

My name is Isaac Serratos, I'm a staff attorney with Leadership Counsel.

Thank you to County staff for including this item on the County's agenda to proactively work to identify sites to rezone for its 6th Cycle Housing Element. As you are all aware, the County has struggled to incorporate environmental justice into its planning and growth; this rezoning presents an opportunity to address some of those issues.

I would like to remind the County of several requirements that apply to its duties to identify and rezone sites under the housing element law.

First, as noted in the staff report, the County has a duty to identify sites in a manner that affirmatively furthers fair housing. The County must carefully consider the conditions where sites are located and whether those sites fulfill the County's AFFH requirements and duties under Housing Element Law.

For example, A jurisdiction's duty to AFFH requires it to identify sites throughout the County. Those sites must zone land to allow low and moderate-income housing in high-resource areas. In addition, to comply with the duty to AFFH, the County must include commitments in the HE to eliminate barriers to fair housing based on the sites selected. For example, sites identified to meet the lower-income RHNA in high-resource areas may require programs to allow access to existing or planned public transit in those areas to reduce barriers to housing access for lower-income residents who may not have access to an automobile. Additionally, for planned low-income housing in lower-resourced communities, the HE must incorporate programs to remediate barriers to opportunity, such as improvements to street lights, parks, schools, clean water, and community plans. The County must also consider and address adverse environmental factors, such as the presence of heavy industrial facilities, which could negatively impact housing.

Further, based on our experience with the County's 5th and 4th Cycle HEs, we want to highlight that housing element law requires the County to indicate if a site identified to accommodate the low-income RHNA was used in the previous planning period if it is a nonvacant site included in the prior planning period's housing element or a vacant site that has been included in two or more consecutive planning periods. If a site was used previously, then the element must include a program requiring rezoning to allow residential use by right at specified densities and ensure that at least 20 percent of the units are affordable to lower-income households. The County should pay particular attention to its use of sites zoned for mobile homes: the County relied on many of these sites in the 5th Cycle HE though little housing development projected by the RHNA occurred on them at all.

Each site identified must realistically be able to meet RHNA targets. Sites must have access to or be subject to a plan to provide infrastructure and services to allow for development of housing at projected capacities and affordability levels in the planning period. The County must identify adequate sites to meet the needs of special populations like farmworkers, residents with disabilities, and single-parent households

Finally, the County must meaningfully involve residents, especially lower-income residents, protected classes, and residents of lower-income communities, in its identification of sites as required by HE law and its duty to AFFH. We ask that the Board direct staff to develop and implement a plan to do so in consultation with stakeholders.

We look forward to working closely with the County and Fresno Council of Governments to support the County's adoption of a strong 6th Cycle HE that meaningfully addresses the housing and fair housing needs of all Fresnoans.