

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 17, 2023

G. Harold Duffey
Acting City Administrator
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear G. Harold Duffey:

RE: City of Oakland's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting Oakland's (City) housing element adopted January 31, 2022 and received for review on February 13, 2023, including modifications authorized by Resolution Number 89565. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element addresses the statutory requirements described in HCD's February 2, 2022 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- 1.1.3 (Strengthen Ellis Act Ordinance)
- 1.1.5 (Right to Counsel in RAP)
- 1.1.6 (Enhance Housing related Legal Services)
- 1.1.7 (Expand Rent Control)
- 1.1.9 (Implement Rental Registry)
- 1.1.11 (Enforce the Tenant Right to Return)
- 2.1.1 (Home Rehabilitation Programs)
- 2.1.6 (Funding to Improve Indoor Air Quality)
- 2.2.5 (Extend Local Replacement Provisions)
- 3.2.5 (Reduce Constraints to ADUs)
- 3.3.1 (City Owned Properties)
- 3.3.2 (Expansion of Section 8 Vouchers)
- 3.3.3 (City of Oakland Rental Assistance Program)
- 3.3.4 (Extremely Low-Income and Public Land)
- 3.3.9 (Adjusting Fees for Affordable Housing)

- 3.3.10 (Enhanced Infrastructure Financing District)
- 3.3.12 (Acquisition and Conversion to Affordable Housing Program)
- 3.3.13 (Predevelopment Funding for Affordable Housing)
- 3.3.14 (Funding for Small Sites to Support Housing Acquisition)
- 3.3.15 (Citywide Density Bonus Expansion)
- 3.3.16 (Real Estate Transfer Tax Analysis)
- 3.3.17 (Support for Lower-income and BIPOC Affordable Housing Developers)
- 3.4.3 (Revise Conditional Use Permit Requirements)
- 3.4.4 (Revising Parking Standards)
- 3.4.5 (Revising Open Space Requirements)
- 3.5.1 (Support Community Land Trusts and Shared Equity Models)
- 3.5.2 (Support Housing Cooperatives, Coliving, and Cohousing)
- 3.7.1 (Incentivize Senior Housing)
- 3.7.4 (Sponsor-based Housing Assistance Program)
- 3.7.5 (Encourage a Range of Unit Sizes)
- 3.7.8 (Residential Care Facilities)
- 3.8.1 (Vacant Property Tax)
- 4.1.4 (Support to People Who Have Been Homeless)
- 4.2.4 (Homelessness Advisory Commission)
- 4.3.1 (Permanent Supportive and Deeply Affordable Housing)
- 5.1.1 (First Time Homeownership Incentives)
- 5.2.4 (Funding from AHSC Program)
- 5.2.8 (New Affordable Housing in Higher Resource Neighborhoods).
- 5.2.9 (Prioritize Improvements in Disproportionately Burdened Communities)
- 5.2.11 (Accountability Measures for Housing Programs)

HCD particularly emphasizes the importance of Programs 3.3.19 (Tracking Program) and 5.2.11 (Accountability Measures). Engaging the public, evaluating the effectiveness of programs and making appropriate adjustments is essential to compliance. The City's monitoring, evaluation and adjustment efforts must give special attention to programs to affirmatively furthering fair housing with the upmost importance for place-based strategies for community revitalization and displacement risk.

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill

(SB1) Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work, cooperation and responsiveness that the City's housing element team throughout the housing element review. The team's commitment to housing and community development is commendable. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager