

What is the Housing Element?

The Housing Element is one of 11 elements of the County Policy Plan (see next question). State law requires that each jurisdiction adopt a Housing Element that provides land use and programmatic direction to meet existing and projected housing needs. The Housing Element is updated every 8 years and is subject to detailed statutory requirements and mandatory review by a State agency, the California Department of Housing and Community Development (HCD). Each 8-year period (2021-2029 for this update) is referred to as either a planning period or a RHNA cycle.

What is the Policy Plan and the Countywide Plan?

In 2020, the County adopted a collection of planning tools to guide future decisions, investments, and improvements, and to facilitate grass-roots community action throughout the county. This collection of planning tools is known as the Countywide Plan and consists of a Policy Plan, a Business Plan, and a system of Community Action Guides.

The Policy Plan contains the long-term goals and policies that will guide County decisions, investments, and improvements toward achieving the Countywide Vision, serving as both the County's legal General Plan for unincorporated areas and addressing health, safety, law and justice, and economic development services provided to both incorporated and unincorporated areas.

What does the Housing Element contain?

The Housing Element contains information on the housing needs of the community, including the needs of lower-income households, people experiencing homelessness, people with disabilities, and seniors, among other groups. The Element also considers the need for new housing determined through the Regional Housing Needs Assessment (or RHNA, pronounced REE-NAH, see below) and contains an inventory of potential development sites within the county that could accommodate the RHNA allocation. Finally, the Housing Element establishes and refines the County's goals, policies, programs, and objectives to create a comprehensive housing strategy to address existing and future housing needs.

As required by state law, the County's 2021-2029 Housing Element will contain several key components:

- **Housing Needs Assessment:** Demographic, economic, and housing information that identifies current and future housing needs in the community.
- **Constraints Analysis:** Governmental, nongovernmental, and environmental constraints to the development, improvement, and maintenance of housing.
- **Housing Resources:** Sites available for housing development to accommodate the County's RHNA and the financial and other resources available to support the development, maintenance, and improvement of housing for all income levels.
- **Goals, Policies and Programs:** Policies and programs to address the housing needs based on an assessment of existing programs and community outreach and direction.

What is the Regional Housing Needs Assessment (RHNA)?

The RHNA is an allocation of the State’s projected housing needs split among the various regions and cities of California. The Southern California Association of Governments (SCAG) serves as the regional planning organization for jurisdictions in southern California. HCD assigns SCAG its regional RHNA allocation, which is 1,341,827 new housing units for the 2021-2029 RHNA cycle. SCAG then distributes the allocation among all the jurisdictions in the region, both in total and by four income categories. Jurisdictions must then demonstrate adequate land resources, regulations, and incentives to facilitate the permitting and construction of the projected housing need across the four income categories. The County of San Bernardino’s RHNA allocation is 8,832, as shown below.

Income Category	Percent of Area Median Income (AMI)	Number of Housing Units	Percent of Total
Very Low	<50% of AMI	2,179	25%
Low	50-80% of AMI	1,360	15%
Moderate	80-120% of AMI	1,523	17%
Above Moderate	>120% of AMI	3,770	43%
	Total	8,832	100%

Is the County required to build or make sure that all of these units are built?

No, the RHNA allocation is not a mandate for the County to build or ensure that a certain number of units are built. The County cannot force private property owners and developers to build housing units. The County’s legal obligation is show that there is enough land zoned at densities that would allow for the development of the RHNA allocation. The County must also show that its development standards do not unduly constrain the development of housing.

What is affordable housing?

Housing affordability is the relationship between housing costs and income, with an affordable housing payment (monthly rent or mortgage) representing no more than approximately 30% of a household’s gross income.

In the context of housing elements, affordable housing focuses on housing for very low and low income households (collectively referred to as lower income households). For such households, monthly market-rate housing typically costs more than 30% of their monthly income and new housing can only be made affordable through public or private subsidy. Notably, some housing options in the county, e.g., manufactured homes and accessory dwelling units, may be affordable to lower income households without any assistance or subsidy.

Pursuant to the most recent income level data from the State Department of Housing and Community Development, dated April 26, 2021, the area median income (AMI) in San Bernardino County was \$77,500. For the four identified household income categories, household income levels (two- and four-person households) are defined as follows:

TWO-PERSON HOUSEHOLD

Income Category	Maximum Income	Maximum Affordable	
		Rent	Purchase Price
Very Low	Up to \$31,600	\$790	\$108,000
Low	\$31,601 to \$50,600	\$1,265	\$205,000
Moderate	\$50,601 to \$74,400	\$1,860	\$328,000
Above Moderate	Above \$74,400	Above \$1,860	Above \$328,000

FOUR-PERSON HOUSEHOLD

Income Category	Maximum Income	Maximum Affordable	
		Rent	Purchase Price
Very Low	Up to \$39,500	\$988	\$150,000
Low	\$39,501 to \$63,200	\$1,580	\$270,000
Moderate	\$63,201 to \$93,000	\$2,325	\$423,000
Above Moderate	Above \$93,000	Above \$2,325	Above \$423,000

Assumptions for maximum affordable rent: 30% of gross monthly household income

Assumptions for maximum affordable purchase price: \$250 monthly debt, 10% down payment, 36% debt-to-income ratio, 30-year fixed mortgage, 4.0% interest rate, 1.1% property tax rate, \$800/year home insurance

What is the land or sites inventory?

As part of the Housing Element process, the County generates a list of properties within the unincorporated areas that have the capacity to housing units in line with the RHNA allocation. This list becomes a part of the Housing Element. Sites which are listed in the housing inventory do not have to be used solely for affordable housing or even any housing.

The County is required only to show land could be used for housing, but the actual use of the properties is always a decision made by the owners. If the County's housing inventory falls short of capacity at any time during the 2021-2029 planning period, the County will need to identify additional land with suitable zoning.

What happens if the County does not complete the Housing Element update, or if the County fails to obtain certification from the State?

If HCD determines that a jurisdiction's Housing Element fails to substantially comply with the State's Housing Element Law, there are serious consequences that extend beyond the realm of residential land use planning. Non-compliance can result in the following consequences:

- A jurisdiction would become vulnerable to lawsuits for noncompliance, including potential litigation and administrative directives from the State of California (with the potential for fines between \$10,000 and \$100,000 per month).
- A jurisdiction would risk the loss of transportation funding and become ineligible for a number of state and federal grants.
- A jurisdiction may lose some degree of local control by being compelled to approve certain types of housing projects.
- A jurisdiction will be required to update the housing element every 4 years instead of every 8 years.
- The portion of the RHNA allocation that is not accommodated in one housing cycle will be rolled over to the next housing cycle, increasing the number of units and the potential land a jurisdiction is required to designate for affordable housing during the next Housing Element Update cycle.