



May 28, 2021
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Re: Los Angeles County Housing Element Update 2021-2029

Dear Los Angeles County Department of Regional Planning,

Our coalition submits this comment letter regarding the Housing Element of 2021-2029 to highlight key priorities and opportunities for more equitable development in our region. The Alliance for Community Transit-Los Angeles (ACT-LA) is a county-wide coalition of 41 organizations working at the forefront of racial, environmental, and economic justice. Our coalition members include tenants' rights organizations, nonprofit affordable housing developers, transit advocates, workers' centers, public interest law firms, and public health advocates, among others. Our mission is to uplift communities—through affordable housing opportunities, good jobs and access to high quality public transit—as the Southland transforms into a more sustainable region. We believe that low-income communities and communities of color must be centered in decisions that seek to transform our neighborhoods.

The LA County Housing Element update for the years 2021-2029 and the efforts to meet the Regional Housing Needs Assessment Allocation Numbers (RHNA) of housing needed for the unincorporated communities of LA County, presents an opportunity for the Department of Regional Planning to meaningfully prioritize programs and policies that create and preserve the housing Los Angeles needs the most: units affordable to deeply, extremely and very low-income households. In the last housing element cycle, consistent with historic trends, the County of Los Angeles came nowhere near meeting the needs for these households. In fact, the majority of housing built during the planning

period was far above moderate households. It is clear that without a significant commitment to policies and programs that result in deeply affordable units at scale and stabilize communities at risk of displacement, simply zoning for a large number of units will not stem the severe housing crisis we are in.¹

I. Context Around LA County & ACT-LA Recommendations.

As a coalition that advocates for equitable development and planning in the communities of Los Angeles, we have heard from community members, tenants, and organizations of what they believe to be necessary policies that should be included in an equitable housing element. We have used this input to develop the following recommendations of what we believe a housing element should include. We offer these recommendations to advance equitable housing production, preservation, and anti-displacement policies as provisions that are necessary to ensure the County of Los Angeles is able to adopt a Housing Element that meets the requirements of state law and advances housing for all income levels, but particularly focuses on the needs of those who have been historically left out.

An Equitable Housing Element Should Contain Sufficient, Mandatory Programs To Preserve Affordable And Rent Stabilized Housing.

This Housing Element should aim for a “No Net Loss of Affordable Housing” by protecting units covered under the LA County Rent Stabilization Ordinance, which includes properties that include two or more units that received a certificate of occupancy on or before February 1st, 1995. As of 2019, across LA County Unincorporated communities, there were about 43,500² units eligible for the LA County Rent Stabilization Ordinance—which became a permanent ordinance in April 2020.³ These units are often some of the only units available and accessible to tenants in unincorporated communities, and they offer greater stability to tenants because they limit rent increases in a 12 month period to 3%. These units are also often among the most vulnerable to demolition or at risk of conversions to more profitable housing types that can garner more income for the property owner. The Housing Element should prevent demolitions of existing *naturally occurring affordable housing*. Ultimately, the number of 43,500 units translates into more than 43,500 families that are vulnerable to displacement should their homes be targeted for rezoning or as ideal locations for creation of more units of housing.

¹ ACT-LA submitted detailed recommendations for policies and programs for the City of Los Angeles’ Housing Element update, many of which are relevant to the County update. Please see: <http://allianceforcommunitytransit.org/wp-content/uploads/2020/10/ACT-LA-Housing-Element-Letter-10.20.20.pdf>.

² Andrew Khouri, *L.A. County rent control and eviction rules advance for unincorporated areas*, LA Times, September 10, 2019.

³ LA County Rent Stabilization Ordinance Fact-Sheet, <https://dcba.lacounty.gov/wp-content/uploads/2020/06/Permanent-RSO-General-Fact-Sheet-6.11.2020.pdf> (last visited May 25, 2021).

An Equitable Housing Element Should Adequately Track Loss Of Housing And Identify What Uses Or Developments Are Replacing The Current Housing Stock.

The state of California Ellis Act allows property owners to remove rental properties—including those under the LA County Rent Stabilization Ordinance. Maintaining a record of these “Ellis Withdrawal” applications is crucial to track where these instances are occurring across the County. While the Department of Consumer and Business Affairs (DCBA) is tasked with accepting withdrawal applications from property owners and maintaining a record, this information is not currently available to the public. The City of Los Angeles has a dashboard available to the public that can be viewed on the City of Los Angeles Housing and Community Investment Department (HCIDLA) website.⁴ DCBA and the Department of Regional Planning should work closely to quickly create a publicly accessible dashboard which informs tenants and community organizations of where properties are being lost due to the Ellis Act or other laws that allow for properties to be removed from the rental market.

An Equitable Housing Element Should Strengthen Tenant Protections Of Tenants Who Live In The Existing Rent Stabilization Ordinance Units And Other Vulnerable Tenants.

Anti-harassment protections for Tenants who live in unincorporated communities should be strengthened. Existing tenant harassment ordinances are related towards nonpayment of rent due to the COVID-19 health crisis⁵ under the protection of the temporary LA County Eviction Moratorium and resolution enacted by the LA County Board of Supervisors. While the state of California does prevent certain kinds of harassment under Cal. Civ. Code § 1942.5, these protections are limited and not adequately tracked and monitored, and tenants are not given enough tools to protect themselves against harassment. The prohibition on tenant harassment in LA County’s Rent Stabilization Ordinance should be strengthened and better enforced. The Department of Regional Planning should work with DCBA and other County departments to enact a strong anti-harassment ordinance to protect vulnerable tenants. The City of Los Angeles is currently in the process of enacting a permanent anti-harassment ordinance. LA County should also pursue a stronger anti-harassment ordinance to protect tenants who are vulnerable and will be at risk when the emergency tenant protections expire.

⁴ Report Dashboard for ELLIS, <https://hcidla2.lacity.org/ellis> (last visited May 26, 2021).

⁵ Resolution Of The Board Of Supervisors Of The County Of Los Angeles Further Amending And Restating The Executive Order For An Eviction Moratorium During The Existence Of A Local Health Emergency Regarding Novel Coronavirus (Covid-19) February 23, 202, <http://file.lacounty.gov/SDSInter/bos/supdocs/154020.pdf>.

An Equitable Housing Element Should Improve the Tracking and Reporting of Tenant Harassment Complaints.

The Housing Element should improve how harassment complaints are tracked and reported, including petitions filed by tenants when property owners make an effort to increase their rent above the 3% allowed for County RSO units in a 12-month period.

Furthermore, it is not sufficient for the County to only pass an anti-harassment ordinance; the County must also publicly provide access to a database of tenant complaints and adequately document when tenants are being threatened with harassment as efforts to displace them from their homes. Tenants across LA County's unincorporated communities were in a vulnerable position prior to the COVID-19 pandemic, and continue to be vulnerable to displacement. The Housing Element should aim to create policies to protect existing tenants while also protecting new tenants who will live in newly constructed units that will be created to meet the goals of the 2021-2029 Housing Element.

An Equitable Housing Element Should Ensure That Rent-Stabilized Units Are Protected.

Given the dual goals of ensuring an adequate number of sites that allow for residential development to meet the County's entire regional housing need, and of protecting existing tenants, we believe that the County should do everything possible to preserve existing rent-stabilized units. The inventory identifies sites that are realistically capable of redevelopment during the planning period. It should not contain existing rent-stabilized housing (which we agree should be preserved, and the tenants within those buildings protected). The County should look elsewhere to identify residential development capacity, including commercial corridors and historically high opportunity areas.

An Equitable Housing Element Should Invest In Social Housing, Community Land Trusts And Strategic Land Acquisition.

This effort is one that the Board of Supervisors is currently piloting with the LA CLT Coalition, composed of 5 land trusts including ACT-LA's coalition member, TRUST SOUTH LA, a community land trust in South Los Angeles and their peers: Beverly/Vermont CLT (East Hollywood) Fideicomiso Comunitario Tierra Libre (East LA/Boyle Heights), El Sereno CLT (Northeast and East LA), Liberty CLT (Crenshaw/LA County). The current motion authorizes up to \$14 million for the Los Angeles County Development Authority (LACDA) to implement the Pilot Community Land Trust Partnership Program.⁶ An excerpt from the Chair's website describes the process of the pilot program and the existing motion which directs *"the Chief Executive Office (CEO), Treasurer Tax Collector (TTC), the LACDA, and County Counsel to develop a process*

⁶ Authorizing a Funding Agreement For the Pilot Community Land Trust Partnership Program at Chair Hilda L. Solis' Direction, Hilda L. Solis blog press release, January 5, 2021, <https://hildalsolis.org/authorizing-a-funding-agreement-for-the-pilot-community-land-trust-partnership-program-at-chair-hilda-l-solis-direction/>.

to help secure tax-defaulted properties through Chapter 8 Agreement Sales for CLTs to create long-term affordable housing.” Further, the motion instructed the departments to establish a Pilot Community Land Trust Partnership Program, solicit partnerships with CLTs and nonprofits to utilize the process, and identify and designate funding for the Pilot Program. We wholeheartedly agree that Partnerships between the County and Community Land Trusts (CLTs) offer one path to creating long-term, permanent affordable housing opportunities for low-income households.⁷ These are excellent opportunities to meet the goals of the RHNA allocation, while also preserving the existing housing stock at affordable income levels.

An Equitable Housing Element Should Create Policies and Programs that Increase the Supply of Deeply Affordable Housing.

Beyond adequate zoning for lower-income units, the Housing Element must plan for programs and policies including budget reallocation and new revenue generation—that will produce an adequate supply of various income levels of affordable housing to meet current and projected needs for LA County.⁸ Deeply affordable housing is often the hardest to produce, and thus will require the most intentional planning and government intervention. As part of the fair housing obligations that are incorporated into the Housing Element, we must also plan for affordable units in high opportunity areas and accommodate multi-family residential development that include affordable unit set asides.

Also, strong value capture requirements should be included in any program to rezone. In addition, new construction of 100% affordable and/or permanent supportive housing should have a clear and streamlined process from application to certificate of occupancy. The Housing Element should include and strive to go beyond our recommended policies and programs to effectively reduce barriers for production of affordable housing.

An Equitable Housing Element Should Further Environmental Justice, Improve Climate Resilience and Promote Community Health.

The Housing Element is an opportunity to ensure that housing promotes public health with land use policies that are aligned with practices that create a more equitable, climate resilient, and healthy regenerative use of land. Existing environmental injustices and increasing climate impacts disproportionately affect those living with disabilities, frontline, unhoused, and communities of color. Recent years have shown that Los Angeles is very vulnerable to climate change and its impacts, including but not limited to extreme heat events, wildfires, and “safety” power shut-offs. Therefore, the recommendations below account for issues related to habitability, overcrowding, access

⁷ *Id.*

⁸ Danielle M. Mazzella et al., Los Angeles County 2020 Affordable Housing Needs Report, https://1p08d91kd0c03rlxhmtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Los_Angelos_Housing_Needs_Report_2020-HNR.pdf (last visited May 26, 2021).

to an adequate supply of safe affordable housing, and the need for climate resilient infrastructure and zoning policies.

- **Healthy Development Standards:** identify and adopt development standards that promote healthy air and water quality. And promote environmental justice and public health in development processes.
- **Increase good quality housing and climate resilient infrastructure:** affordable housing and climate-resilient development strategies and outreach programs are critical to support and protect vulnerable populations.⁹ Rising heat waves can be fatal and kill approximately 702 people nationwide each year.¹⁰ LA County must utilize nature-based solutions such as urban tree canopy renewal and green infrastructure investment to combat extreme heat events and support the development of sustainable and affordable systems to safeguard 1/3 of Angelenos who live in households without air conditioning.¹¹ According to the LA County Department of Public Health, LA's unprecedented August 2020 heatwave "brought an increase in health-related emergency room visits in relation to the sustained high temperatures."¹² Subjecting vulnerable populations to extreme weather conditions without adequate resources runs counter to LA County's environmental justice policies.
- **The health, safety, and well-being of LA County residents must be protected by declaring oil drilling/production a non-conforming use:** ACT-LA urges LA County to prohibit new oil drilling/production within unincorporated County lands. Low-income communities of color throughout LA suffer higher rates of negative health impacts such as asthma, miscarriages, and cancer caused by aggressive neighborhood oil drilling. Phasing out existing oil drilling within five years should be done by: (1) updating the County Department of Regional Planning's Title 22 Oil Well Ordinance and the Baldwin Hills Community Standards District and (2) investing in job training and clean energy generation to support a just transition for workers and communities.
- **Health and Habitability Training and Outreach:** work with LA County Department of Public Health to require property owners and property managers to undergo training on responsible management of environmental hazards and tenants' right to live in habitable housing, and

⁹ Alexandria Herr, *La's Homeless Communities Are Avoiding Cooling Centers, And It's Not Just Because Of Covid-19*, Grist News, August 25, 2020.

¹⁰ Ambarish Vaidyanathan et al., Heat-Related Deaths — United States, 2004–2018, CDC Morbidity and Mortality Weekly Report, June 19, 2021, <https://www.cdc.gov/mmwr/volumes/69/wr/mm6924a1.htm> (last visited May 26, 2021).

¹¹ See Mo Chen, et al., *A New Method Utilizing Smart Meter Data For Identifying The Existence Of Air Conditioning In Residential Homes*, IOP Science, August 30, 2019, <https://iopscience.iop.org/article/10.1088/1748-9326/ab35a8> (last visited May 26, 2021).

¹² Tony Barboza, *As Second Heat Wave Sears California, Experts Say Health Impacts Will Worsen With Climate Change*, LA Times, September 6, 2020.

partner with community-based organizations to assist in outreach to tenants to inform them of their rights to live in habitable housing, regardless of income, race, or immigration status.

- The cumulative impacts of the climate crisis, affordable housing crisis, and other issues of social justice must be addressed by truly centering public health and the needs of communities most impacted. We must ensure land use decisions do not undermine public health by ignoring practices that identify brownfields and by engaging in inadequate remediation. Therefore, we recommend the following:
- **Use an EJ lens in Planning:** integrate the CalEnviroScreen into land use planning to target critical investments increasing access to affordable housing in underserved and highly impacted areas.
- **Advance health and safety standards around industrial sites and brownfield sites:** all environmental reviews must include health impact assessment (covering a 2-mile radius), community-led site remediation and polluter accountability strategies.
- **Prohibit development in proximity to brownfield sites until full EIR/HIA and remediation are completed:** the County should provide support to affordable housing developments for environmental review and remediation, including identifying funding opportunities based on polluter-pay principles.

Housing Elements are legally required to contain programs for both preservation and production of affordable housing, which are essential to avoid rising rents, evictions, and increased homelessness.¹³ The Los Angeles County Housing Element update must center land-use policies to reduce health disparities and advance health, equity, and sustainability in Los Angeles.¹⁴ The Housing Element can achieve consistency with the Health and Wellness Element by including and striving to go beyond our recommended policies and programs to advance environmental justice and community health.

II. Meaningful Community Engagement and Outreach is Critical to Guide the 2021-2029 Los Angeles County Housing Element Update.

In order to meet the Department of City Planning's commitment to center community needs and reverse decades of racist land use decisions, there must be a robust community engagement process before changing zoning and land use designations.

The COVID-19 pandemic has put a spotlight on the affordable housing crisis and pervasive public health inequities that plague frontline communities, a result of decades

¹³ California Department of Housing and Community Development, Planning & Community Development-Building Blocks-Housing needs, <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml> (last visited May 26, 2021).

¹⁴ See Cal. Gov't Code §65580 et seq.

of racist land use decisions like redlining, racial covenants and exclusive zoning. In response, ACT-LA urges local and state decision makers to prioritize community-driven development and meaningful community outreach and engagement for the 2021-2029 Housing Element update. ACT-LA views this update as an opportunity to build community resilience by reducing the negative effects of climate change while increasing quality of life in low-income communities of color.

ACT-LA urges the LA County County Department of Regional Planning to adequately discuss the demographic characteristics of the areas within the planned update, subject to potential rezoning, as well as how rezoning might impact those characteristics. The 2020 LA County Affordable Housing Outcomes Report found a county-wide shortage of 516,946 affordable and available rental homes for low-income households. The same report found that of the approximately 98,476 Federally- and State-subsidized affordable homes in the County, 10,276 (10%) are at risk of conversion in the next five years. Many more unsubsidized units are also at risk in the County of Los Angeles.

The affordable (low and very low) housing stock in LA County is rapidly declining and preservation efforts lack the resources and investment that the construction of new housing projects have received in the last few decades. It is critical that we lay the groundwork to further a Housing Element update that preserves existing affordable housing and centers key stakeholders impacted by potential rezoning, including residents and community-based organizations, to ensure long-term safety, accessibility and affordability.

Meaningful community engagement and collaboration is critical to advance development projects that meet the needs of community members in areas most impacted by housing instability. We are dismayed by LA County's lack of meaningful dialogue with community members. Although community engagement events have been held, community attendance and participation has been low, signaling that the outreach being performed has not reached key community stakeholders and community members.

Even before the unanticipated and unprecedented COVID-19 pandemic, community participation was much lower than it should be for a Housing Element update, especially considering the degree of proposed rezoning. We respectfully request extension of the public comment period on the Draft Environmental Impact Report once it is released. The Department of Regional Planning's decision to use the (minimum) 45-day comment period under the California Environmental Quality Act is unacceptable.

III. Review Evaluation Of Prior Housing Element 2014-2020.

Our Regional Housing Needs Assessment (RHNA) goal requires adding 46,590 affordable units in the City of Los Angeles, and 103,184 units overall (at various levels

of affordability) in LA County by the end of 202. ¹⁵ To meet this target, LA County would have had to increase its build rate by a minimum of 4.5 times starting in 2019, adding 102,000 units per year, to achieve its overall 2021 housing production goal. ¹⁶ We have failed as a county to come close to meeting the affordable housing goals set out in the last Housing Element.

For the 2014-2021 revision of Los Angeles County’s Housing Element, the Southern California Association of Governments allocated nearly 28,000 homes to unincorporated areas of the County. ¹⁷ Forty-three percent of the homes to be built during this Housing Element Cycle (2014-2021) were slated to be affordable compared to those earning eighty percent or less of Area Median Income (AMI). ¹⁸ By the end of 2019, the County had only met twenty-two percent of its RHNA allocation, a majority of which was housing intended for above moderate income households. ¹⁹ See Table I for the number of homes that have been permitted in each income group since 2014 in Los Angeles County. As of the drafting of this letter in May 2021, the Los Angeles Department of Regional Planning (DRP) has not provided the most up-to-date housing progress reports (2020) relative to the RHNA.

Table I: Regional Housing Need Allocation (2014-2021) Permits Issued.²⁰

Income level	RHNA Allocation	2014	2015	2016	2017	2018	2019	% RHNA Met
Very Low	7,404	159	32	25	354	38	54	9%
Low	4,281	0	0	0	108	14	107	5%
Moderate	4,930	0	0	0	0	19	0	0.4%
Above Moderate	10,825	513	1,790	620	622	562	1,130	48%
Total	27,440	672	1,822	655	1,084	633	1,291	22%

Finally, ACT-LA hopes that DRP meaningfully considers: (1) identifying buildings in need of earthquake retrofitting when analyzing the age of existing buildings; (2) supporting the transfer of land to community land trusts when/if it is determined that

¹⁵ See SCAG 6th Cycle Final Rhna Allocation Plan, March 4, 2021 (approved By HCD March 22, 2021), <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf> (last visited March 26, 2021).

¹⁶ Jonathan Woetzel, *Affordable housing in Los Angeles: Delivering more--and doing it faster*, McKinsey Global Institute Report, November 21, 2019 (last visited May 26, 2021).

¹⁷ California Housing Partnership, *Annual Affordable Housing Outcomes Report*, Section 3: County-Administered Affordable Rental Housing Resources at 63 (April 30, 2020).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

land is more valuable than the improvements; (3) consulting community members and community-based organizations when contaminated sites are discovered; and (4) prioritizing unique community needs and desires when assessing how many more units should be developed. The RHNA for the unincorporated areas for 2021-2029 is approximately 90,000 homes, which is the largest number the County has ever had. It is our hope that this update serves as an opportunity to remedy LA County's affordable housing crisis by creating opportunities for equitable development projects while preserving existing affordable housing stock.

We appreciate this opportunity to comment and look forward to engaging in the Department of Regional Planning's outreach efforts and discussions with Los Angeles-based community partners and impacted community members.

Sincerely,
Alliance for Community Transit-Los Angeles (ACT-LA)
Communities for a Better Environment (CBE)
Strategic Actions for a Just Economy (SAJE)
Community Power Collective
LA Forward