



What is the Housing Element, and why does it have to be updated?

The Housing Element is a key part of a city's General Plan and must be updated every eight years, per State law. The current project will update the Housing Element for the period of 2023 to 2031. This time period is the 6th Housing Element cycle. The Housing Element update will set forth the City's goals, policies, and actions to address new and additional housing types in order to meet Piedmont's immediate and long-term housing needs as Piedmont grows for the period of 2023 to 2031.

What are the objectives of the Housing Element?

The Draft Housing Element provides:

- An analysis of housing needs in Piedmont
- Policies that address those needs based on the collective vision and values of our communities
- Programs that would help implement those policies
- Guiding framework for future city legislation
- A sites inventory (also called the available land inventory or the opportunity sites map)

In the sites inventory, a jurisdiction identifies where it has land capacity to meet the Regional Housing Needs Allocation (RHNA) for all income categories. State law regulates which sites are eligible for inclusion on the sites inventory, including minimum and maximum size, potential displacement of existing occupants, whether or not redevelopment is feasible on the site, and so on. A site's inclusion in the inventory does not require that housing be built there. By including a site in the inventory, the City is demonstrating to the State that, with the implementation of the programs and policies in section IV of the Draft Housing Element, there is enough land capacity for housing to meet the RHNA. The Housing Plan in section IV of the Draft Housing Element is the City's policies and programs developed to facilitate development of housing, demonstrated in the sites inventory, as well as housing programs to increase housing affordability, promote fair housing, reduce barriers, and continue compliance with state law.

What are the main changes being proposed in the Draft Housing Element?

The Draft Housing Element, published April 8, 2022, includes 7 goals, 56 policies, and 64 housing programs. The 7 goals are: #1 New Housing Construction; #2 Housing Conservation; #3 Affordable Housing Opportunities; #4 Elimination of Housing Constraints; #5 Special Needs Populations; #6 Sustainability and Energy; and #7 Equal Access to Housing. The proposed housing programs include:

- A proposal to study incentives to increase the production of accessory dwelling units (ADUs), also called second units or in-law units, on single-family property in zones A and E.
- A proposal to implement Senate Bill 9 (SB9) to allow lot splits and duplexes up to four units per lot, in zones A and E.
- A proposal to study the effects of the City Charter on the production of housing.
- A proposed program to consider a specific plan for Moraga Canyon which would study the development of 132 homes along Moraga Avenue on City-owned property in the City's corporation yard over the 8-year planning period.
- A proposed program to consider zoning amendments to increase permitted residential density (allowed dwelling units per acre) in zones B, C, and D, up to a maximum of 80 units per acre.
- A proposed program to consider zoning amendments to permit religious institutions to build housing that is affiliated with the religious use, up to 21 dwellings per acre.



What is the Regional Housing Needs Allocation (RHNA)?

Each region of the State is allocated a specific number of housing units to meet the housing needs of people in four income categories: very low, low, moderate, and above moderate. This allocation is termed the Regional Housing Needs Allocation or RHNA, pronounced "**Ree-na**." The RHNA is a housing production goal established by the State of California Department of Housing and Community Development and the Association of Bay Area Governments. The RHNA determines how much housing each municipality must accommodate through its regulations. Piedmont is tasked with creating a plan to ensure land use and zoning regulations allow enough housing to meet the RHNA. Piedmont does not have to develop all the housing needed, but the City must have a plan that allows the housing to be built. The RHNA for Piedmont is 587 housing units in the following categories: 163 homes affordable to very low-income households (earning less than 50% AMI or "area median income"); 94 homes affordable to households earning less than 80% AMI; 92 homes affordable to people earning 80 to 120% AMI; and 238 homes affordable to people earning more than 120% AMI.

How is the Regional Housing Needs Allocation determined?

The California Department of Housing and Community Development (HCD) starts the Housing Element revision process by determining how many additional units of housing each region in the State will need over the next cycle. HCD considers the projected population increase to determine the anticipated household growth rate, household sizes, household formation, vacancy rates and jobs-housing balance to determine an allocation of housing need for the region. After determining the need for additional housing in each region, HCD allocates that need to the regional Council of Governments (COGs). The Association of Bay Area Governments (ABAG) is the COG for the nine-county Bay Area region. Next, ABAG assigned each jurisdiction within the region with its "fair share" of the RHNA for the Housing Element cycle, based on an allocation methodology developed as part of the process. The assigned need is broken down by the following income categories: very low, low, moderate, and above moderate.

Can the City of Piedmont appeal its RHNA assignment of 587 housing units?

On June 21, 2021, the City considered the option of filing an appeal of the RHNA at a public meeting of the City Council. The staff report and presentation recommended that the City not file an appeal. Staff noted that Piedmont's RHNA is the smallest in Alameda County (Albany has 1,114 new units and Emeryville, 1,815 new units). Based on the criteria for an appeal and the record of appeals filed by Southern California jurisdictions, as well as based on the opinion of the City Attorney, it was clear that an appeal of Piedmont's RHNA would be unsuccessful. Staff's determination was proven correct. ABAG's Administrative Committee denied all 28 appeals submitted by local jurisdictions in the Bay Area region, with the exception of the appeal submitted by Contra Costa County. The ABAG Administrative Committee partially granted that appeal because an area annexed to Pittsburg in 2018 was incorrectly included as part of unincorporated Contra Costa County, and ABAG lowered Contra Costa's RHNA by 35 housing units. There are no further pending appeals nor opportunities to appeal.

If 587 units aren't built, does that constitute non-compliance?

No, there is no requirement that 587 housing units be built in Piedmont by 2031. The State requirement is that the City develop a Housing Element and implement its policies and programs that allow for the construction of 587 housing units in multiple income categories. Non-compliance is the failure to comply with State housing laws, including the failure to obtain a certified Housing Element by May 2023.