

HOUSING ELEMENT OVERVIEW



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law

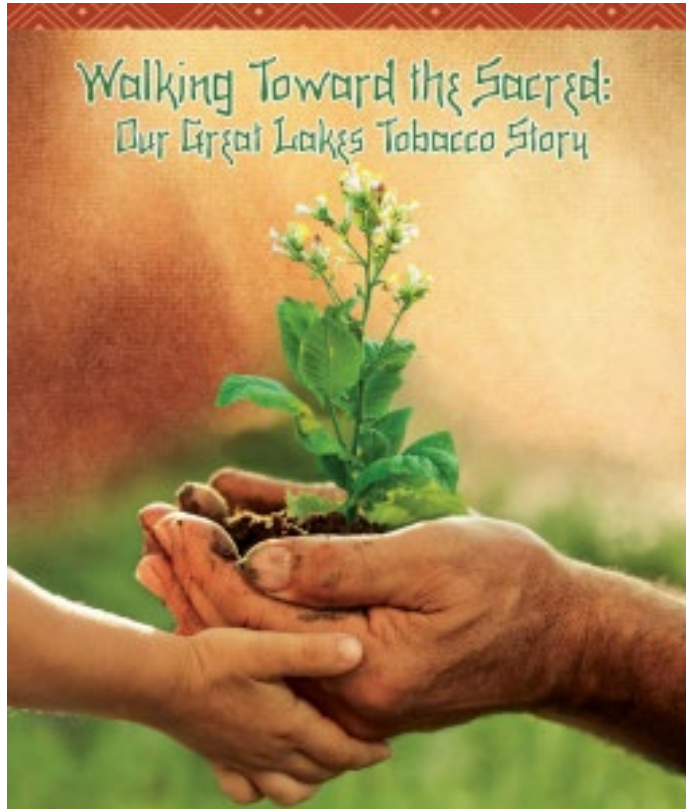
9/14/2023

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THE PUBLIC HEALTH LAW CENTER



COMMERCIAL TOBACCO IS NOT TRADITIONAL TOBACCO









[Available at this link](#)



Nicotiana rustica, Solanaceae, Mapacho, flower. Botanical Garden KIT, Karlsruhe, Germany. Wikimedia Commons.

LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

EQUALITY:

Everyone gets the same – regardless if it's needed or right for them.



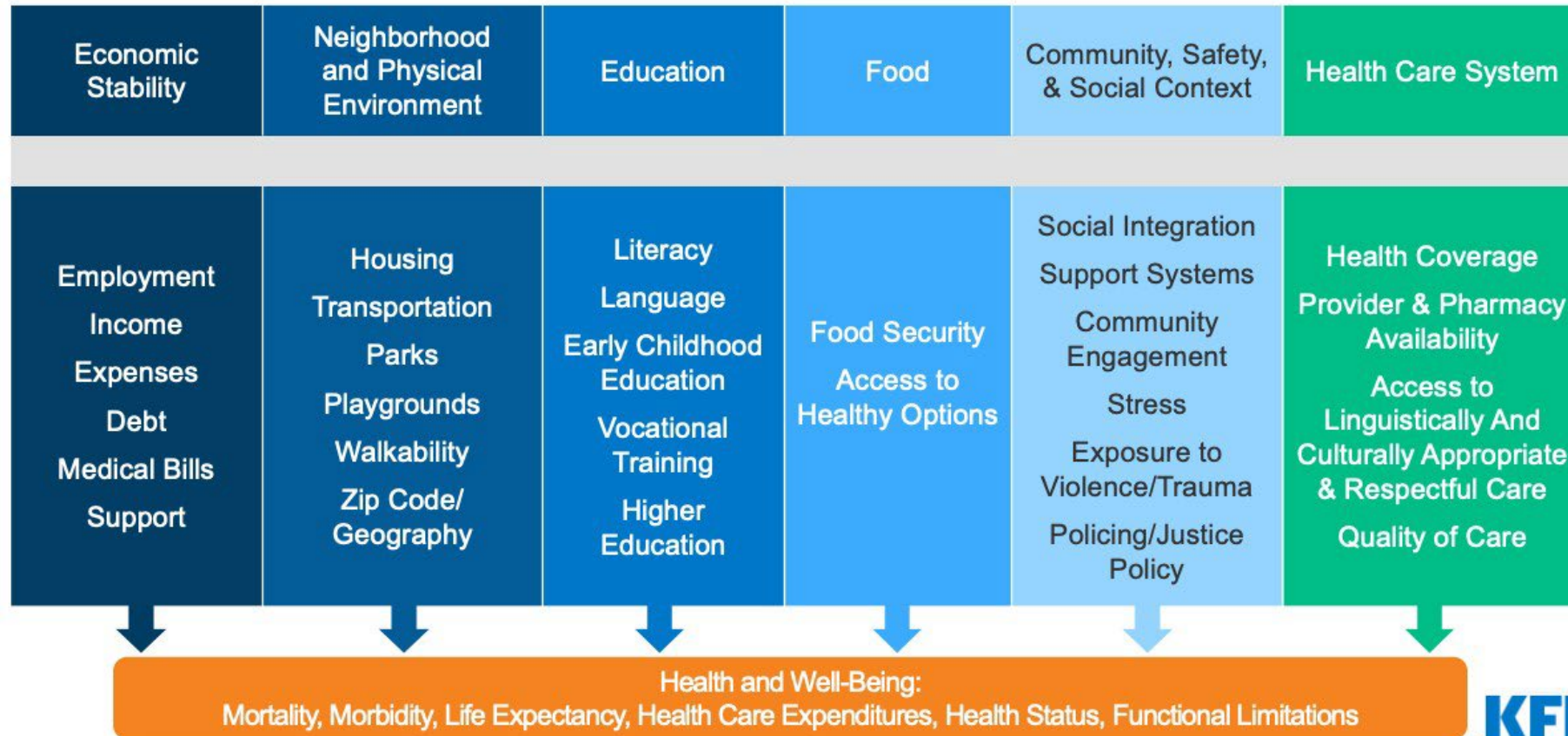
EQUITY:

Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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Social Determinants of Health




Source: [Kaiser Family Foundation](https://www.kff.org/)

GENERAL PLANS

WHAT IS A GENERAL PLAN?

- It is the Blueprint for the future development and growth of the city.
- Provides a long-term framework for policy decisions.
- Outlines and anticipates a city's physical development and growth, and the possible impact the development has on economic and natural resources.

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 American
Lung Association.
California

May 2021


Law and Policy Partnership to End the Commercial Tobacco Epidemic

GENERAL PLANS & TOBACCO CONTROL IN CALIFORNIA




 Communities thinking about innovative and forward-looking ways to tackle the commercial tobacco epidemic may want to consider land-use planning as a potentially useful tool.

Cities and counties in California are required to do land-use planning, which takes the form of "general plan" development. Unlike ordinances that are often topic-driven, general plans can address tobacco control, health equity, and environmental justice in broad, forward-thinking ways.

 What is a General Plan?

A general plan, at its core, is a community-growth process that enables a county or city to create a vision, outline its values, and declare the shape of its future. A forward-looking process, it provides jurisdictions an opportunity to articulate their goals and implementation plans for the future — particularly when

commercial tobacco policies are first considered and adopted. A general plan can also include a jurisdiction's plans to achieve a smoke and tobacco-free future for its residents.

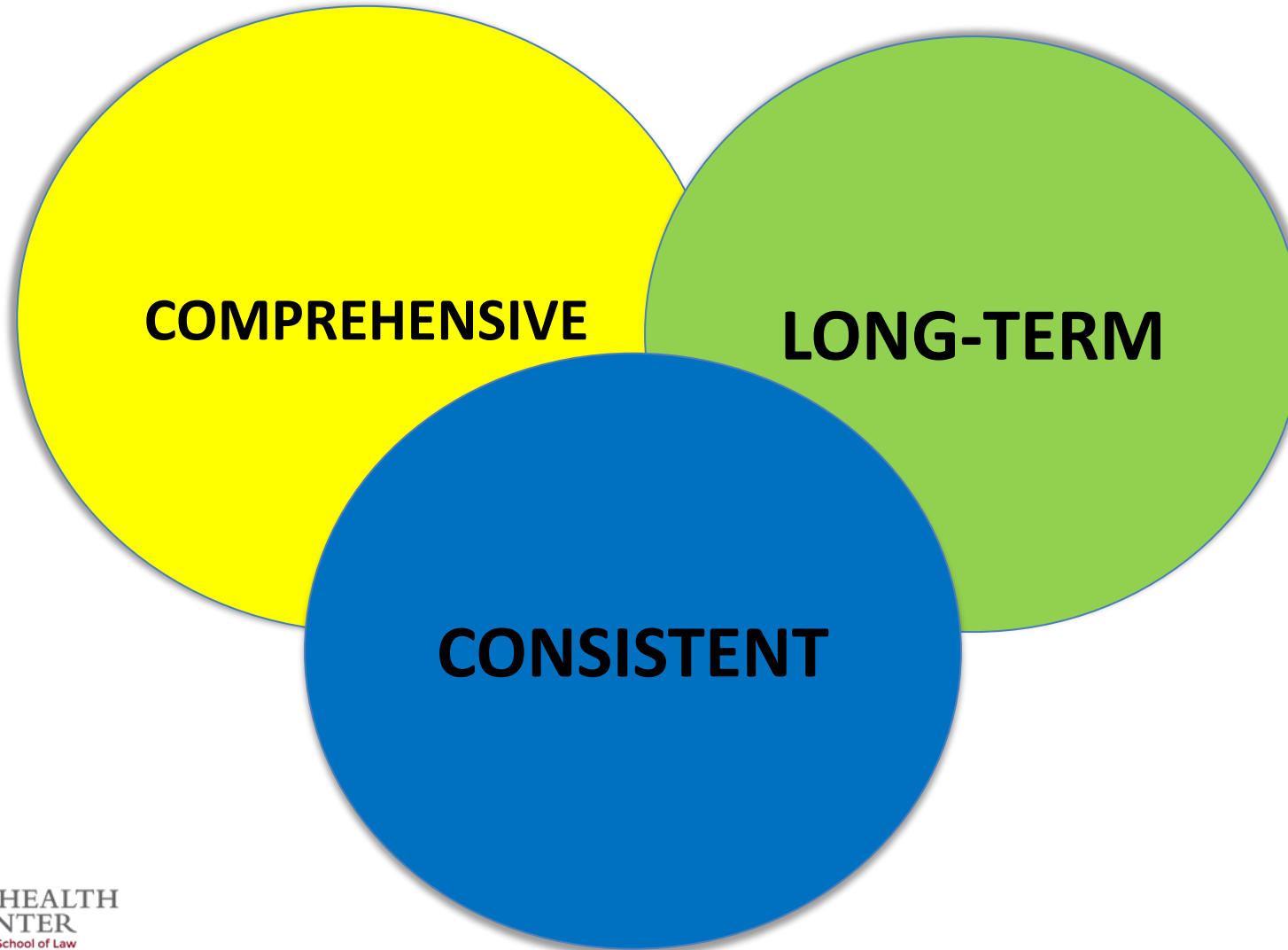
 General Plan Elements

California requires cities and counties to comply with a general planning framework that reflects statewide land use goals and policies. The general planning process addresses population growth and distribution, development, open space,

www.publichealthlawcenter.org/cal tobacco

GENERAL PLANS

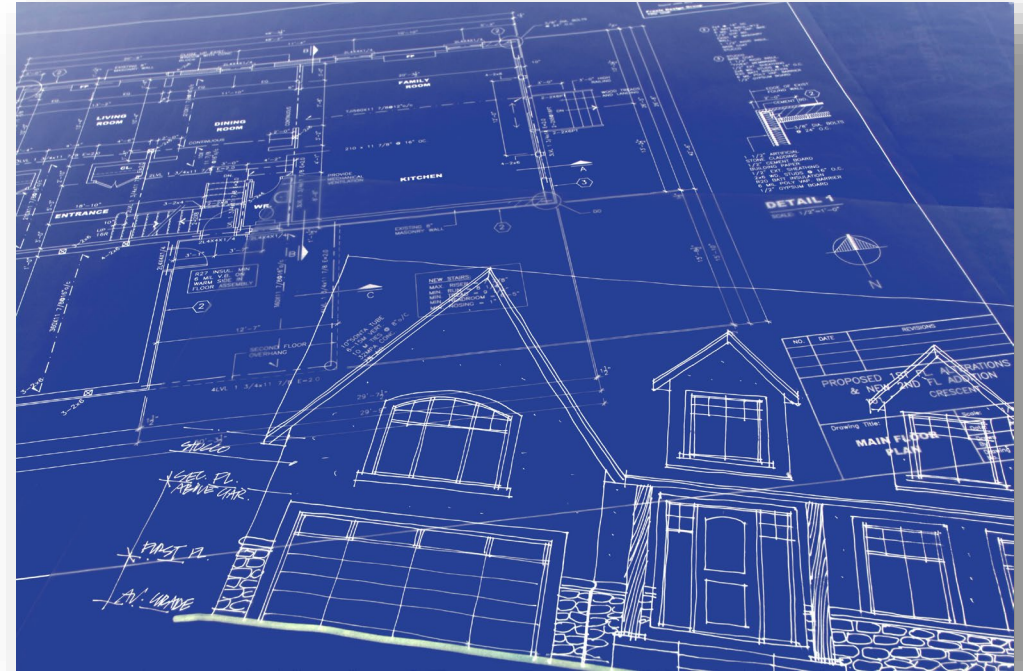
REQUIREMENTS OF THE GENERAL PLAN



HOUSING ELEMENT

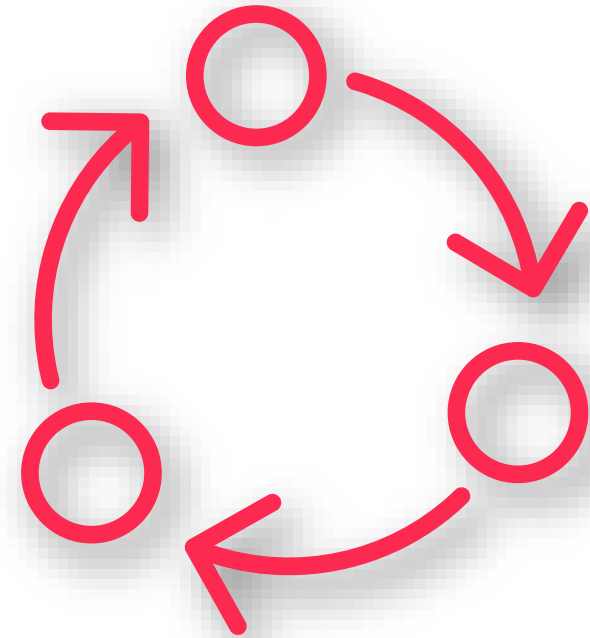
WHAT IS THE HOUSING ELEMENT?

- A required General Plan Element
- Assesses housing issues and projects future housing needs
- Has a specific revision cycle
- Requires review and Certification by a State Agency in its entirety



HOUSING ELEMENT REVISION CYCLE

- Currently in the 6th Housing Element Update Cycle
- Specified Revision Cycle
 - 5 – 8 years
 - 8-year mandatory minimum requirement
- Must submit and be found in compliance within 120 days of Statutory Deadline



HOUSING ELEMENT PROCESS

- Update previous housing element.
- Public Participation Requirements:
 - Public comment open for **30 days**
 - Minimum **10 business days** to consider & incorporate public comments.
- Submit draft to HCD for review/approval.
- Revise and adopt (or adopt without changes).
- Transparency Requirements:
 - Updated and Publicly Available Draft Revision
 - Notice
 - Minimum of **seven days** before draft revision submission to HCD.
- Submit revised draft/adopted housing element to HCD.



HOUSING ELEMENT

WHY IT MATTERS

- State Funds are based on Compliance with the Housing Element
 - Transportation
 - Infrastructure
 - Housing
- Compliance gives a competitive edge in State funding application process



HOUSING ELEMENT

WHY IT MATTERS



- Compliance Required Funding:
 - Community Development Block Grant Program
 - Infill Infrastructure Grant Program
 - Local Housing Trust Fund Program
 - Affordable Housing and Sustainable Communities Program
 - Permanent Local Housing Allocation Program
 - Caltrans Sustainable Communities Grant Program

HOUSING ELEMENT

WHY IT MATTERS

- State Funding Programs promoting Compliant Housing Elements:
 - Local Partnership Program
 - Transit and Intercity Rail Capital Program
 - Active Transportation Program
 - Solutions for Congested Corridors Program
 - HOME Investment Partnerships Program



HOUSING ELEMENT REQUIREMENTS

- Needs Assessment
- Housing Resource Inventory
- Constraints Analysis
- Zoning for Homeless Shelters (2008)
- Housing Programs
 - Site Inventory
 - Affordable Housing Programs
 - Equal Opportunity
 - Affordable Housing Conversion
 - Mitigation of Governmental Constraints
 - Housing Conservation & Rehabilitation
- Other Considerations



HOUSING ELEMENT

OPTIONAL: PREVIOUS ELEMENT REVIEW



- First Step – Review the Previous Cycle’s Element!
 - Shortcomings
 - Successes
- Review Strategically
 - Quantify Data
 - Qualitatively Analyze
- Derive Objectives and Standards from Review

HOUSING ELEMENT REQUIREMENTS: NEEDS ASSESSMENT



- Quantify & Address Existing Housing Needs
- Regional Housing Needs Allocation (RHNA)
 - Allocations
 - Very low, Low, Moderate, Market
- Analysis of shortcomings of available Housing Options
- Inventory of Housing Needs for Special Populations

HOUSING ELEMENT REQUIREMENTS: HOUSING RESOURCE INVENTORY

- Addresses:
 - Availability of Resources
 - Land
 - Site Inventory
 - Nature of Constraints on Resources
 - Zoning districts and Densities
 - Sufficient Sites



HOUSING ELEMENT REQUIREMENTS: CONSTRAINTS ANALYSIS



- Governmental Constraints
 - Permit Procedure
 - Improvement Req's
 - State Housing Law/Uniform Building Code
 - Land Use Controls
- Non-Governmental
 - Market Constraints
 - Financing
 - Land Cost
- Multi-family Housing at risk of conversion to Market Rate Units
- Energy Conservation Measures & Opportunities

HOUSING ELEMENT REQUIREMENTS: HOUSING PROGRAMS

- Implementation of Programs to address Housing insufficiencies:
 - Sites Inventory
 - Affordable Housing Programs
 - Mitigation of Gov't Constraints
 - Housing Conservation & Rehabilitation
 - Equal Opportunity
 - Affordable Housing Conversion



HOUSING ELEMENT REQUIREMENTS: ZONING FOR HOMELESS SHELTERS



- In 2008, Senate Bill 2 requires jurisdictions create & identify 1 zone designation where Emergency Shelters are allowed by right.

HOUSING ELEMENT REQUIREMENTS: OTHER CONSIDERATIONS

- Expedited Timeline for Housing Programs & Zoning Designations as related to Housing Element
- Annual Public Accounting
- Consistent with the General Plan
- Public Participation



HOUSING ELEMENT PUBLIC PARTICIPATION

- Immediately engage all critical stakeholders in the community, including residents, special-needs populations, businesses, and housing providers.
- While the housing element must address specific state statutory requirements, it is ultimately a local plan and should reflect the vision and priorities of the community.



HOUSING ELEMENT

EXAMPLES: COACHELLA

Policy 11.13: Healthy homes. Promote green building practices that support “healthy homes,” such as low VOC materials, environmental tobacco smoke control, and indoor air quality construction pollution prevention techniques.

Goal 3. Smoke-Free Environments. Reduced negative public health impacts of tobacco smoke.

Policies

- 3.1 **Tobacco-free youth.** Reduce Coachella youths’ exposure to, and interest in, tobacco products through educational programs and events.
- 3.2 **Secondhand smoke.** Reduce residents’ exposure to secondhand smoke.
- 3.3 **Smoking cessation services.** Provide opportunities to share bilingual information and services to Coachella residents to assist them in quitting smoking.

HOUSING ELEMENT EXAMPLES

Jurisdiction: San Diego (city)

General Plan Section

Goal 4: Enhance Quality of Life

Smoke-Free
Multi Unit Housing

Objective L: Protect public health and safety

HE-L.3: Consider the adoption of a comprehensive smoke free ordinance for multifamily housing properties that covers the entire property.

HOUSING ELEMENT

EXAMPLES: EAST PALO ALTO

- 7.2** **Anti-smoking ordinances.** Establish local policies protecting smoke-free multi-unit housing, such as prohibiting smoking in residential buildings controlled by the local housing authority, establishing jurisdiction-wide prohibitions of smoking in multi-unit buildings, and affirming by local ordinance that landlords may establish smoke-free rental units.

HOUSING ELEMENT

EXAMPLES: TUOLUMNE

GOAL 10C:

Reduce secondhand smoke exposure to residents in multi-unit housing developments.

POLICIES & IMPLEMENTATION PROGRAMS

Policy 10.C.1: Create a safe environment for residents of multi-unit housing developments by reducing exposure to secondhand smoke.

Implementation Programs

10.C.a - Encourage new multi-family developments to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.

10.C.b - Explore the development of incentives for landlords who implement voluntary smoke-free policies in residential properties.

10.C.c - Consider amending and updating the Clean Indoor Air and Health Protection Ordinance, Chapter 8.36 of the Tuolumne County Ordinance Code, to support smoke-free multi-unit housing.

10.C.d – Consider implementing at County policy to prohibit smoking on all County-owned campuses and facilities.

HOUSING ELEMENT POLICY IMPLEMENTATION OPTIONS

- Community Engagement to Assess Need and Desire for smoke-free multi-unit housing model policies
- Co-Creation of smoke-free multi-unit housing model policies
- Educate Landlords/Property Managers and Tenants of the Risks of second- and third-hand smoke.
 - Adverse Health Impacts
 - Fire Hazard
 - Smoke-Free Policy Options and Connect to Resources
- Identify Impact of third-hand smoke on housing stock
 - Healthy Homes Inspection
 - Thirdhand Smoke Resource Center Testing Kits

DISCUSSION

- Comments, Thoughts, Insights regarding the Housing Element?
- Questions on how does this implicate commercial tobacco regulatory work?
- Questions about the presentation?

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