



Policies & Compliance for California Housing Elements

Theoretically, once a City's Housing Element has been certified by HCD, that city only remains in compliance as long as it fulfills the commitments it makes in that Element. BUT cities need to be found by a court or HCD to be out of compliance, and we need Watchdogs to surface and publicize these missed deadlines. This is an opportunity for us to fight for implementation.

A city's commitments are drafted in the form of Policies or Programs (the terms are used inconsistently). This document will briefly explain:

1. How to determine which policies will be impactful, and which you can ignore.
2. How to determine a policy's due dates.
3. How to review whether that city is following through on its policies.
4. An example review of San Jose's Housing Element policies and compliance.

YIMBY Action asks that you keep us up to date on cities and their compliance. Where a city has made a commitment in its Housing Element but is following the terms/timeline of its policies, it may fall out of compliance, and risk having its Housing Element decertified. Once a city is noncompliant, it is subject to the Builder's Remedy and must amend its Housing Element or change policies to become compliant again.

1. How to review a city's policies.

To find a city's Housing Element, search for "housing element [name of city]" on Google, and then find the one that is for 2023 - 2031. This is alternatively known as the sixth cycle Housing Element.

Within this document (which is usually around 500 pages), look for a specific chapter of the Element, usually referred to as **Housing Goals & Strategies, Goals & Policies, Housing Objectives & Programs**, or something similar. Every city is required to list specific policies that it will implement

following (or sometimes concurrent with) adoption of its Housing Element.

Reading through that chapter, you will find specific listed policies, often including deadlines. These policies are usually too numerous for one individual to track; to that end, you will want to **focus on policies that have definitive benchmarks or actions**. Something general like “conduct regular coordination meetings” or “conduct bi-annual reviews” are not definite enough for us to be able to track. However, passing a specific ordinance by a given date or completing a report by a deadline is a firm commitment with success or failure that we can measure.

Cities are also required to evaluate AFFH policies, i.e. how their main policies will Affirmatively Further Fair Housing, redressing systemic discrimination. These sections, usually their own chapter, reference specific Housing Element policies, and can be a useful overview or summary of the policies at issue.

HCD’s letters of certifications, publicly available, often cite specific policies in Housing Elements that they view as crucial for implementation. These are a great shortcut to the most important or actionable promises made by a given city.

2. How to review for compliance

Once you have identified policies that you want to track, the next step is to find out whether the city is implementing those policies. If not, update YIMBY Action staff about the violation, ideally through the [Report Form](#). Entries in the form get reviewed every week by staff in the organizing, policy, and legal teams.

Cities keep agendas for city council and planning departments public, often including recordings of those meetings. Sometimes a city’s agenda database is searchable for specific terms, which will make the process easier. If not, the best tactic is to review agendas regularly for terms related to the policy you are reviewing. At a minimum, you should read through agendas issued close to the deadlines for a given policy.

If the city has an item on their agenda, the minutes following that meeting will note what votes were taken and what decision the council/commission made. Any item put to a vote will contain a Staff Report, which provides more specifics on the policy and how it will be implemented. These Staff Reports are much easier to digest than a full ordinance. They are written for simple City Councillors, who can’t be expected to know how their cities work. These are especially useful to review whether the version submitted for a vote is substantially different from the one outlined in the Housing Element.

If an item is not on an agenda at all and has not been referenced by City Officials, is behind its deadline, or is being implemented with changes from the Element, or if you have questions and would like clarity, reach out to our staff. We

are accessible at the YIMBY Action Slack, or the project submission form referenced above.

3. Example review: San Jose

Looking up San Jose's Housing Element, I find that it is broken into chapters. If it weren't I could find the same information in the Element's full table of contents. I'll be looking at Chapter 3 below.

The screenshot shows the City of San Jose website. The header includes the city logo and navigation links: RESIDENTS, BUSINESSES, JOBS, YOUR GOVERNMENT, and NEWS & STORIES. A search bar is located on the right. The main content area is titled "2023-2031 CERTIFIED HOUSING ELEMENT" and includes a paragraph stating that on January 29, 2024, HCD certified the City of San Jose's 2023-2031 Housing Element. Below this, a list of six chapters is provided, each with a link: Chapter 1: Introduction to the Housing Element, Chapter 2: Housing Needs & Assessment of Fair Housing, Chapter 3: Housing Goals and Strategies, Chapter 4: Constraints on Housing, Chapter 5: Adequate Sites for Housing, and Chapter 6: Energy Conservation. There is also a section for Appendices with links to A: Demographic Profile/Housing Needs, B: Assessment of Fair Housing, C: 5th Cycle Accomplishments, D: Housing Program Resources, and E: Constraints on Housing. A sidebar on the left lists various city services and departments. A chatbot icon is visible in the bottom right corner.

transportation, and parks.

2023-2031 CERTIFIED HOUSING ELEMENT

On January 29, 2024, HCD certified the City of San José's 2023-2031 Housing Element. The Housing Element is comprised of six chapters:

- [Chapter 1: Introduction to the Housing Element](#)
- [Chapter 2: Housing Needs & Assessment of Fair Housing](#)
- [Chapter 3: Housing Goals and Strategies](#)
- [Chapter 4: Constraints on Housing](#)
- [Chapter 5: Adequate Sites for Housing](#)
- [Chapter 6: Energy Conservation](#)

• **Appendices:**

- [A: Demographic Profile/Housing Needs](#)
- [B: Assessment of Fair Housing](#)
- [C: 5th Cycle Accomplishments](#)
- [D: Housing Program Resources](#)
- [E: Constraints on Housing](#)

How may I help you?

After a preamble and explanations, I find a table of policies and deadlines.

Housing is essential to a healthy life and must be available to everyone at a reasonable cost. San José needs to support the creation of enough homes over the next eight years to ensure there is an affordable home for every household. While the City does not itself build homes, the City can create policies and programs that increase the rate at which homes are built and ensure a diversity of housing types to meet different needs.

Goal 1 strategies focus on both market-rate and affordable housing production (Table 3-1) and preservation (Table 3-2).

Table 3-1: Production of Market-Rate and Affordable Housing

#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	GEO	TIMING	METRICS
P-1	Align Zoning with the General Plan - Align zoning with General Plan designations for all sites planned for housing by April 2024.	1	Need for housing production	Housing Crisis Work Plan	PBCE	CW/No	2024	Council approval of zoning changes
P-2	Subsidize Extremely Low-Income (ELI) Housing Including Permanent Supportive Housing (PSH) for Homeless - Continue to prioritize funding to create affordable homes for ELI individuals and families, including PSH for people experiencing homelessness, to meet the needs of the community and create more balance in the affordable housing portfolio. To that end, the City will actively pursue local, state, and federal funding sources to support these efforts.	1, 2	Need for affordable housing for ELI households Need for housing and services for people experiencing homelessness	Focus groups: • Veterans • Formerly homeless • LGBTQ+ • Indigenous Peoples • Persons with Disabilities Working groups: • Rental access • High opportunity areas Housing Element community meetings on rental / strategies	Housing	CW/No	Ongoing 2023-31	Dec 2031: 45 percent of City capital subsidies spent on ELI and PSH Dec 2031: 1,200 ELI affordable homes created Dec 2031: Pursue and apply for a minimum of three funding opportunities during the planning period

Luckily, San Jose also lists them later, breaking them into Short, Medium, and Long-term strategies. For the purposes of this example, I'll look at the Short-term strategy H-14: Emergency Shelters. It sets a deadline of June 2024 to make zoning code amendments.

accomplish during the planning period with current staff resources.

Table 3-8: Short-Term Strategies (2023-2025)

#	Strategy	Milestones	AFFH
H-1	Interim Homeless Housing Construction	2025: Units completed Funds obtained for operations & services	No
H-11	Feedback from Those with Lived Experience in Homelessness in Decision Making	2023-2031: Staff to attend meetings of LEAB or other lived experience groups at least once a year to ask for feedback on program priorities July 2024: Identify universe of applicable contracts and timeline for renewals June 2025: Contracts renewed amended to include consultative language, and include in newly awarded contracts By December 2025: Goal of 90 percent of homelessness contracts with amended language requiring lived experience consultations	Yes
H-12	Neighborhood Outreach and Education on Homeless Housing and Other Housing Topics	Materials prepared CBOs under contract Funding allocated Households outreached to Feedback sessions held	Yes
H-13	Regional Homeless Response Coordination and Planning	City Council adoption of City's implementation plan	No
H-14	Emergency Shelters	June 2024: City Council adoption of necessary zoning code amendments Dec 2024: Outreach conducted on further process changes	No
I-1	Persons with Disabilities Partnership and Priorities	# Meetings held 2025: Tours conducted	Yes

Specifically, the City commits to allowing shelters by right in certain districts.

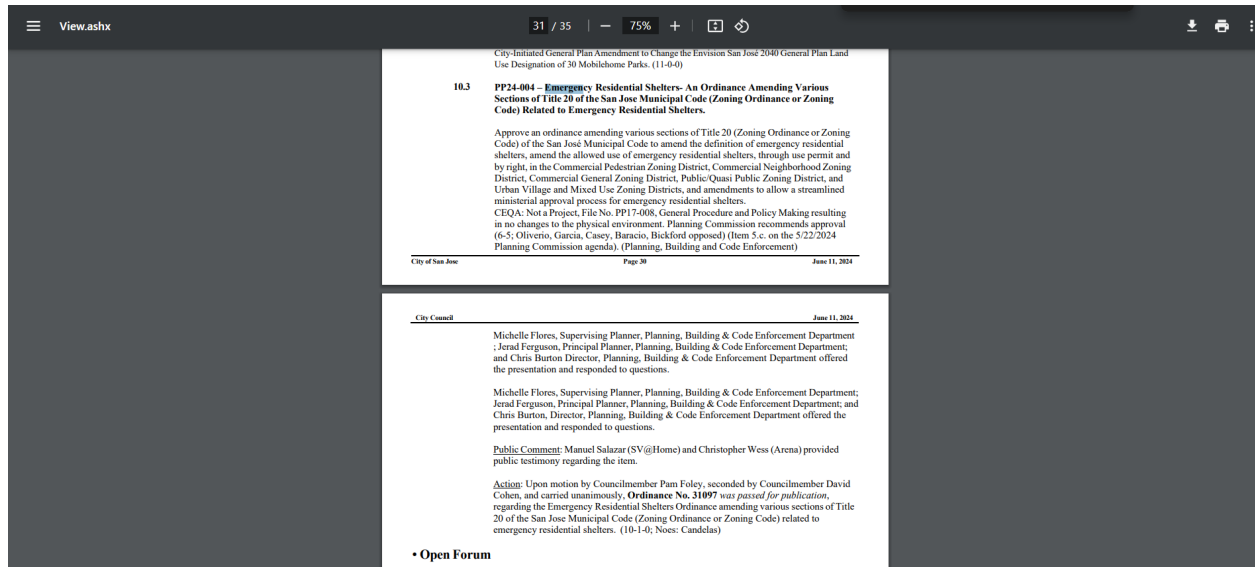
Microsoft Word - Chapter 3-Housing Goals and Strategies-Nov2023.docx									
35 / 90 88% + [Icons]									
H-14	Emergency Shelters - Due to the inadequate capacity of 1,647 beds identified in Chapter 4 to accommodate the City's unhoused population, the City will update the zoning code to add additional zoning districts, in addition to Combined Industrial Commercial (CIC).	2	Inadequate shelter capacity to address the need for emergency shelters	Revised from last cycle HCD Land Use Coalition	PBCE	CW/No	2024	June 2024: City Council adoption of necessary zoning code amendments Dec 2024: Outreach conducted on further	3-34
City of San José Housing Element, rev. Nov. 2023									
Chapter 3: Housing Goals and Strategies									
#	STRATEGY	GOALS	BARRIER / NEED	CITED BY	DEPT	GEO	TIMING	METRICS	
	- where emergency shelters are permitted by right. The additional zoning districts identified will include the following that currently also allow Low-Barrier Navigation Centers by right: UV, Mixed-Use Commercial (MUC), Urban Residential (UR), Transit Residential (TR), Commercial Pedestrian (CP), Commercial General (CG), Commercial Neighborhood (CN), Public/Quasi Public (PQP), Downtown (DT), and Pedestrian Oriented districts. - Existing standards for emergency shelters defined in San José Municipal Code Section 20.80.500 shall apply. - As per requirements of Government Code Section 65581 (AB 2339), other interim housing interventions must be considered an emergency shelter. - To ensure compliance with the requirements of Government Code Section 65581 (AB 2339), revise the zoning code as described above within one year of Housing Element adoption. - Conduct outreach to homeless shelter providers to determine additional process changes that the City can incorporate to further facilitate emergency interim housing and homeless shelters.							process changes	

I start by doing a quick Google Search of “San Jose emergency shelter zoning amendment.” No need to overcomplicate and search every meeting agenda to start with. Doing so brings up a presentation and draft ordinance for the June 11, 2024 city council meeting. They seem to comply with the Housing Element requirements.

CITY CALENDAR						
Previous Month Next Month						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	1
2 Outreach Event - Alum Rock Villages Farmers Market 10:00 AM Sunday Series - Seima Oliver Parks	3 1:30 PM Transportation and Environment Committee (TAB) 6:00 PM 840 Willow Street Mixed-Use Project, Community Meeting Project Nos. CP23-009 & EP23-233 6:00 PM Proposed Conditional Use Permit on the Southwest corner of Orchard Parkway and Compton Drive Community Meeting Project Nos. CP23-009 & EP23-233	4 1:30 PM City Council 1:30 PM City Council 5:30 PM Arts Commission	5 9:00 AM Planning Director's Hearings 10:00 AM Miscellaneous Agenda 10:00 AM Downtown Parking Board 1:00 PM Senior Citizens Commission 1:15 PM Miscellaneous Agenda 2:00 PM Joint Meeting for the Rules and Open Government Committee and Committee of the Whole 5:30 PM Parks and Recreation Commission 6:30 PM Historic Landmarks Commission	6 9:00 AM Miscellaneous Agenda 4:00 PM Civil Service Commission 5:00 PM Miscellaneous Agenda 6:00 PM Proposed Special Use Permit for 2165 The Alameda Community Meeting Project Nos. SP24-009 & EP24-046	7 8:00 AM Miscellaneous Agenda 2:00 PM Miscellaneous Agenda	8 8:45 AM Alum Rock Trail Crew
9 Outreach Event - Alum Rock Villages Farmers Market 10:00 AM Sunday Series - Iris Chavez Parks	10 10:00 AM Miscellaneous Agenda 6:00 PM City Council 6:00 PM Final Public Hearing: 2024-2026 Proposed Capital/Operating Budget and 2024-2026 Proposed Fee and Charges Report	11 1:30 PM City Council 1:30 PM City Council	12 9:00 AM Planning Director's Hearings 1:30 PM Miscellaneous Agenda 2:00 PM Joint Meeting for the Rules and Open Government Committee and Committee of the Whole	13 12:30 PM Miscellaneous Agenda 1:30 PM Neighborhood Services and Education Committee (NSE) 4:00 PM Treatment Plant Advisory Committee 5:00 PM	14	15 8:45 AM Nikkei Museum - Japanese Friendship Garden Cleanup

[Minutes from the June 11, 2024](#) meeting of the City Council (Item 10.3) show that the ordinance was passed by City Council. The policy references

community outreach which I could track for December meetings, but at least they have made the first change by their deadline. Now, [I'm going to fill out a report with this information](#), so that YIMBY staff can see the work I've done, and they know that San Jose is meeting at least one of their deadlines.



4. Share your findings!

If they have passed the policies that they committed to, on the timeline that they committed to, email YIMBY Law ([use this form](#)) – this is useful, because the foundations who are funding this work are looking for cities who are doing a good job and should be praised

If they haven't made progress on passing a policy, or passed something that is different from what they said they would pass in their housing element, or are going to miss a deadline, do the following:

- Tell YIMBY Law ([use this form](#))
- Tell HCD ([use this portal](#)) – you have to register for a free account)
- Write a letter to your city councilmembers, asking them pointed questions, such as:
 - Your housing element says that you plan to pass [policy name] by [deadline]. Are you on track to do this?