional comment was submitted to the Commission Office from Communities for a Better Environment (CBE).
- These recent comments received align and are consistent with the comments received during the development and adoption process of the 2021-2029 Housing Element.
- Comments expressed support for:
  - affordable housing production and funding
  - housing for homeless populations
  - development of public land
  - parks funding
- Comments expressed concerns about:
  - displacement and tenant protections
  - environmental justice
  - the public outreach process

# Recommended Actions

1. **Conduct** a public hearing on the Proposed Project
2. **Approve** the Staff Recommendation Report as the Commission Report.
3. **Approve** and **Recommend** that the City Council **adopt** the Findings in the Staff Recommendation Report.
4. **Recommend** the City Council **find**, based on their independent judgment, after consideration of the whole of the administrative record, including the 2021-2029 Housing Element EIR, SCH No. 2021010130, certified on November 24, 2021 (EIR) and the Addendum prepared for the Proposed Project (Addendum) (Exhibit C), the project was assessed in the EIR and pursuant to the CEQA Guidelines, Sections 15162 and 15164 and the Addendum, that no major revisions to the EIR are required and no subsequent EIR, supplemental EIR, or negative declaration is required for approval of the project.
5. **Approve and Recommend** that the Mayor **approve** and the City Council **adopt** the Resolution in Exhibit A to amend the Housing Element of the General Plan, as shown in Exhibit B.
6. **Authorize** the Director of Planning to present the Resolution (Exhibit A) and General Plan Amendment (Exhibit B) to the Mayor and City Council, in accordance with City Charter Section 555 and LAMC Section 11.5.6.
7. **Adopt** a Resolution (Exhibit F) pursuant to City Charter Sections 559 and 560 to delegate authority to the Director of Planning to review and make recommendations on behalf of the City Planning Commission for future technical or targeted modifications by the City Council to the City Planning Commission's recommendation on Resolution (Exhibit A) and General Plan Amendment (Exhibit B), or other targeted amendments to the 2021-2029 Housing Element of the General Plan, until such time as the City obtains a finding by HCD that the 2021-2029 Housing Element substantially complies with all statutory requirements for the sixth revision of the City's Housing Element.



# Next Steps to Achieve HCD Compliance

City Council Adoption

HCD 60 day review and certification of the adopted Housing Element

If there are further revisions:

Work to include metrics, milestones, and funding for any added program (may require consultation)

Determine if formal draft review is needed or if we can proceed with adoption. Formal draft review includes:

Publish revised draft for 7 days of public review before providing to HCD

Submit revisions to HCD for 60-day review

Proceed with legislative and HCD certification process

## Upcoming Funding Deadlines:

July 1, 2022 - Application deadline for the Transformative Climate Communities (TCC) grant

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# Thank you

Adopted Housing Element and proposed amendments can be found at:  
<https://planning4la.org/Plan2HouseLA>

# Project Timeline

- November 24, 2021 Housing Element adopted and submitted to HCD for review
- February 22, 2022 HCD provides a letter requesting amendments to the AFFH programs of the Housing Element
- February - April The City collaborated with HCD to respond to guidance, directions and technical assistance to make the needed targeted revisions to bring the City's Housing Element into full compliance.
- April 21, 2022 draft Technical Amendments are released to the public for review and comment.
- April 28, 2022, the City submitted the proposed targeted modifications to HCD for formal compliance review, meeting the statutorily required seven-day public review period in advance of HCD's formal review.
- May 11, 2022, the City received a letter from HCD (Exhibit D) stating that, "The revised draft element meets the statutory requirements described in HCD's February 22, 2022 review".

# Comments Received

- **Communities for a Better Environment (CBE)**
  - Public Participation process
  - Revisions Requested to Programs:
    - 15. Public Land for Affordable Housing
    - 22. Systematic Code Enforcement
    - 82. Accommodations for Persons with Disabilities
    - 84. Citywide Fair Housing Program
    - 86. Tenant Anti-Harassment
    - 134. Place Based Community Revitalization Efforts
  - Environmental Justice
    - Energy Conservation Analysis
    - Brownfield Remediation
    - Building Decarbonization

# Comments Received

- **Alliance for Community Transit (ACT LA)**
  - Locate “new funding sources for equitable built environment policies in Los Angeles that may not have existed or that may have existed but have not been historically used for built environment policies”
  - Reduce displacement through a right to return including: no net loss, maintain a displaced tenant list, voluntary buyout, right of first refusal, and access to covenanted units.
  - Clarify how the rezoning program will achieve fair housing.
  - Account for the impacts of harmful (oil drilling, etc) land uses to communities of color.
  - Utilize Public Land to reduce homelessness.
  - Consider Environmental Justice concerns raised in past letters.

# Key Changes to Program 124

Examples of the types of specific program revisions being proposed include the following:

- **Replaced language around exploring or considering specific actions, to include more specific commitments.**

Revised language to clarify the intention to take more specific actions, such as drafting a code amendment or presenting a report to the City Council (see Program 7, Opportunities to Increase Affordable Housing and Increase Equity through Major Entitlements and Program 85, Just Cause Eviction).

- **Added language detailing geographic targets of programs.**

Language is added to several programs to clarify that the City will target outreach to areas with high displacement risk and High Segregation & Poverty areas (see Program 22, Systematic Code Enforcement Program; Program 32, RSO Enforcement; Program 38, Rent Escrow Account Program/Utility Maintenance Program and Program 86, Tenant Anti-Harassment).

# Key Changes to Program 124

- **Provided clearer timelines for program implementation.**

Release draft methodology for public review by 2023, and bring to the City Planning Commission for action by 2024” (see Program 49, Targeted Zoning Allocations by Community Plan Area).

- **Added reasonable and achievable AFFH metrics, which are intended to aid in ongoing evaluation of program success.**

Setting a goal that at least 8% of city-financed affordable housing units will be located in High Opportunity Areas (Program 6, New Production of Affordable Housing through the Affordable Housing Managed Pipeline)

- **More clearly defined program objectives and description text.**

Revise the Asset Management Evaluation Framework to add AFFH criteria into the property review and evaluation process” (see Program 15, Public Land for Affordable Housing).

# Existing Programs Now Connected to Program 124

## Additional Programs that were already included in the Housing Element but have now been added to Program 124

- 2. HOMEOWNERSHIP FOR VOUCHER HOLDERS
- 5. PRE-DEVELOPMENT/ACQUISITION FINANCING FOR THE DEVELOPMENT OF AFFORDABLE HOUSING
- 9. AHSC (AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM)
- 68. SERVICES IN PUBLIC HOUSING
- 96. EMERGENCY SHELTER AND TRANSITIONAL HOUSING FACILITIES
- 99. HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)
- 128. EMERGENCY HOUSING VOUCHERS

## Additional Programs of the Housing Element that have been modified and added to Program 124

- 1. HOMEBUYER FINANCIAL ASSISTANCE
- 3. INNOVATIONS IN SUBDIVISIONS
- 4. SHARED EQUITY MODELS
- 14. REMEDIATION OF ENVIRONMENTAL HAZARDS
- 18. FINANCE THE CONSTRUCTION AND MAINTENANCE OF PERMANENT SUPPORTIVE HOUSING FOR HOMELESS PERSONS
- 26. MOBILE HOME PARKS
- 38. RENT ESCROW ACCOUNT PROGRAM (REAP)/UTILITY MAINTENANCE PROGRAM
- 52. INTEGRATE THE HOUSING ELEMENT AND THE CONSOLIDATED PLANNING PROCESS
- 63. ACCESSORY DWELLING UNITS
- 123. ASSESSMENT OF FAIR HOUSING (AFH)



# New Program 133

## 133. MOBILITY IMPROVEMENTS IN LOWER-INCOME AREAS

Lead Agency: Los Angeles Department of Transportation (LADOT)

Have at least 75% of existing transportation investments (through Vision Zero, Great Streets, Active Transportation, Stress Free Connections, Safe Routes to Schools, Safe Routes for Seniors, and AHSC Programs) serve Mobility Equity Zones through 2030. Collaborate with community-based organizations to provide culturally relevant constituent engagement for major transportation investments. By 2025, implement a “Universal Basic Mobility Program” in a Disadvantaged Community, and expand public car-sharing in Disadvantaged Communities by at least 50 stations.

# New Program 134

## **134. PROMOTE EQUITABLE ECONOMIC DEVELOPMENT IN HIGH POVERTY AND HIGH UNEMPLOYMENT AREAS**

Lead Agency: Economic and Workforce Development Department (EWDD)

Objective: Promote workforce development and economic revitalization in areas with high unemployment and poverty through the creation of at least 10 place-based initiatives by 2029, deploy at least \$100 million in grants and loans to small businesses targeting these high need areas and serve approximately 120,000 people annually through the City's Worksource Centers in order to connect residents in high unemployment areas to jobs.

# New Program 135

## **135. PLACE BASED COMMUNITY REVITALIZATION EFFORTS**

Lead Agencies: CAO, Mayor's Office, LACP, Civil + Human Rights and Equity Dept.

Objectives: Increase investment in areas most in need to improve community assets that support residents including transportation, infrastructure, community facilities, employment and workforce development, parks, schools, etc annually. Change the way local funding decisions are made in a way that prioritizes equity and disadvantaged communities in decisions about infrastructure improvements by 2029.

# New Program 136

## **136. SOLID GROUND PROGRAM**

Lead Agency: Community Investment for Families Department (CIFD)

Objective: Provide comprehensive case management and housing stability services to 1,500 households at imminent risk or at risk of homelessness per year in partnership with 16 FamilySource Centers through the Community Investment For Families Department's Solid Ground Program. Prevention services may be received as a “Brief Service” (one day) or “Full Service” (up to 12 months of case management).

# Additional Technical Corrections

- **Executive Summary**

Revised to attribute staff contributors and include information on adoption/revision dates

- **Appendix 4.1 (Inventory of Sites)**

Appended optional data fields that were erroneously omitted in final version. Provided for informational purposes only, regarding the maximum number of units that would be permitted on the site after application of a development bonus. Edits do not affect substance, the sites identified in the inventory, or the overall evaluation of potential site capacity.

# Modifications to Tenant Protection Programs

Partner with community-based organizations to target outreach to areas with high displacement risk and High Segregation & Poverty through the following programs:

- Program 22: **Systematic Code Enforcement Program (SCEP)**
- Program 32: **RSO Enforcement**
- Program 38: **Rent Escrow Account Program (REAP)/Utility Maintenance Program (UMP)**
- Program 86: **Tenant Anti-Harassment**
- Program 88: **Eviction Defense Program**
- Program 89: **RSO Tenant/Landlord Outreach and Education Program**

# Contributing Factors to Lack of Fair Housing (Prioritized)

- Lack of Access to Opportunity Due to High Housing Costs
- Land Use and Zoning Laws
- Availability of Affordable and Accessible Units in a Range of Sizes
- Lack of Affordable Housing
- Insufficient Tenant Protections
- Housing Discrimination
- Violations of the Rent Stabilization Ordinance
- Displacement of Residents Due to Economic Pressures
- Lack of Private Investment in Specific Neighborhoods
- Lack of Public Investment in Specific Neighborhoods, Including Services and Amenities