



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 4/19/2021

Agenda Placement: 7B

## Napa County Legislative Subcommittee Board Agenda Letter

---

**TO:** Napa County Legislative Subcommittee

**FROM:** REBECCA CRAIG for Minh Tran - County Executive Officer  
County Executive Office

**REPORT BY:** Nelson Cortez, STAFF ASSISTANT II - BOS - 7072991478

**SUBJECT:** AB 215 (Chiu) - Housing element: regional housing need: relative progress determination

---

### **RECOMMENDATION**

County Executive Officer and Director of Planning, Building and Environmental Services request discussion and possible action on AB 215 (Chiu) relating to Regional Housing Needs Allocation (RHNA).

### **EXECUTIVE SUMMARY**

Staff will provide an overview of the bill and the Director of Planning, Building & Environmental Services has been invited to answer any questions.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

---

(1) Existing law, the Planning and Zoning Law, requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the Department of Housing and Community Development—to determine whether the housing element is in substantial compliance with specified provisions of that law.

This bill, starting with the 6th housing element revision, would require the department to determine the relative progress toward meeting regional housing needs of each jurisdiction, council of governments, and subregion, as specified. The bill would require the department to make this determination based on the information contained in the annual reports submitted by each jurisdiction, as specified. The bill would require the department to make this determination for all housing and for lower income housing by dividing the applicable entity's progress toward meeting its share of the regional housing need by its prorated share of the regional housing need, as specified. The bill would require the department to post the determinations of relative progress on its internet website by July 1 of the year in which relative progress is determined.

The bill would require a jurisdiction to undertake a midcycle housing element consultation with the department if the jurisdiction's progress toward meeting its share of the regional housing need is less than its prorated share of the regional housing need and the relative progress of the jurisdiction for all housing or for lower income housing is less than the relative progress of the affiliated council of governments or subregion, as specified. The bill would require a jurisdiction to undertake specified actions, in consultation with the department, as a part of this midcycle housing element consultation, including a review and update of the jurisdiction's goals, policies, quantified objectives, financial resources, and scheduled programs. The bill would require the department to find that a housing element is not in substantial compliance with the Planning and Zoning Law if the department determines that the jurisdiction has not complied with these provisions.

Because this bill would require certain jurisdictions to participate in a midcycle housing element consultation with the department, the bill imposes a state-mandated local program.

(2) Existing law, for award cycles commencing after July 1, 2021, awards a city or county additional points in the scoring of specified program applications if the city or county, among other things, has been designated by the department as prohousing based upon its adoption of prohousing local policies for housing, as provided. Existing law defines "prohousing local policies" as policies that facilitate the planning, approval, or construction of housing, including, but not limited to, local financial incentives for housing, reduced parking requirements for sites that are zoned for residential development, and the adoption of zoning allowing for use by right for residential and mixed-use development.

This bill, commencing with the 6th revision of the housing element, would require a jurisdiction to attain a prohousing designation by the department if the jurisdiction's relative progress toward meeting its share of the regional or subregional housing need for all housing is at least 10 percentage points less than the relative progress of their affiliated council of governments or subregion, as determined pursuant to the provisions described above, as specified.

(3) The Planning and Zoning Law also requires the department to notify a city, county, or city and county, and authorizes the department to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the Planning and Zoning Law, or that the local government has taken action or failed to act in violation of specified provisions of law.

This bill would add the Housing Crisis Act of 2019 to those specified provisions of law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Director of Planning, Building & Environmental Services has been invited to answer questions. The subcommittee may direct staff to draft a support/oppose letter, consistent with the State Legislative Platform.

**SUPPORTING DOCUMENTS**

A . Bill Text

Recommendation: Approve  
Reviewed By: Helene Franchi