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# AGENDA

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Technical Advisory Committee

Thursday, June 3, 2010

11:00 am – 1:30 pm

Dave Chetcuti Room (next to Millbrae Library), 650 Poplar Ave, Millbrae

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**11:00 am**

**I. Networking**

- A. Please bring a lunch if you want
  - B. Reconnect with colleagues
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**11:30 am**

**II. Welcome/Overview**

- A. Agenda review
  - B. Check in, updates
  - C. New features of website (search, table of contents, new documents from home page, hot downloads)
  - D. Phase II wrap up/database/archiving
  - E. Questions and answers with HCD (bring them if you have any)
  - F. Other items
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**11:45 am**

**III. Phase III Implementation**

- A. [Definition of family – best practices, sample definitions and sample staff report](#)
  - B. Emergency shelters
    - (1) [Best practices memo and survey results](#)
    - (2) Special guests, Roger Hagman of Hagman Architects, Wendy Goldberg of the Center on Homelessness, Brian Greenberg of Shelter Network
  - C. Reasonable accommodation for people with disability
    - (1) [Customizable flyer](#) to help publicize program
    - (2) [More sample ordinances](#)
    - (3) [Sample Staff Report](#)
  - D. Housing Element reporting requirements
    - (1) Finalized [forms](#), [instructions](#) and [regulations](#)
    - (2) Computerized reporting
- 

**12:45 pm**

**IV. Small Groups (please stay if you can)**

- A. Mixed use zoning
  - B. Sustainability
  - C. Reporting requirements
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**1:30 pm**

**Close of TAC Meeting**

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## Definition of Family

### Best Practices, Sample Definitions and Sample Staff Report May 2010

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#### Introduction

A number of jurisdictions have Housing Element programs to update their definition of *family*. This paper summarizes some of the relevant issues and offers sample definitions.

*Since these are legal/zoning issues, the involvement of legal staff is recommended.*

#### Background

Around 1995, HCD provided funding for the California Land Use and Zoning Campaign, which audited the zoning code of various jurisdictions to see if they were complying with Fair Housing and other laws. The audits found that many jurisdictions were using outdated definitions that were not in accordance with relevant laws.

There are a number of State and Federal rules that govern the definition of family, including the Federal Fair Housing Amendments Act of 1988, the California Fair Housing and Employment Act, and the California Supreme Court case *City of Santa Barbara v. Adamson* (1980). The revised rules for families had two primary purposes: to protect people with disabilities and to protect non-traditional families.

Safe guarding families has been a common use of zoning code since its inception. Cities were worried about multiple issues, including protecting the residential character of neighborhoods, preventing overcrowding and ensuring families were not outbid by groups of unrelated individuals, like students, who could collectively pay more for a house.

However, some traditional definitions of family discriminated against people with disabilities. Many individuals with disabilities must share housing so they can have the support they need to live in a community. However, these individuals are often unrelated, so some traditional definitions of family prohibited them from living together, even though related individuals with similar household sizes were allowed to live together.

Secondarily, some extended families found themselves in violation of the law. For instance, the traditional definition of family is a “housekeeping unit composed of people related by blood, marriage or adoption.” This excludes gay and lesbian couples, long term partners who have been living together for decades but are not legally married, and also excludes a single parent raising a step-child.

Affordable housing advocates raise a separate point when discussing regulations about the definition of family. In many parts of the Bay Area, low income workers can not afford to live in a community unless they have roommates. On a policy level, planners and decision makers should balance the needs of low income residents with the goals of preventing overcrowding or protecting families.

## Resources

A great local resource is Lauren Zorfas, Executive Director of the Legal Aid Society of San Mateo County, 650.558.0915, LZorfas@legalaidsmc.org. Additionally, Mental Health Advocacy Services, a nonprofit advocacy group, wrote a [seven page memo](#) titled Fair Housing Issues in Land Use and Zoning (1998), which contains helpful information.

## Key Points for Definitions

Rather than focusing on blood or marriage ties, definitions of families should focus on the individual household relationship. For example, the Santa Barbara v. Adamson case found that members of a group home should be treated as a family because they shared household chores and expenses, ate meals together, participated in recreational activities together, and formed close bonds.

According to HCD and Mental Housing Advocacy Services there are three major points to consider when writing a definition of family:

- Jurisdictions may not distinguish between related and unrelated individuals.
- The definition should not impose a numerical limit on the number of persons in a family.
- Group homes for six or fewer individuals must be treated as a single family.

However, jurisdictions may exclude boarding houses, dormitories, etc, from the definition of family.

## Sample Ordinances

The first three examples are taken from the above referenced publication by Mental Health Advocacy Services with edits by Legal Aid Society of San Mateo County.

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**Example 1:** One or more persons living together as a single housekeeping unit in a dwelling unit.

*Note: Your zoning ordinance must also define “single housekeeping unit” and “dwelling unit.”*

**Single housekeeping unit:** One person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

**Dwelling unit:** Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons living together as a single housekeeping unit, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

*Notes:* Legal Aid Society of San Mateo County recommends this definition.

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**Example 2:** Any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

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**Example 3:** One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

*The zoning ordinance must also define “integrated household” and “dwelling unit.”*

**Integrated household:** One or more persons living together who function as a united group.

**Dwelling unit:** See definition above

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#### **Example 4: From Los Angeles**

Original: One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. (Recommended by HCD)

Legal Aid Society of San Mateo County expressed concern with this definition because it prioritizes access to living space. Legal Aid explained that the Santa Barbara v. Adamson case recognized that a household should be considered a family if the members share chores, recreation activities, a psychological commitment to each other, etc, even if they do not have access to all living space.

Definition as amended by Legal Aid:

An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit as evidenced by any combination of the following: each resident has access to all parts of the dwelling; where the adult residents share expenses for food or rent; the residents household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together; the residents participate in recreational activities; the residents have close social, economic and psychological commitments to each other

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#### **Example 5: Paso Robles**

An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and where the adult residents share expenses for food or rent.

Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, residential care facilities or military barracks, nor does it include such commercial group living arrangements as boardinghouses, lodging houses, and the like.

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*Notes:* Legal Aid Society of San Mateo County expressed concern with this definition for the reasons described in example four.

**Additional Points**

Many cities also allow three or fewer unrelated people to be counted as a family. For example, “Family is defined any of the following: a) three or fewer unrelated persons, or b) [insert one of the above definitions here].”

Some definitions of families specifically recognize group homes with six or fewer individuals. For example:

Family means any of the following:

1. An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and where the adult residents share expenses for food or rent.
2. The occupants of a residential facility serving six or fewer persons. For purposes of this definition, “six or fewer persons” does not include people employed as facility staff.

**Sample Staff Report**

*Adapted from City of Hawthorn Staff report, 2008.*

**To:**

**From:**

**Date:**

**Subject**

Ordinance No. \_\_\_\_, Zoning Code Amendment No. \_\_ amending Section \_\_\_\_, definition of family

**Recommendation**

**Summary Report**

Zoning Code Amendment No. \_\_\_\_ is a city-initiated amendment to Title \_\_\_\_ (Zoning) of the \_\_\_\_ Municipal Code amending Section \_\_\_\_, the definition of Family

This is a change that the City committed to do in its \_\_\_\_ Housing Element Update.

This proposed amendment will align the City’s definition of “family” with the definitions found in the State’s Health and Safety Code and in the Welfare and Institutions Code. Court cases have expanded the application of a broad definition of family to other aspects of law, including zoning and housing laws. In particular, the California Supreme Court, in *City of Santa Barbara v. Adamson* (1980), struck down the definition of family in the Santa Barbara Municipal Code which made a distinction between related and unrelated persons in setting occupancy limits for single family homes. The Santa Barbara Municipal Code defined family as: *Either 1) an individual*

*or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit, or 2) a group of not to exceed five persons, excluding servants.*

The Court ruled that this definition violated an individual's constitutionally guaranteed right to privacy by infringing on the right to choose with whom one lives. The current definition of family in the \_\_\_ Municipal Code is: \_\_\_

The proposed change in the definition of family is consistent with the Health and Safety Code, the Welfare and Institutions Code, and the California Supreme Court decision. The new definition is designed to expand the definition to avoid conflict with State law. The proposed change to the Zoning Ordinance should not conflict with the provisions of the City's adopted General Plan. The proposed ordinance advances Goal \_\_\_ of the Housing Element of the General Plan, which are as follows:

Goal \_\_\_: \_\_\_\_.

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305, Minor Alterations in Land Use Limitations.

The Planning Commission approved Resolution No. \_\_\_, recommending City Council approval of the zone text amendment amending Section \_\_\_. Advertising and notification of the public hearing for the applications was conducted in compliance with Chapter \_\_\_, Title \_\_\_ of the \_\_\_ Municipal Code.



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# Emergency, Transitional and Supportive Housing

## Best Practices and Sample Ordinances

May 2010

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### Introduction

Recently passed legislation, SB 2, required, among other things, that jurisdictions allow emergency housing (homeless shelters) in at least one zone without discretionary review. This memo does the following:

- Provides an overview of the new rules and regulations
- Provides sample definitions
- Provides sample ordinances for jurisdictions to consider
- Summarizes how jurisdictions are meeting the requirement

This memo was written with the assistance of HCD, Shelter Network (San Mateo County), Homeless Services Center (Santa Cruz), San Mateo County Center on Homelessness, Safe Harbor Shelter/Samaritan House, and Hagman Associates Architects (Redwood City based architect who has designed several shelters).

It is intended as a planning memo and presents potential planning issues in relation to consistency with State law requirements. This memo is not intended to represent legal conclusions or cover legal issues, which should be reviewed with jurisdiction legal counsel.

The memo is being prepared so that jurisdictions have guidance as they update their zoning codes and prepare staff reports. They are encouraged to use the various sections as they see fit. Jurisdictions are also encouraged to provide feedback to other jurisdictions as they begin updating their ordinances.

The term homeless shelter and emergency housing are used interchangeably in this document.

## Overview of New Rules and Regulations

The following rules are excerpted from the [May 7, 2008 HCD Memo on SB 2](#). Please see this memo and the original bill for more detailed information. Consultation with your city attorney will also help ensure that any proposed changes are in compliance with State law. The following SB 2 requirements are relevant to implementation:

### Zoning for emergency housing (from HCD memo)

#### *Permits*

- Emergency shelters must be allowed in at least one zone without a conditional use permit or other discretionary action (this zone was likely identified in your Housing Element).
- Jurisdictions may not require a variance, minor use permit, special use permit or any other discretionary process (because it does not constitute a non-discretionary process).
- Local governments may apply non-discretionary design review standards.
- The zoning code must explicitly allow the use (meaning the emergency housing is specifically described in the zoning code).

#### *Standards*

- The standards must “promote” the use and be objective and predictable.
- Decision-making criteria must not require discretionary judgment.
- Standards must not render emergency shelters infeasible, and must only address the use as an emergency shelter, not the perceived characteristics of potential occupants.
- The homeless shelter may be subject to certain development standards that match the zoning district (e.g. lot area, height and set backs).
- Permitted topics that State law allows the local community to address in their Zoning Ordinance include:
  - The maximum number of beds or persons permitted to be served nightly by the facility
  - Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone
  - The size and location of exterior and interior on-site waiting and client intake areas
  - The provision of on-site management
  - The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart
  - The length of stay
  - Lighting
  - Security during hours that the emergency shelter is in operation
- These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter, for example: a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly

impair shelter operations; appropriate management standards are reasonable and limited to ensure the operation.

#### Procedures

- A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions.

#### **Zoning for Transitional and Supportive Housing (from HCD Memo)**

- Zoning explicitly allows the use (meaning the use is specifically described in the zoning code).
- SB 2 provides that transitional and supportive housing constitute a residential use. It also requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the zone.

#### **Housing Accountability Act**

- SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act.

#### **Definitions**

SB 2 requires jurisdictions to explicitly recognize emergency, transitional and supportive housing in their zoning code. Below are sample definitions taken from State law.

#### **Emergency Shelters (Health and Safety Code Section 50801(e))**

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

#### **Transitional Housing (Health and Safety Code Section 50675.2 (h))**

“Transitional Housing” and “transitional housing development” mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

#### **Supportive Housing (Health and Safety Code Section 50675.14(b))**

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

### Target Population (Health and Safety Code Section 53260(d))

“Target population” means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act Division 4.5 (commencing with *Section 4500 of the Welfare and Institutions Code*) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

### Best Practices and Policy Options

Because of SB 2, the areas that jurisdictions can regulate are limited and, according to HCD, the regulations must be “predictable and objective” and “encourage and facilitate” the development of shelters. Because SB 2 implementation is new, there are not many models to cite, nor legal precedents to rely upon. *Please consult with your staff attorneys as you draft your ordinances.*

There subjects that are permitted to be regulated include the following:

- Development standards common to the zoning district
- Maximum number of beds
- Off-street parking
- Size and location of exterior and interior on-site waiting and client intake areas
- The provision of on-site management
- The proximity to other emergency shelters
- The length of stay
- Lighting
- Security during hours that the emergency shelter is in operation
- Non-discretionary design standards
- Voluntary or incentive based standards

The potential areas of regulation are discussed in more detail below.

- **Development standards common to the zoning district.** The shelter may be subject to objective standards applied to other uses in the zone. For instance, FAR, setback, height, lot area, etc.
- **Maximum number of beds.** State law specifically allows jurisdictions to regulate the number of beds in an emergency shelter. At the same time, it says limits on the numbers of beds must “facilitate,” “promote,” and “encourage” new emergency housing. This seems inherently contradictory. The authors of this report struggled with this question and did not reach a resolution. There are a couple of ways to approach the bed limits. Jurisdictions could choose a maximum facility size that is economically viable. The catch with this approach is any size shelter is feasible with enough subsidies. Shelters in San Mateo county range from six beds to 87 beds, with the median number being 22. Alternately, jurisdictions with low demonstrated need could set the maximum shelter size the same as their need. The challenge for jurisdictions will be to balance the part of the State law allowing a maximum on the number of beds versus the strict limits on standards.

- **Off-street parking based upon demonstrated need.** The standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. Parking is needed for employees, volunteers/visitors and residents. Most homeless families will have a car while most homeless individuals will not. The rule of thumb that Shelter Network uses is one car per family or .35 cars per individual bed, plus one parking spot per staff member on duty when residents are there (but less if on major a transit route). This standard was confirmed with several other organizations and agencies. But this varies significantly between jurisdictions and client populations. Homeless shelters that serve the chronically homeless or the mentally ill will have lower parking needs. As a comparison, available parking spaces for various emergency shelters are summarized below:
  - Crossroads (Oakland), 0.55 acres, 125 residents, 47 employees, 17 parking spaces
  - Family Emergency Center, (San Rafael), 0.25 acres, 52 beds, 16 spaces
  - Mill Street Shelter (San Rafael) 0.33 acres, 40 beds, 10 spaces
  - Safe Harbor (S. San Francisco), 90 beds, 24 spaces (parking lot is full at night)

- **Size and location of exterior and interior on-site waiting and client intake areas.** Most ordinances do not have minimum size requirements for waiting and client intake areas, but this is an important topic. In fact, according to the Center on Homelessness and other experts, a common design flaw in shelters is to have too little public/communal space or office space. Having adequate waiting/ communal/gathering areas will reduce the likelihood of loitering and smoking in the adjacent properties. Communal areas also give space for volunteers to stage and donations to be accepted and sorted. Based on experiences at Shelter Network, roughly ten square feet per bed is needed. Safe Harbor recommends in addition, there should be roughly two offices or cubicles for each 20 clients. At least one office or up to 25 percent of them should be private. In addition to shelter staff, partner organizations often use the office to provide services.

The State law deals allows cities to regulate “waiting” and “intake” areas, but emergency housing providers tend to discuss communal areas, volunteer staging rooms or space for services. Consequently, there is some tension between good practice and permitted regulation under State law. State law may allow jurisdictions to regulate/require communal areas that are not related to waiting and client intake, so jurisdictions will have to tailor any regulations accordingly.

- **The provision of on-site management.** Most ordinances require on-site management when the shelter is open (i.e. has clients at the facility). There are many import topics to include in a management plan, including:
  - Client smoking areas and policies
  - Volunteer and donation procedures
  - Health and Safety plan including emergencies
  - Neighborhood communication plan

One tool useful tool for ensuring a thorough management plan is the Quality Assurance Standards recently produced by the HOPE Quality Improvement Work Group (see Appendix A). This document describes both minimal and higher level (desirable)

standards and procedures for all aspects of operating emergency, transitional and supportive housing. Jurisdictions may want to require that management plans consider and address the Quality Assurance Standards. A stronger approach would be to require that the management plan meet the relevant minimum standards.

- **The proximity to other emergency shelters.** State law puts the maximum distance at 300 feet apart. A typical standard is, “The proposed shelter must be more than 300 feet from any other shelters for the homeless.”
- **The length of stay.** A standard definition is 30 or 60 days. Ordinances should allow a set length of time with an extension possible if there is no other housing available (e.g. temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.)
- **Lighting.** It is difficult to write a lighting ordinance that does not include some degree of subjectivity. Many ordinances call for “adequate” lighting, but this may not meet the standard for objectivity as required by law. An alternate definition to consider is, “The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.”

An alternate standard for lighting would be to use the AB 244 rules (California Financial Code Section 13040-13041), which were written in 1991 to reduce crime at outdoor ATM machines. While objective, these rules have received mixed reviews. Some experts credit the regulations for reducing crime, others believe the standards rely too much on sheer brightness, creating glare and other problems. Adapted for shelters, the rules would read, “There shall be a minimum of 10 candlefoot power at the ~~face of the automated teller machine~~ *door of the shelter* and extending in an unobstructed direction outward five feet...There shall be a minimum of two candlefoot power...*in other areas of the front yard.*” The State definition for candlefoot power is the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured. The hours of darkness are defined as the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. The authors of this report have been told that architects and police are familiar with this standard, but if not simply trying to measure the intensity of candles 36 inches off the ground from five feet away may be a constraint.

It may be possible to offer shelters the option of meeting the AB 244 standards or providing adequate external lighting, giving both an objective standard and a more conventional planning definition.

- **Security during hours that the emergency shelter is in operation.** Most shelters do not admit dangerous clients, will work to quickly deescalate potentially dangerous situations, and will call the police if a client poses a threat. Staff are usually told not to engage or restrain dangerous clients. Still, best practices call for shelters to have a security/emergency plan.

- **Non-discretionary design standards.** Traditionally, homeless shelters were seen as basic, utilitarian housing for the poor. They were often crowded and lacked basic design amenities. Recently, there has been an effort to raise the standards of homeless shelters to make them fit in better with the neighborhood and be more inspirational places for the clients. Local examples include the Cora shelter for victims of domestic abuse and Haven House.

Some specific design guidelines include:

- Shelters should have designated smoking areas not visible from the street, ideally outside.
- There should be no space for outdoor congregating in front of the building and no outdoor public telephones.
- There should be a refuse area screened from view.
- The shelter should have disabled access
- There should be bicycle parking
- Other design standards that apply to residential buildings

Jurisdictions may want to relax the standards if shelters are in an industrial area, particularly if the industrial buildings do not have comparable standards.

### **Other Standards**

HCD suggests there may be some flexibility for additional standards that are the same as other residential uses in the zone. For instance, if residential uses require outdoor space, the standard could be applied to shelters.

In recent years, many jurisdictions have required amenities at homeless shelters, but based on a strict reading of the law, these should now be treated as optional or desired, rather than required. The best source of standards about how to operate a shelter is the work by a coalition of San Mateo groups that resulted in the recently published Quality Assurance Standards (see Appendix A). Sample best practices include:

- Outdoor gathering space and smoking space is important
- Laundry facilities or tokens to local laundromat
- Safe storage for belongings (this is definitely desirable but can be a management challenge). Ideally storage should be located at the beds
- Toiletries (soap, toilet paper)
- Clean drinking water
- Phone to make free local calls and/or outlets to charge cell phones
- Shared/communal areas for socializing
- Hiring a diverse staff, and training -for staff in how to interact with gay/lesbian/transgender populations and people with disabilities
- Assistance finding permanent housing
- Classes or training for important life skills
- Family shelters need play areas
- Interior lighting should be dimmable for nighttime use

## Sample Shelter Layout

Below are the square foot allocations for Safe Harbor Shelter. It is included as a point of reference. According to Hagman Associates, ideally the lounge (including dining area) should have been around 15 percent and the storage area around eight percent.

Use	Size (sf)	Percent
Office	800	8
Lounge	958	10
Bathrooms	1,060	11
Kitchen	800	8
Storage	600	6
Mechanical	1,260	13
86 Beds	2,787	29

## Additional Resources

The following people have agreed to answer jurisdiction questions about homeless shelters:

- Wendy Goldberg, Director, San Mateo County Center on Homelessness, 650.802.3378 [WGoldberg@co.sanmateo.ca.us](mailto:WGoldberg@co.sanmateo.ca.us). Resource for general questions about homeless or Quality Assurance Standards.
- Brian Greenberg, Director of Programs and Services, Shelter Network of San Mateo County, 650.685.5880 ext. 116, [bgreenberg@shelternetwork.org](mailto:bgreenberg@shelternetwork.org)
- Maryam Bhimji, Program Director, Safe Harbor Shelter, 650.873.4921, cell phone 323.547.7305, [Maryam@samaritanhouse.com](mailto:Maryam@samaritanhouse.com)
- Roger Hagman, Principal, Hagman Associates Architects, 650.216.7300, [roger@hagmandassociates.com](mailto:roger@hagmandassociates.com)

## Sample Ordinances

### Santa Monica

#### 1. Comments

Santa Monica has been a leader in meeting the needs of homeless residents. Their standards for homeless shelters are printed below.

Potential problems include:

- Are all of the standards objective or not predictable? For instance, is the term “adequate” for lighting sufficiently clear and arbitrary? Or is the security section too vague?
- Laundry facilities – Can these be required?
- Concentration of uses – The minimum distance can not be more than 300 feet between shelters
- Can jurisdictions regulate the hours of outdoor activities if they do not do so for other residential uses? An alternative approach is to use an existing noise ordinance and have the shelter address how they intend to comply with the noise ordinance in their operating plan.
- Does limiting a shelter to forty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

## 2. Ordinance

### Shelter for the homeless.

The purpose of these standards is to ensure the development of shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of a needy segment of the community. The following performance standards shall apply to shelters for the homeless:

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of 40 beds and shall serve no more than 40 homeless persons.

(c) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

(d) **Laundry Facilities.** The development shall provide laundry facilities adequate for the number of residents.

(e) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents:

(1) Central cooking and dining room(s).

(2) Recreation room.

(f) **Security.** Parking facilities shall be designed to provide security for residents, visitors, and employees.

(g) **Landscaping.** On-site landscaping shall be installed and maintained pursuant to the standards outlined in Part 9.04.10.04

(h) **On-Site Parking.** On-site parking for homeless shelters shall be subject to requirements set forth in Section 9.04.10.08.040.

(i) **Outdoor Activity.** For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.

(j) **Concentration of Uses.** No more than one shelter for the homeless shall be permitted within a radius of 1,000 feet from another such shelter.

(k) **Refuse.** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for the parcel. The refuse enclosure shall be accessible to refuse collection vehicles.

(l) **Health and Safety Standards.** The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).

(m) **Shelter Provider.** The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.

(3) The provider shall not discriminate in any services provided.

(4) The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility. (Prior code § 9050.14)

## City of Los Angeles

### Comments

- Can graffiti removal policies be different than for other residential uses?
- Does limiting a shelter to thirty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

### Ordinance

**Shelters for the homeless** (as defined in Section [12.03](#)) containing not more than 30 beds are permitted by right in the R3, M1, M2 and M3 Zones with reduced parking requirements.

(a) **Performance Standards:**

1. There no other shelters for the homeless within 300 feet of the subject property;
2. The use is conducted in conformance with the City’s noise regulations pursuant to [Chapter 11](#) of this Code;
3. There are no outdoor public telephones on the site;
4. No signs are present on the property relating to its use as a shelter for the homeless;
5. No outdoor toilets are present on the site;
6. All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;
7. At least ten percent of the number of parking spaces otherwise required by Section [12.21A4](#) are provided, and in no event are fewer than two spaces provided; and
8. All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to avoid attracting persons hostile to the occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Public telephones should be located so as to avoid loitering. Measures should be taken to protect public health by preventing and eliminating graffiti when it is found on the site.

*Parking (Section 12.21 A4)*

(d) **For Institutions.** There shall be at least one automobile parking space for each 500 square feet of floor area contained within any philanthropic institution, governmental office building, or similar use. *(Standard is one tenth of this, see above)*

## Tiburon

### Comments

Potential problems include:

- Very Similar to Santa Monica
- Does limiting a shelter to ten people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

### Ordinance

#### A. Applicability.

Where allowed by Article II (Zones and Allowable Land Uses) emergency shelter facilities shall comply with the standards of this Section.

#### B. Performance Standards.

An Emergency Shelter shall meet the following development and performance standards:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
  - a. Central cooking and dining room(s).
  - b. Recreation room.
  - c. Counseling center.
  - d. Child care facilities.
  - e. Other support services.
4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
5. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Review Authority. The refuse enclosure shall be accessible to refuse collection vehicles.
6. The agency or organization operating the shelter shall comply with the following requirements:
  - a. Temporary shelter shall be available to residents for no more than six months. No individual or household may be denied emergency shelter because of an inability to pay.
  - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
  - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
7. No emergency shelter shall be located within three hundred feet of another emergency homeless shelter site.
8. The facility shall be in, and shall maintain at all times, good standing with Town and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed ten persons.

## Standards from San Mateo Stakeholders

The standards are based upon the suggestions of stakeholders. They have not been vetted with legal council.

### A. Applicability.

Where allowed by Article \_\_\_, emergency shelter facilities shall comply with the standards of this Section

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of \_\_\_ beds.

(c) **Minimum Parking Requirements.** Shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking spot for every family sheltered and .35 parking spots for each non-family bed. The Director of \_\_\_\_\_ shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking.

(d) **Size and location of exterior and interior on-site waiting and client intake areas.** Shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be two offices or cubicles for shelters with fewer than 20 beds. For every additional bed there shall be an additional 0.1 office, rounded up. At least 25 percent of the offices, rounded up, shall be private. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

(e) **Provisions of on-site management and security.** On site management shall be present at all times that the shelter is in operation. Before opening, shelters shall develop a management plan that addresses all points that pertain to emergency shelters in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project. Shelters must maintain a security and emergency plan and train staff about the plan.

(f) **Proximity to other shelters.** No shelter shall be located within 300 feet of another shelter.

(g) **Length of client stay.** Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

(h) **Lighting.** There shall be a minimum of 10 candlefoot power at the door of the shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. These lighting requirements shall be in effect from 30 minutes after sunset until 30 minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the Director of \_\_\_\_\_. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

(h) **Nondiscretionary design review.** In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements: 1) Shelters shall have a designated outdoor smoking area not visible from the street. 2) There shall be no space for outdoor congregating in front of the building and no outdoor public telephones. 3) There shall be a refuse area screened from view.

Emergency shelters located in industrial zones are exempt from these additional design standards.

### B. Definitions

Candlefoot power is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

## Jurisdiction Emergency Housing Implementation Plans

At previous 21 Element meetings, representatives from jurisdictions have expressed interest in how other cities are meeting the SB 2 requirements. In response, 21 Elements staff conducted a short email survey in spring 2010. The survey asked jurisdictions:

- Which zone(s) will allow emergency shelters by right
- If there will be other locational criteria such as proximity to transit
- Additional steps the jurisdiction is planning on taking to meet the need for emergency housing, and
- Timing for implementation

See below for jurisdiction responses to the emergency housing survey.

<b>Jurisdiction</b>	<b>Zones Permitting Emergency Shelters</b>	<b>Other Locational Criteria</b>	<b>Additional Steps</b>	<b>Timing</b>
Atherton	Public Facilities and Schools. Zoning is for a specific site owned by the Town, near the RR Station, El Camino and bus transportation.	No		Spring 2010
Belmont	Overlay District will apply to certain parcels within the C-3 (Highway Commercial) or C-4 (Service Commercial).	District will only include parcels with sufficient and reasonably available acreage (vacant or underutilized) to meet the City's identified need, including the potential for reuse or conversion of existing buildings. We have not yet established any specific location criteria.	We intend to continue working with Shelter Network to financially assist them in providing emergency housing.	January 2010
Brisbane	Southwest Bayshore Residential District R-SWB.	Area selected because of proximity to transit along Bayshore Boulevard and proximity to services offered in Central Brisbane.	Given the small city population, compact configuration of the city and limited demand for emergency housing, no changes are proposed at this time.	Upon adoption of Housing Element.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Burlingame	An overlay zone in the Northern portion of the Rollins Road (RR) zoning district (light industrial) which is closest to the Millbrae BART/Caltrain Intermodal Station.		Emergency shelters in conjunction with houses of worship are allowed by CUP in residential districts that also allow houses of worship by CUP. CUPs were granted for the Interfaith Hospitality Network program at several local churches, and the program operates in these churches on a rotating basis.	Within next year.
Daly City	C-R/O Commercial Retail and Office, located in the Sullivan Corridor Specific Plan Area.	Not yet.	No.	Within one year.
East Palo Alto	Light Industrial.	Not yet.	Temporary warming hut in use.	June 2011.
Foster City	Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts commercial industrial and mixed use areas, and at churches/synagogues in the Public Facilities (PF) Zoning District based on the sitting criteria allowed in state law.	No	See comment to the left.	2010.
Half Moon Bay	Commercial General and Public Services (PS) zoning districts	Not until implementation (Code revision) is developed.	No.	Following State certification.
Hillsborough	One shelter in the Single Family Residential Zoning District at the Town Center.		The Town participates in the peninsula church alliance for homelessness.	May or June, 2010.
Millbrae	Industrial.	No.	By CUP in Commercial Zone	Done.
Portola Valley	As accessory uses to churches in the R-E District. The zoning will clearly state that emergency shelters are a permitted accessory use for churches.	Yes. Only 3 people were counted in the 2009 Homeless Census, which is indicative of the fact that there is not much need here. That is why this approach is reasonable.	No.	Summer 2010.

<b>Jurisdiction</b>	<b>Zones Permitting Emergency Shelters</b>	<b>Other Locational Criteria</b>	<b>Additional Steps</b>	<b>Timing</b>
Redwood City	Mixed use live work.	The identified emergency shelter sites are all within walking distance to downtown services and transit.	Financially supporting Interfaith Hospitality Network Rotating Church Shelter program since they came into existence years ago. Most of these churches are in/ near residential areas. Shelters are permitted in most or all residential, commercial and industrial zoning districts. Funding provided for supportive housing as well.	Once General Plan/EIR are adopted/certified (anticipated by Fall of 2010), we will begin to rezone properties.
San Bruno	General Plan Transit Oriented Development land use district.	No.	Not at this time.	In process.
San Carlos	Commercial Service District (C4) and Highway Service Commercial District (CS).	No.	No.	2010.
San Mateo City	Regional/ Community Commercial districts (C2 & C3).	Must be more than 300 feet from schools, parks, and residential districts.	Religious institutions may provide emergency shelter as an accessory use.	Done.
San Mateo County	PC and M-1 at minimum, possibly others.	No.	Not immediately, but we will evaluate additional strategies during this housing element cycle.	August through December 2010.
South San Francisco	M-1 Mixed Industrial.	Not specifically, but when the Zoning Ordinance Update was being completed, staff looked closely at the proximity of the M-1 District to public transit and commercial districts to make sure these areas were within a reasonable distance.	Emergency Shelters will be permitted with the approval of a Minor Use Permit in the B-C (Business Commercial) Zoning District. Currently home to the Safe Harbor Shelter, which is a 90 bed facility.	The Draft Zoning Ordinance is scheduled for adoption on April 21, 2010.
Woodside	Commercial and residential districts.	No.	None	Within one year.

## **Appendix A – Draft Quality Assurance Standards**

See website

See website for Word version of this flyer.

# Do You Need to Renovate To Stay in Your Home?



**If you have a disability and need to make changes to a house so you can live there, there is a process to help you. People with disabilities may be entitled to flexibility in the zoning or building rules if they need a special accommodation to have access to safe housing.**



**The City of \_\_\_\_\_ has a special procedure that allows you to request a modification or exception to the standard rules for improvements like wheelchair ramps. Please contact \_\_\_\_\_ for more information.**

<p><b>Contact</b> Name _____, Title _____ Phone: _____ Email: _____</p>
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# Annual Housing Element Reporting Requirements

## ANNUAL ELEMENT PROGRESS REPORT

### Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction \_\_\_\_\_  
Reporting Period \_\_\_\_\_ - \_\_\_\_\_

**Table A**

#### Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development  See Instructions	Deed Restricted Units  See Instructions	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income					
(9) Total of <b>Moderate and Above Moderate</b> from Table A3 ▶▶			0	0	0	0					
(10) Total by income Table A/A3 ▶▶											
(11) Total <b>Extremely Low-Income</b> Units*											

\* Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction \_\_\_\_\_  
Reporting Period \_\_\_\_\_ - \_\_\_\_\_

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c )(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>						0	
No. of Units Permitted for <b>Above Moderate</b>						0	

\* Note: This field is voluntary

## ANNUAL ELEMENT PROGRESS REPORT

### *Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction \_\_\_\_\_  
Reporting Period \_\_\_\_\_ - \_\_\_\_\_

**Table B**

### Regional Housing Needs Allocation Progress

#### Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted												
	Non-deed restricted												
Low	Deed Restricted												
	Non-deed restricted												
Moderate	Deed Restricted												
	Non-deed restricted												
Above Moderate													
Total RHNA by COG.													
Enter allocation number:													
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction \_\_\_\_\_  
Reporting Period \_\_\_\_\_ - \_\_\_\_\_

General Comments:

# Department of Housing and Community Development

## ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

Reporting Period by Calendar Year: from \_\_\_\_\_ to \_\_\_\_\_

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor’s Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

**Department of Housing and Community Development**

Division of Housing Policy Development

P.O. Box 952053

Sacramento, CA 94252-2053

-and-

**Governor’s Office of Planning and Research**

P.O. Box 3044

Sacramento, CA 95812-3044

# **Instructions**

Government Code Section 65400 establishes the requirement that each city, county or city, and county planning agency prepare an annual report on the status of the housing element of its general plan and progress in its implementation using forms and definitions adopted by the Department of Housing and Community Development. The following form is to be used for reporting on the status of the housing element and implements Sections 6200, 6201, 6202, and 6203 of the Department of Housing and Community Development California Code of Regulations, Title 25, Division 1, Chapter ~~6.5.~~

Please note, per Government Code Section 65700, charter cities are exempt from preparing an annual report on the status of the housing element. However, all jurisdictions including charter cities must submit annual reports in those cases where submittal is required for certain funding programs. In addition, the Department encourages all jurisdictions to submit an annual report as the report is a useful tool in meeting the review and revise requirement of subsequent housing element revisions per Government Code Section 65588.

## **Completing Tables**

The following instructions refer to the tables of Attachment 1:

- Table A: *Annual Building Activity Report- Low-, and Very Low-Income Units and Mixed-Income Multifamily Projects*
- Table A2: *Annual Building Activity Report -Summary for Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65~~5883~~.1(c)(1)*
- Table A3: *Annual Building Activity Report Summary for Moderate- and Above Moderate-Income Units*
- Table B: *Regional Housing Needs Allocation Progress*
- Table C: *Program Implementation Status*

The instruction numbers coincide with the fields in the tables.

## Table A

### Annual Building Activity Report Summary for New Construction Of Very Low-, Low--Income Units and Mixed-Income Multifamily Projects

***Fields 1  
through 5***

***Housing  
Development  
Information***

Include data only on housing units and developments for which a building permit for new residential construction was issued during the reporting year. This table requires information for two of the four housing affordability categories and for mixed-income projects (very low-, low--income units). Local governments should report project specific data on moderate – and above moderate-income units in Table A only where the reported units are part of a mixed-income multifamily project. Aggregate data for units affordable to moderate- and above moderate-income households should be reported in Table A2.

Cities and counties which have issued permits for 1,500 or more multifamily units in the reporting period are not required to report the information required on Table A on a project-by-project basis for projects of less than 25 units. Information on these units may be summarized on one line of the Table but should be clearly identified in the project identifier of Table A as units that fall within this category. For example, as part of field one (project identifier) the qualifying jurisdiction could state “projects with 25 units or less” and report the subsequent information in the following fields in aggregate. In addition, information related to affordability of these units may be provided based on information other than building permits. However, if the information on the number of such units is not based on building permit data, the jurisdiction must provide an explanation as an attachment as to how these units were determined to be assigned to the reporting period. Upon request by the Department, the city or city and county shall provide back-up documentation for the information provided.

All new unit information is to be listed in the following fields:

1. Project Identifier: Can be the development’s address, project name or the parcel’s APN.
2. Unit Category Codes: Each development should be categorized by one of the following codes:
  - SF (single-family units)
  - 2-4 (two to four unit structures)
  - 5+ (five or more unit structure, multifamily)
  - SU (second-unit)
  - MH (mobilehomes)

**Table A**  
(continued)

3. Tenure: Identify whether the units within the development project are either proposed or planned at initial occupancy for either (i) Renter occupant (R) or (ii) Owner occupant (O) where apparent at time of project application.
  
4. Affordability by Household Income: For each development, list the number of units that are affordable to the following income levels (refer to *Definitions* in the regulations section for more detail):
  - very low-income households (VL)
  - low-income households (L)
  - moderate-income households (M) - when part of a mixed-income multifamily project
  - above-moderate households (AM) - when part of a mixed-income multifamily project

To verify income levels, refer to the income limit charts on the Department’s website of <http://www.hcd.ca.gov/hpd> (see section for Housing Element Annual Progress Reports, to be posted).

5. Totals: Represent the number of units within the identified development.
  
- 5a. (Voluntary). To gain a greater understanding of the level of infill housing activity in the state, the Department asks that you estimate to the extent possible, the number of infill housing units permitted during the reporting period. Although completion of this field is voluntary, your assistance would be greatly appreciated.

An infill housing unit is defined as being located within an urbanized area or within an urban cluster on a site that has been previously developed for urban uses, or a vacant site where the properties adjoining at least two sides of the project site are, or previously have been, developed for urban uses. For the purposes of this definition, an urbanized area or an urban cluster is as defined by the United States Census Bureau.

**Table A** (continued)

**Fields 6 through 8: Please note, affordability information is not required for all fields but should provide any one source of information demonstrating affordability.**

**Fields 6 and 7**

**Housing  
Developed  
with Public  
Financial  
Assistance  
and/or Other  
Mechanisms  
that Restrict  
the  
Affordability  
of the Unit**

Identify all housing units developed or approved with public financial assistance and/or have recorded affordability deed restriction or covenants.

6. Assistance Programs Used for Each Development: Assisted units are units that received financial assistance from the city or county and/or other subsidy sources and have affordability restrictions or covenants, and/or recapture of public funds upon resale.

From the list of programs below, select the applicable funding program(s) that apply and include the program in Table A using the acronym(s) as noted.

- TCAC: California Tax Credit Allocation Committee - 4 or 9 percent program (both federal and State tax programs)
- CDLAC: California Debit Limit Allocation Committee
- RDA: Redevelopment Agency Low- and Moderate-Income Housing Fund HOME: HOME Program (federal or State administered)
- MHP: Multifamily Housing Program (HCD) or local (specify which)
- HCD: Any Other Programs administered by HCD (not HOME, MHP or CDBG)
- CalHFA: California Housing Finance Agency Programs
- MRB: Mortgage Revenue Bond funds
- CDBG: Community Development Block Grant Program (federal or State administered)
- LTF: Local Trust Funds
- Other: Applicable Programs -- list any other applicable programs (including local programs) not listed

7. Deed Restricted Units: If units in a project are considered affordable to moderate- and lower-income households due to a local program or policy, such as an inclusionary housing ordinance, or regulatory agreement, such as a density bonus, identify the mechanism used to restrict occupancy on the basis of affordability to produce “deed restricted” units. For example:

- Inclusionary Zoning: Input “Inc” (inclusionary) in the field if the units were approved pursuant to a local inclusionary housing ordinance.

**Table A**  
*(continued)*

- Density Bonus: Input “DB” (density bonus) if applicable.
- For any other mechanism input the program policy identifier and attach description.

**Field 8**

***Housing  
without  
Financial  
Assistance or  
Deed  
Restrictions***

8. To claim units as affordable to lower- -income households without financial assistance and/or deed restrictions, affordability must be demonstrated by proposed sales price or rents.
  - Sales prices and rents must meet the definition of affordable as defined in Health and Safety Code Section 50052.5.
  - Describe how the newly constructed rental or ownership housing units were determined to be affordable to very low-, low--income households without either public subsidies or restrictive covenants based on sales prices or rents relative to the income levels of households.

Where information is unavailable pertaining to unit affordability and a jurisdiction cannot account for how the identified unit was properly categorized, the unit should be counted in the moderate or above moderate-income category depending on market conditions.

Total the number of units per each income category permitted during the calendar year.

**Fields 9  
through 10**

***Determine the  
total units  
permitted in  
the reporting  
year***

9. Enter in the total number of units reported in Table A3.
10. Total by income units (field 10 is located in the lower left hand corner of Table A): Add the number of units for each income category listed in Field 4, and enter the totals in Field 10. The result is the total number of dwelling units permitted during the reporting year.

**Field 11**

**(Voluntary)**

***Total  
Extremely-Low  
Income Units***

To gain a greater understanding of the level of building activity to meet the needs of extremely low-income households in the state, the Department asks that you estimate to the extent possible, the number of units affordable to extremely low-income households (this number will be a subset of the number of units affordable to very low-income households, as indicated in field 4, above). Although completion of this field is voluntary, your assistance would be greatly appreciated.

## Table A2

### Annual Building Activity Report Summary for Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65883.1(c)(1)

**Fields 1  
through 3**

Please note: Units may ONLY be credited when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65883.1(c)(1).

**Units by Activity  
Type Pursuant to  
GC Section  
65883.1(c)(1)**

Enter the number of units eligible under each activity by income level.

To gain a greater understanding of the level of building activity to meet the needs of extremely low-income households in the state, the Department asks that you estimate to the extent possible, the number of units affordable to extremely low-income households. Although data on units affordable to extremely low income is voluntary, your assistance would be greatly appreciated.

**Field 4**

**Description of  
Activity**

Provide a brief description of how these units meet the statutory criteria including project name and housing element program reference pursuant to Government Code 65883.1(c)(7). This information must also be reported in Table C when demonstrating progress in program implementation. Jurisdiction may not use Table A2 to credit activity towards progress in meeting its RHNA for units rehabilitated, preserved, or acquired when no program was included in the housing element.

**Field 5**

**Total units by  
income Group  
Category**

Calculate the total units by income level for all activities to be used to calculate RHNA progress in Table B.

**Table A3****Annual Building Activity Report  
Summary for Moderate- and Above Moderate-Income Units*****Fields 1  
through 6***

Report the total number of units affordable to moderate- and above moderate-income households for which building permits were issued during the reporting period by unit category (i.e., single-family, 2-4 units, 5 or more units, second-unit, or mobilehome). In order to prevent double counting, units identified as part of a mixed-income multifamily project in Table A should not be included in Table A2.

***Field 7  
(Voluntary)***

To gain a greater understanding of the level of infill housing activity in the state, the Department asks that you estimate to the extent possible, the number of infill housing units permitted during the reporting period. Although completion of this field is voluntary, your assistance would be greatly appreciated.

An infill housing unit is defined as being located within an urbanized area or within an urban cluster on a site that has been previously developed for urban uses, or a vacant site where the properties adjoining at least two sides of the project site are, or previously have been, developed for urban uses. For the purposes of this definition, an urbanized area or an urban cluster is as defined by the United States Census Bureau

## Table B

### Regional Housing Needs Allocation Progress

***Report the number of units for which permits were issued to demonstrate progress in meeting its share of regional housing need for the planning period.***

- The “income level” field lists the income level categories.
- “Regional Housing Needs Allocation by Income Level” – List the jurisdiction’s assigned RHNA for the planning cycle by income group.
- For each year of the planning cycle, list the permit data year by year beginning in the first year and ending with the data from the current reporting year which can be found in Table A and A2. This data should be reported as deed restricted or non-deed restricted as appropriate.
- “Total Units to Date (all years)” – Add together the total number of units permitted in each income category.
- “Total Remaining RHNA by Income Level” – Use the information from the “Total Units to Date” category to deduct from your locality’s assigned RHNA number. In the bottom right hand corner, note the total units remaining to be developed to meet the RHNA allocation.

**NOTE:** Since forms are being completed in the middle of most local government’s planning period, information as specified may not be available for prior years. However, in future years (new planning period) the table should be completely filled out.

## Table C

### Program Implementation Status

***Report the status of housing element program and policy implementation.***

In particular, list local efforts, as identified in the housing element, to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583(c). Also detail the progress in implementing all specific programs and policies:

1. "Name of Program": List the name of the program as described in the element.
2. "Objective": List the program objective (for example, update the second-unit ordinance).
3. "Deadline in Housing Element": Enter the date the objective is scheduled to be accomplished.
4. "Status of Program Implementation": List the action or status of program implementation.

For your information, the following describes the statutory program requirements:

- Adequate sites (65583 (c)(1))  
Please note: Where a jurisdiction has included a rezone program pursuant to GC Section 65583.2(h) to address a shortfall of capacity to accommodate its RHNA, Table C must include specific information demonstrating progress in implementation including total acres, brief description of sites, date of rezone, and compliance with by-right approval and density requirements.
- Assist in the development of low- and moderate-income housing (65583 (c)(2))
- Remove or mitigate constraints (65583 (c)(3))
- Conserve and improve existing affordable housing (65583 (c)(4))
- Preserve units at-risk of conversion from low-income use (65583 (c)(6)(a))
- Promote equal housing opportunities (65583 (c)(5))

Please note: Jurisdictions may attach additional page(s) to provide clarification or information relevant to demonstrating progress towards meeting RHNA objectives.