



To: Strategic Advisory Committee
From: Ande Flower, EMC Planning Group
Date: March 30, 2022
Re: Initial meeting for Strategic Advisory Committee

SUMMARY

This memorandum initiates discussion topics for the Council-appointed Strategic Advisory Committee to address Affirmatively Furthering Fair Housing (AFFH) requirements and strategies through the 6th Cycle Housing Element update process.

ACTION REQUEST

Consider requests specific to each of the topics presented within the Discussion section of this memo.

BACKGROUND

The AFFH law mandates outreach that includes “all economic segments of the community.” ([HCD AFFH Guidance](#), p. 10.) HCD Guidance and a review of comments on Housing Elements recently submitted by other jurisdictions in the state counsels in favor of efforts to include a wide range of community members and representative groups, including:

- Nonprofit and community-based organizations
- Housing providers
- Lower income and special needs community members and households, including organizations representative these communities and households
- Churches and community groups serving ethnic or linguistic minorities
- Local and regional advocates and service providers, such as homeless services agencies

HCD GUIDANCE FOR HIGHEST RESOURCE AREAS SUCH AS CUPERTINO

HCD recently released guidance focused specifically on how to address AFFH for “Highest Resource Areas” such as the City of Cupertino, all of which is designated as Highest Resource by the Tax Credit Allocation Committee/HCD opportunity map. As a Highest Resource Area, it is essential that Cupertino look beyond its own boundaries to better analyze regional housing needs. HCD’s Housing Policy Manager Paul McDougal explains within this January 27, 2022 webinar (see link, below) that:

- Solutions for AFFH regarding sites and policies cannot be quantified as part of a prescribed formula,
- Nor can cities follow a SCAG-certified city's approach because the policy solutions, milestones and metrics must be connected to a comprehensive analysis of housing needs for each jurisdiction and the region in which it is located.

Instead, staff is continuing to learn through HCD's iterative process of providing guidance materials for meeting AFFH requirements. As discussed within the panel for this linked webinar, HCD has not had much experience reviewing jurisdictions for AFFH compliance that are comprehensively within the Highest Resource category, as assessed by the California Fair Housing Task Force. Following is a link to the HCD webinar: <https://mtcdrive.app.box.com/s/0cwlyb6ins8ly2p9pogze1cgzuhrv940>

DISCUSSION

The Strategic Advisory Committee is invited to consider the following topics and to provide responses to the participation requests. Generally, meeting dialogue and communications will be focused on overall strategy considerations and not focused on details covered by staff's project management. The exceptions are specific participation requests, as listed below each topic.

ROLES & EXPECTATIONS

Staff and consultants will provide materials for each meeting's discussion topics, along with links to more detailed information for Committee members and the public to find materials that offer a deeper understanding of the new laws associated with this housing element update process. Curated information is essential to have a shared comprehension of each step in this update process. Attached are two recent ABAG memos, for rezoning and analysis of HCD comments in Southern California jurisdictions, related to AFFH requirements.

Request to the Committee: Would the Committee wish to have a rotation of authoritative guests join the meeting? For instance, we could invite an HCD representative, ABAG Collaborative representative, or a planner from a Southern California jurisdiction that has recently submitted an adopted Housing Element update to HCD?

ALLIES & PARTNERS

The State has funded ABAG to provide essential technical support through the development of draft housing element updates via County Collaboratives. The community planning firm Baird and Driskell was selected to lead the Santa Clara County Collaborative to connect Bay Area jurisdictions with research, data, and general guidance for this update process. It was through the Santa Clara County Collaborative's Equity Advisory Group that EMC Planning Group began meeting with Cupertino-based West Valley Community Services (WVCS). Because WVCS is the regional (the western portion of Santa Clara County, including Cupertino) hub for services provided to the groups that need to be engaged for AB 686, WVCS is uniquely qualified to connect with vulnerable populations in an authentic and supportive way.

Request to the Committee: Are there individuals, groups, or representatives that the Committee would like to ensure are considered for inclusion within the focus groups?

APPROACH & TIMELINE

It is estimated that a housing sites inventory list will be recommended to Council by the Planning Commission by that time. This would also coincide with a launching of the environmental review (EIR for CEQA) process. Policies may be discussed through summer with a draft Housing Element prepared by early fall. With this schedule, the EIR could be complete by February with a 90-day HCD Draft Housing Element review completed by December, 2022. This approach has many variables. Housing laws have continued to evolve. It is now recommended that we anticipate two cycles of review by HCD prior to anticipated certification (one at 90-days and one at 60-days), with a mandatory 30-day public review occurring prior to the initial HCD review. With little deadline flexibility, we recommend strongly that rezoning sites concurrently with the adoption of the Housing Element is essential to avoid any potential State-imposed penalties.

Request to the Committee: Are there additional topics that you would like staff to consider with next steps for this update process? If the Committee provides a list during the meeting, staff will take all ideas into consideration and provide a detailed timeline at the next meeting.

ATTACHMENTS:

Attachment A: Affirmatively Furthering Fair Housing (AFFH) Policy Tips Memo

Attachment B: Programs to Rezone Memo