



2023-2031 Housing Element Update

Frequently Asked Questions

1. What is the Housing Element?

The Housing Element is one of seven mandatory elements that must be included in the Town of San Anselmo's General Plan. The Housing Element outlines goals, policies, implementation programs, and quantified objectives that will help plan for the housing needs of all segments of San Anselmo's population. State law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. Unlike other mandatory general plan elements, the Housing Element is required to be updated every eight years and must be reviewed and certified by the California Department of Housing and Community Development (HCD).

Visit HCD's website for more information about Housing Element requirements: [Housing Elements | California Department of Housing and Community Development](#)

2. What information is included in the Housing Element?

The Housing Element includes the following major components:

- **Housing Needs Assessment:** Provides demographic and housing need information.
- **Constraints Analysis:** Analyzes existing and potential constraints to the development of housing and how those will be addressed.
- **Evaluation of Past Performance:** Assesses progress in implementing the policies and programs set forth in the prior Housing Element.
- **Housing Sites Inventory and Analysis:** Identifies potential sites for development or redevelopment which are appropriately zoned to support housing development to accommodate the Town's Regional Housing Needs Allocation (RHNA).
- **Fair Housing Assessment:** Describes the jurisdiction's unique fair housing circumstances. (See below for additional information on this topic).
- **Housing Resources:** Identifies resources available; financial, and otherwise, to support housing development, especially affordable housing.
- **Policies and Programs:** Establishes new policies and programs designed to address the housing needs identified in the Town.

To learn more about the statutory requirements for Housing Elements, please visit HCD's website: [Housing Element Completeness Checklist \(ca.gov\)](#).

3. What is the Regional Housing Needs Allocation and how is it determined?

The Regional Housing Needs Allocation (RHNA) is part of a statewide statutory mandate for every city and county in California to address a portion of the projected statewide housing needs. Every region in the state is given a Regional Housing Needs Determination (RHND) from the California Department of Housing and Community Development (HCD), which is the number of housing units the region must plan for. The total allocation is broken down into four income categories: above moderate, moderate, low, and very low-income. The lower two income categories (“Low Income” and “Very Low Income”) must be accommodated on sites zoned for higher density residential development. State law mandates that the Association of Bay Area Governments (ABAG) develop and approve a Regional Housing Needs Plan (RHNP) that contains a RHNA methodology for allocating these units by income category to each city, town, and county in the region.

The RHNA methodology requires that the following five objectives be considered:

1. Increase housing supply and housing mix
2. Promote infill, equity, and the environment
3. [Jobs-Housing Balance](#) (ratio of jobs to occupied housing)
4. Promote regional income parity
5. Affirmatively Furthering Fair Housing

To learn more about the RHNA process, please visit ABAG’s website: [RHNA - Regional Housing Needs Allocation | Association of Bay Area Governments](#)

4. How much housing does San Anselmo need to plan for?

The RHNA allocates San Anselmo’s “fair share” of the region’s projected housing needs. The table below shows ABAG’s RHNA allocation, totaling 833 units for the next eight-year cycle (2023 to 2031).

Income Level	RHNA 6 Allocation
Very Low Income (0-50% AMI)	253
Low Income (51-79% AMI)	145
Moderate Income (80-119%)	121
Above Moderate Income (120% AMI)	314
RHNA Allocation Total Units:	833
AMI = Area Median Income AMI for Marin County (2022) = \$166,000/year for a family of four	

5. What does Affordable Housing mean?

Providing opportunities for more affordable housing is important, especially in the San Francisco Bay Area. Purchasing or renting a home is becoming more and more out of reach for too many people. A variety of housing types is essential to provide housing options for those young and old, for families with lower and higher incomes, as well as to meet the needs of large and small families and persons with disabilities. A mix of housing opportunities means, among other things, that young adults moving into the housing market can stay in the cities they grew up in; workers like teachers, firefighters, health care workers and other essential workers can find homes near their jobs; and older adults have more options for retirement and can stay in their communities.

Marin County FY 2022 HUD Median Family Income Schedule							
Effective 4/18/2022							
Household Size	<---Very Low Income---> 35%	50% Low Income	65% Moderate Income	80% 90%	120% 	Median	
1	40,650	58,100	75,550	92,950	104,600	116,200	\$139,450
2	46,500	66,400	86,300	106,250	119,500	132,800	\$159,350
3	52,300	74,700	97,100	119,500	134,450	149,400	\$179,300
4	58,100	83,000	107,900	132,800	149,400	166,000	\$199,200
5	62,750	89,650	116,550	143,400	161,350	179,300	\$215,150
6	67,400	96,300	125,150	154,050	173,300	192,550	\$231,050
7	72,050	102,900	133,800	164,650	185,250	205,850	\$247,000
8	76,700	109,550	142,450	175,300	197,200	219,100	\$262,900
9	81,350	116,200	151,050	185,900	209,150	232,400	\$278,900
	Final						

Affordable rent means a monthly rent that does not exceed 30 percent of a household's gross income. It means that, after paying rent, a household should still have enough money for necessities like food, health care, and transportation. Anyone paying more than 30 percent of their income on rent is considered cost burdened and could need or qualify for affordable housing assistance. For example, a four-person household with an annual income of \$146,350 is classified as low income (80 percent of AMI) in 2021. A household with this income could afford to pay a monthly gross rent (including utilities) of up to \$3,658.75.

6. When will the housing be built?

That is up to property owners and the market.

The Town of San Anselmo must ensure that the appropriate zoning is in place to accommodate its RHNA allocation but does not control when or how much housing is built. New housing construction is based on a variety of economic factors, such as demand, available financing, land, and construction costs, and is ultimately driven by private property owners.

7. What choices do jurisdictions have when they do not have vacant and buildable land?

Towns with little or no vacant land must still meet their RHNA through identification of “Opportunity Sites.” An opportunity site is a piece of land that is suitable for development of housing, and the State requires that each Opportunity Site be evaluated to assess its development potential and calculate the number of units it could realistically accommodate if developed. The State allows built-out communities to evaluate existing developed property that may not be utilizing the land to its fullest potential as an “underutilized site.” The State expects these communities to increase the allowed density, reduce development standards (i.e., setback requirements or building height limits), or rezone commercial properties for mixed use or residential uses to facilitate the development of housing.

Potential housing Opportunity Sites could be:

- Sites that are too small for development currently but could be merged to provide appropriate land for housing;
- Town-owned land;
- Properties with structures that have been rendered obsolete over time or abandoned buildings;
- Land with some development but substantial undeveloped space remaining;
- Commercially-zoned sites that could be redeveloped with commercial uses on the ground floor and residential uses above; or
- Sites that have owner interest in redevelopment.

Click on the [Housing Element Site Inventory Guidebook](#) for more information on the State’s requirements related to Opportunity Sites.

8. The Town has listed my property as a Housing Opportunity Site, now what?

Inclusion of a property as a Housing Opportunity Site does **NOT** mean that your site must be developed during the 2023-2031 planning period or that the Town will require the property to be developed.

Properties added to the Housing Opportunity Site list have been found to meet the State's Site Inventory criteria and through the creation of policies and programs, it would be realistic that the property could be developed if a property owner is interested.

9. If my property is rezoned, will I be required to build housing?

No. Regardless of the current or future zoning adopted on your property, the choice to pursue development is always the right of the property owner.

10. What if my property is included as a Housing Opportunity Site for the 2023-2031 planning period, but I don't build any housing? Can I request that my property continue to be included in the next Housing Element Update?

Yes, a property owner may request to have their property continue to be included in the list of Housing Opportunity Sites for future Housing Element Update cycles. The necessary rezoning to accommodate the housing for the 2023-2031 cycle would have already occurred and future rezoning of the site would not be necessary unless higher densities would be considered during subsequent Housing Element Updates.

11. Can the Town meet the RHNA through the construction of Accessory Dwelling Units (ADUs)?

The State and ABAG have published a methodology that allows the Town to estimate how many ADUs are likely to be developed between 2023 and 2031. The methodology projects out ADU construction through 2031 based on the average number of ADUs constructed in San Anselmo over the past three years. Utilizing this approach, development history indicates that San Anselmo property owners have not constructed enough ADUs to meet the Town's RHNA requirements. However, the Town will use local ADU projections to fulfill a portion of the RHNA. It is anticipated the Town will be able to count 160 ADU units towards the 2023 and 2031 Housing Element cycle.

12. How does the Housing Element consider traffic impacts, ongoing fire and flooding risk, and water conservation efforts in San Anselmo?

While multiple jurisdictions, including San Anselmo filed appeals to their RHNA with the State due to wildfire risk, water supply constraints, and other environmental constraints, none of the appeals have been successful. Therefore, the Town will evaluate water constraints, wildfire risks, flooding, and traffic impacts in the Housing Element and enact goals, policies, and programs to ensure responsible development. The Housing Element Update process will include environmental review and analysis, as required by the California Environmental Quality Act, to identify mitigation measures that protect both development and the environment.

13. Is there adequate water and sewer infrastructure to accommodate development on the housing opportunity sites?

The Town has water service through the Marin Municipal Water District (MMWD). Chartered in April 1912, the MMWD is the first municipal water district in California. As required by State law, the MMWD updated its urban water management plan in May 2021. The management plan includes projected water demands through 2045 related to the estimated population increase. Based on historical water supply patterns, MMWD can meet future demands through 2045. The public review draft may be found here: [Draft MMWD UWMP 2020-1.pdf \(marinwater.org\)](#). An analysis of water capacity relative to the Housing Element project units will be included in the Town's environmental document.

More information on the MMWD can be found at: [About Us | Marin Water](#).

The Town also has sanitary sewer service provided through the Ross Valley Sanitary District. Established in 1899, the Ross Valley Sanitary District is California's oldest district and provides sewer services to Fairfax, San Anselmo, Ross, Larkspur, Bon Air, Sleepy Hollow, Kentfield, Kent Woodlands, Oak Manor and Greenbrae. An analysis of water capacity relative to the Housing Element project units will be included in the Town's environmental document.

More information on the Ross Valley Sanitary District can be found at: [About US | Ross Valley Sanitary District, CA \(rvsd.org\)](#).

14. Has the Town determined whether there are adequate schools and education funding to accommodate development on the housing opportunity sites?

The [Ross Valley School District](#) (RVSD) and the [Tamalpais Union High School District](#) (TUHSD) are responsible for analyzing enrollment and projecting facility/amenity needs. To help offset development related impacts to schools, Education Code Section 17620, et

seq., and Government Code Section 65995, et seq., (collectively, “School Fee Legislation”) authorizes school districts to impose fees on residential, commercial, and industrial development to mitigate the impact of the development on a school district’s facilities. School fees are set by the school districts and assessed on all new development projects, and certain sizes of additions and remodels.

The Town has been in communication with RVSD and the TUHSD to inform the respective districts of the Housing Element Update and an analysis of School District’s capacity relative to the Housing Element project units will be included in the Town’s environmental document.

15. What is Affirmatively Furthering Fair Housing (AFFH) and how does it relate to the Housing Element?

Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, Affirmatively Furthering Fair Housing means to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

All housing elements must now include an Assessment of Fair Housing and meaningful programs that promote and affirmatively further fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

The four main goals are to:

1. Address significant disparities in housing needs and in access to opportunity
2. Replace segregated living patterns with truly integrated and balanced living patterns
3. Transform racially and ethnically concentrated areas of poverty into areas of opportunity
4. Foster and maintain compliance with civil rights and fair housing laws

For further information on the topic of AFFH please see this website: [Affirmatively Furthering Fair Housing | California Department of Housing and Community Development](#)

16. When does the Housing Element need to be adopted by San Anselmo?

The Housing Element must be adopted by January 31, 2023.

17. What happens if the Town does not adopt the Housing Element by January 31, 2023?

Jurisdictions that fail to adopt a Housing Element that has been found in substantial compliance within 120 days of the statutory deadline to revise the Housing Element must complete all necessary rezones within one year of that statutory deadline. This means that San Anselmo would need to adopt the Housing Element and the Housing Element must be found in compliance (meaning a letter from HCD affirming compliance) with Housing Element Law by the Department of Housing and Community Development within 120 days of the statutory deadline, or they will need to complete rezones within one year of their housing element due date (as opposed to three years) to maintain housing element compliance. Jurisdictions that adopt more than one year from the statutory deadline cannot be found in substantial compliance with Housing Element Law until the local government has completed any required rezoning.

18. What does the Town need to do to be found in compliance with the State’s Housing Element Law?

First, the Town must adopt a Housing Element as prescribed by state law. Second, the Town must implement the policies and programs listed in the Housing Element. Lastly, to ensure San Anselmo is found to be in compliance with the State Housing Element Law, a Housing Element Annual Progress Report (APR) is required to inform the state on the status and progress in implementing the Housing Element. The APR includes a list of the housing units constructed and entitled during the reporting year, in addition to a status update on implementing the policies and programs listed in the Housing Element.

19. What happens if San Anselmo is found to be not in compliance with Housing Element Law?

As required by State law, each city, town and county must have their Housing Element reviewed and certified by the State. The State provides comments on the draft Housing Element, which the Town must address in order to be compliant with State law.

There are three direct consequences for not receiving State certification:

- *Limited Access to State Funding:* Grant and loan programs offered by the State are not available to jurisdictions with a non-compliant Housing Element, and the Town misses funding opportunities for community improvements.

- *Unfilled RHNA Remainder*: Any units that were not built to meet the RHNA from the previous Housing Element (2015-2023) are added to the current RHNA assignment from the State.
- *Lawsuits*: The Town becomes vulnerable to lawsuits for not proactively meeting their housing needs, as identified by the State. Developers and advocates have the right to sue towns with non-compliant Housing Elements.