



## PLANNING COMMISSION

Darren Smith, Chairman

Juan Tavares, Vice-Chairman

John Lane      George A. Marquez

Jay Goyal      Robert Palacio      Kevan Hutchinson

### AGENDA

#### PLANNING COMMISSION

#### REGULAR MEETING

WEDNESDAY, SEPTEMBER 8, 2021 AT 5:30 P.M.

CITY OF BRAWLEY COUNCIL CHAMBERS

383 MAIN STREET

BRAWLEY, CALIFORNIA

**This meeting will be broadcast live at [www.facebook.com/cityofbrawley](http://www.facebook.com/cityofbrawley).**

**1. CALL TO ORDER / ROLL CALL**

**2. APPROVE AGENDA**

**3. APPROVE MINUTES**

**4. PUBLIC APPEARANCES**

The Planning Commission encourages citizen participation on all matters presented for their consideration. The Planning Commission does not take action on items presented under Public Appearances.

As the Planning Commission is observing social distancing protocols as recommended, social distancing and facemask will be required. Should a member of the public wish to provide verbal or written public comments prior to the meeting, please submit written comments via email to [amontano@brawley-ca.gov](mailto:amontano@brawley-ca.gov) or contact the Planning Division Office at 760/344.8822.

**5. PM 21-02 1960 A STREET**

A parcel map (PM21-02) submitted by Dynamic Consulting Engineers on behalf of Sierra-Mare Enterprises on property located at 1690 A Street. The subdivision will allow the parcel to be split to create four lots.

Property Owner:      Sierra-Mare Enterprises

Engineer:      Dynamic Consulting Engineers

Legal Description:      East Half Of The North Half Of The West 125 Feet Of Lot 1, And the East 188.7 Feet Of the North 313 Feet Of Lot 1, Brawley Subdivision No.1, City of Brawley, County of Imperial, State of California, APN 047-250-043

**6. HOUSING ELEMENT UPDATE/NEGATIVE DECLARATION 2021-2029**

The City of Brawley is in the process of updating the Housing Element of the General Plan. This process must be done periodically to ensure that we are able to adequately plan the housing needs of the City. This Housing Element Date would be for the years 2021-2029.

This also includes associated ordinances that are in agreement with state statutes. A comprehensive update of the Housing Element would ensure that the Plan accurately reflects the City policies, conforms to any changes in State law, reflects current court decisions, and provides an integrated and internally consistent set of goals, objectives, and policies designed to reflect the changing characteristics and growth of the community.

**7. NEXT MEETING DATE**

**8. ADJOURNMENT**

Supporting documents are available for public review in the Community Development Services office, 205 S. Imperial Avenue, Brawley, CA 92227 Monday through Friday, during regular posted business hours.



**BRAWLEY PLANNING COMMISSION**  
**August 11, 2021**

The Planning Commission of the City of Brawley, California, met in Regular Session **in person** at 5:30 p.m., City Council Chambers, 383 Main Street, Brawley, California, the date, time, and place duly established for the holding said meeting. The City Clerk attests to the posting of the agenda pursuant to the G.C.54954.

**1. CALL TO ORDER/ ROLL CALL**

Chairman Hutchinson called meeting to order @ 5:30 pm

**PRESENT:** Goyal, Tavares, Smith, Lane, Hutchinson, Palacio, Marquez  
**ABSENT:** None  
**ABSTAIN:** None  
**NAYES:** None

**2. APPROVAL OF AGENDA**

The agenda was **approved** as submitted. m/s/c Goyal/Palacio 7-0

**PRESENT:** Goyal, Tavares, Smith, Lane, Hutchinson, Palacio, Marquez  
**ABSENT:** None  
**ABSTAIN:** None  
**NAYES:** None

**3. PUBLIC APPEARANCES** There was none

**4. CUP 21-01 861 Main Street**

A conditional use permit (CUP 21-01) was submitted by Ray Baab on behalf of Gargiullo Cooling LLC on property located at 861 Main Street. The conditional use permit was to allow for the development of a recycling center to be located in an existing operating business.

**Property Owner:** Gargiullo Cooling LLC

**Legal Description:** A portion of the Townsite of Brawley and Resubdivision of blocks 100 and 101, Townsite of Brawley, City of Brawley, State of California, APN 047-351-008

The Commission **approved** the Conditional Use Permit as proposed. m/s/c Goyal/Palacio 7-0

**PRESENT:** Goyal, Tavares, Smith, Lane , Hutchinson, Palacio, Marquez  
**ABSENT:** None  
**ABSTAIN:** None  
**NAYES:** None

## **5. CUP 21-02 Vertical Bridge Cell Tower**

A conditional use permit (CUP21-02) and Negative Declaration submitted by Vertical Bridge on behalf of the City of Brawley on property located at 221 Magnolia Street. The conditional use permit is to allow for the addition of a 110 foot collocatable wireless communication tower. The property is currently zoned P-F (Public Facilities). The site will be located south of the batting cages in a 36 ft by 36 ft fenced area.

**Property Owner:** City of Brawley

**Applicant:** Vertical Bridge, Gary Cassell

**Legal Description:** A portion of the North 481 ft of the East 452 ft, Ramsdells Subdivision of Block 42, Townsite of Brawley, City of Brawley, State of California, APN 046-121-003.

**Development Services Director Gaste** presented the staff report to the Planning Commission. He also informed the Commission that the basis of denial could not be related to environmental concerns per the Telecommunications Act.

**Commissioner Palacio**, asked a general procedural question as it was his understanding that the project had previously been at the Council level.

**Chairman Smith**, also asked if there was an already existing lease agreement at this location.

**DSD Gaste**, added that the Council decided to move forward with a CUP. He also forwarded questions regarding the lease agreement to the City Manager.

**City Manager Salcido**, added that there was a lease agreement in place that was approved in closed session. He added that through public comments received, the Council moved to require the applicant to obtain a Conditional Use Permit for the final approval.

**Commissioner Goyal**, asked what the reasoning behind the selection of this particular location. He also asked the regarding recent denials of similar projects in Calexico and El Centro.

**City Manager Salcido**, added that the City of El Centro has yet to vote on the official reason for denial, which will happen in September. He also added that the reason this location was selected was to vill a dead zone in telecommunication services.

**Commissioner Palacio**, also asked the maximum height and background of other towers in the Brawley.

**Orlando Foote**, attorney for the applicant provided some background on the project.

**Gary Cassel**, addressed the Commission and discussed the process and location areas when companies examine different locations. He also provided background on different locations that were considered.

**Deborah Owen**, addressed the Commission and added that her concerns with the tower was the process that was followed and the lack of transparency with the approval of the project. She also added that the different location options were not explored by the applicant fully.

**Anita Parga**, mentioned that she would see that tower whenever she leaves her house, and also added that the nearest tower on E Street is also visible from her house. She questioned if the applicant had proposed colocation there. She also asked if firework shows were considered.

**Tim Mackenzie**, addressed his concerns to the Commissioned. He added that while he doesn't have an issue with

towers, but he does have an issue with the location of the tower being near children and the process that was followed.

**Laura Mackenzie**, added that her frustration lies in the displacement of the different sports themes that are typically in the area. She added that there has to be a better location for the tower that will still services the existing area.

**Kathy Prior**, listed different towers location within the Brawley City Limits. She also asked the applicant if those are location where they could be located instead.

**Mark Hamby**, asked the applicant how many cell towers they had in Brawley. He added that the City of El Centro denied a similar project, and we can to. He also added that the process to approve the tower was not followed correctly, and was not transparent. He suggested that the Planning Commission consider different approval process to include a follow up meeting to approve the project. He also added that we have good cell service and the City is getting involved in a competition between carriers.

**Nichole Rothfleisch**, presented a community petition to the commission that read as follows:

We, the undersigned residents of Brawley, CA, attest that we are in opposition to the installation of a 4-G telecommunication tower on the property located near N. 3rd St. and Magnolia St, on Wiest Field, for the following reasons:

- At 114 feet tall it's almost twice as tall as the light posts nearby it and will be a visual eyesore.
- Property values decrease when there is a cell tower nearby because buyers don't want homes near them.
- The nearest homes are less than 400 feet away, the nearest dugouts are less than 200 feet away, and it's only a few feet from the batting cage, a facility that elementary school children and high school athletes utilize regularly. What parents want to sit under this to watch a ball game, or send their children out to play under it regularly?
- There is no reason to have it in the middle of a neighborhood and a public park where children congregate, especially considering our flat terrain with nothing to interfere with the signal if the tower were to be place outside of town.
- The fact that this lease is renewable for up to 50 years and has so many unknowns regarding long-term affects on those who live and congregate around it is very concerning.
- The lease agreement with Vertical Bridge states that there is a \$1 million liability insurance policy to cover injury, however, while this small amount may cover if the tower falls or something, there is no insurance coverage possible for harm from wireless radiation from the tower. If anyone in the area has health issues that are exacerbated by the EMF radiation from the tower, or they develop health issues such as migraines, cancer, etc, they can sue the City. This leaves our City open to far too much liability with very little in return from this cell company that only cares about its bottom line, not our community.
- These towers are constantly having maintenance done to them using large utility trucks with the highest booms and they are prone to catching on fire while being welded on. This is a safety issue being that it is directly over a kids' park. Also, it is intrusive for kids playing ball on this field to have trucks driving in and out in between the left field line and the batting cage.

- This field was built for kids to use for recreational purposes. This invasive take-over of their park is not right for the City to do, especially without the public's blessing.
- The City voted on this in closed session, without adequate public notice of the proposed project, and without a public hearing to get input from the citizens it would impact. We believe this was both unethical and illegal.
- We believe that "Vertical Bridge/Clear Blue" and other cellular communications companies should be required to find more appropriate locations in nearby commercial and industrial zones, away from residential neighborhoods and public parks.

Thank you for your thoughtful reconsideration of this project and the concerns of your constituents.

Ms. Rothfleisch also mentioned she had concerns with the process and the contents of the environmental report.

**Joel Gonzalez**, added that he is not opposed to the tower, but is opposed to the location. He added additional city facilities where a tower may be located. He also added that another possibility could have been working with the Brawley Union High School District as the locations are shared in the area.

**DSD Gaste**, asked the public if there would be a difference in opinion of the location if the tower was masked to look like monument.

The consensus of the public was no.

The Commission **denied** the conditional use permit as proposed. m/s/c Smith/Palacio 5-0-2

<b>PRESENT:</b>	Smith, Lane , Hutchinson, Palacio Marquez
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	Goyal, Tavares
<b>NAYES:</b>	None

**7. ADJOURNMENT @ 7:27 pm**

*Gordon R. Gaste*  
AICP CEP, Development Services Director

**PLANNING COMMISSION STAFF REPORT**

**Minor Subdivision:** PM 21-02 Parcel Map - 1690 A Street

**Property Owner:** Sierra-Mare Enterprises, INC.

**Representative:** David Beltran, LS, Dynamic Consulting Engineers

**Legal Description:** The East Half Of The North Half Of The West 125 Feet Of Lot One (1), And The East 188.7 Feet Of The North 313 Feet Of Lot One (1), Brawley Subdivision No.1, City of Brawley, County of Imperial, State of California, APN 047-250-043.

**Location:** 1690 A Street

**Area:** 1.63 Acres (71002 Square Feet)

**Zoning:** R-2 Residential Low Density

**Existing Use:** Vacant

**Proposed Use:** Three Single Family Dwelling

**Surrounding Land Uses:**

**North -** R-2 (Residential Low Density) / House

**South -** R-2 (Residential Low Density) / House

**East -** P-F (Public Facilities) / Vacant Lucky Ranch Subdivision

**West-** R-2 (Residential Low Density) / House

**General Plan Designation:** Low Density Residential

**CEQA Status:** Exempt

**PLANNING COMMISSION MEETING , ,  
5:30 P.M., SEPTEMBER 8, 2021, CITY COUNCIL CHAMBERS, 383 MAIN STREET,  
BRAWLEY, CALIFORNIA**

**Minor Subdivision: PM 21-02**

**General Information:**

The parcel map for this Parcel Map was submitted in order to permit three Single Family Dwellings. The property is currently zoned R-2 (Residential Low Density). The site is currently vacant and is 1.63 acres in size. The proposed parcel map shows to subdivide one parcel into four parcels to allow for the construction of additional single family homes. Dedication of 30 feet is being offered for the development of the future B Street Extension. Access is proposed via A Street. There are no zoning conditions currently imposed on this property.

**Staff Recommendation:**

The Planning Department recommends approval of this detailed site development plan review with the following condition:

1. The applicant shall obtain an encroachment permit from the Department of Public Works for any new, altered or unpermitted driveways necessary to access each of the parcels from a public street.
2. The applicant shall obtain a tax certificate from the County Tax Collector.
3. The applicant shall pay all fees associated with review and approval of the site plan, parcel map, and variance.
4. The applicant shall pay fees to record the final parcel map.
5. The applicant shall defend, indemnify, and hold harmless the City of Brawley, or its agents, officers and employees from any claim, action or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval by the Planning Commission or City Council concerning the subdivision. The City of Brawley shall promptly notify the applicant of any claim, action or proceedings and shall cooperate fully in the defense.
6. Any person or party who succeeds to the interest of the present owner by sale, assignment, transfer, conveyance, exchange or other means shall be bound by the conditions of approval.
7. Provide sewer and water, curb and gutter, sidewalks and other improvements to City standards before City issues certificate of occupancy for any structure for each parcel.

The recommendation is based on the following findings:

1. The proposal is exempt from CEQA pursuant to Section 15315.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts.
3. Approval of the Exempt and parcel map will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The tentative map is consistent with the character of the area for that type of land use.
5. The size of the new parcels is consistent with the Zoning ordinance.
6. The size of the new parcels is consistent with the General Plan.
7. The Parcel Map was performed in compliance with the Subdivision Map Act and Subdivision Ordinance requirements.

**The Brawley General Land Use Map** designates this property for **Low Density Residential** land uses.

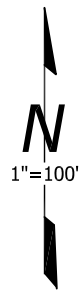
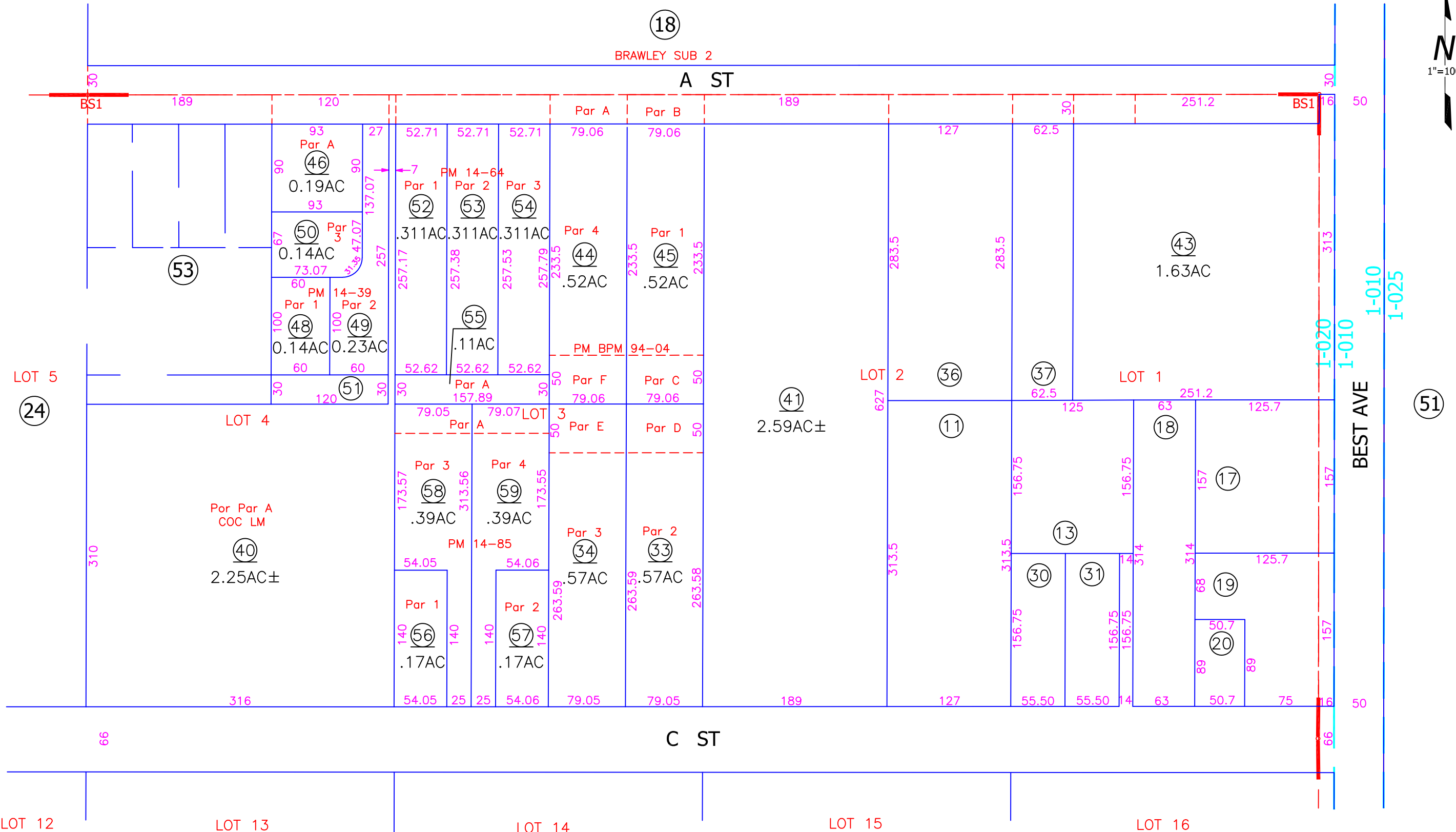
R-2 (Residential Low Density) zoning permits Single Family Dwellings by right.

**ATTACHMENT:** Location Map; Proposed Parcel Map.

**NOTE TO THE PROPERTY OWNER:** PLANNING COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE MEETING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (760) 344-8822.







7-22-08 MF 2-24-21 MF  
12-27-05 RM 3-17-20 MF  
5-11-05 AR 1-10-19 MF  
8-7-95 RM 12-28-18 MF  
11-12-91 DP 7-13-11 MF  
8-4-82 LS 5-19-10 MF  
10-27-87 LS 7-31-08 MF

**DISCLAIMER:**  
THIS IS NOT AN OFFICIAL MAP.  
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR. ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

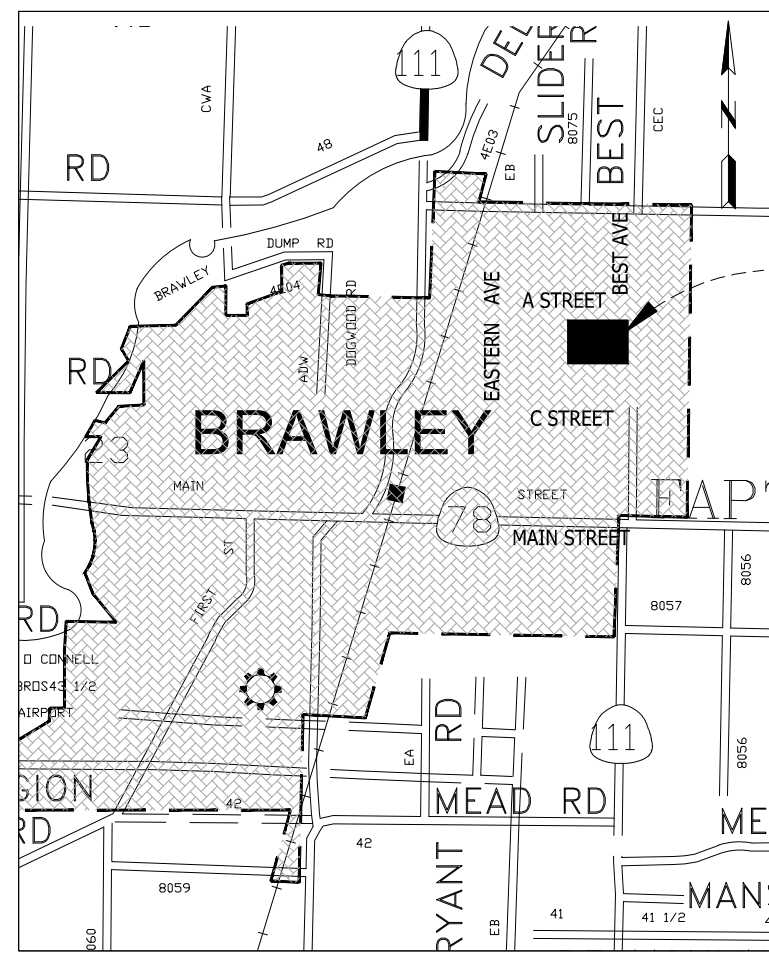


CITY OF BRAWLEY  
Assessor's Map Bk.47-Pg.25  
County of Imperial, Calif.



# TENTATIVE PARCEL MAP NO. 047-250-043

PORTION OF LOT 1, BRAWLEY SUBDIVISION NO. 1, ACCORDING TO MAP NO. 56, IN THE CITY OF BRAWLEY, COUNTY OF IMPERIAL, STATE OF CALIFORNIA



PROJECT SITE

**OWNER INFORMATION:**  
SIERRA MARE ENTERPRISES, INC, A CALIFORNIA CORPORATION  
1299 W. PICO AVE  
EL CENTRO, CA. 92243  
(619) 972-4797

**PROPERTY ADDRESS:**  
1690 "A" STREET  
BRAWLEY, CA. 92227

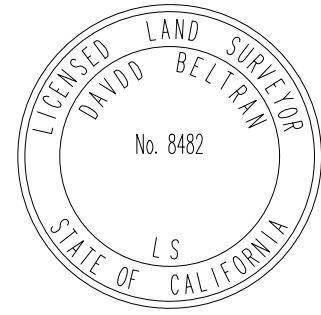
**ZONING INFORMATION:**  
EXISTING: R-2 (RESIDENTIAL LOW DENSITY)  
PROPOSED: R-2 (RESIDENTIAL LOW DENSITY)

**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF SIERRA MARE ENTERPRISES, INC, A CALIFORNIA CORPORATION ON JUNE 2021.

DATED: \_\_\_\_\_

DAVID BELTRAN, PLS 9482  
LIC. EXP. DATE 12-31-2022



**LEGAL DESCRIPTION:**

THE EAST HALF OF THE NORTH 125 FEET OF THE WEST 125 FEET OF LOT ONE (1), AND THE EAST 188.7 FEET OF THE NORTH 313 FEET OF LOT ONE (1), BRAWLEY SUBDIVISION NO.1, IN THE CITY OF BRAWLEY, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 56 ON FILE IN BOOK 1, PAGE 40 OF OFFICIAL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

**BASIS OF BEARING:**

THE BEARING NORTH 89°58'01" EAST ALONG THE CENTERLINE OF "C" STREET, PER PARCEL MAP RECORDED ON FILE IN BOOK 11, PAGE 8 OF PARCEL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY IS THE BASIS OF BEARING FOR THIS MAP.

**RECORDED EASEMENTS:**

PRELIMINARY TITLE REPORT OF REFERENCE:  
STEWART TITLE COMPANY, ORDER NO. 413037 AND TITLE DATED MARCH 29, 2019.

- AN EASEMENT FOR CONSTRUCTION, MAINTENANCE AND/OR USE OF A CANAL, TELEPHONE AND/OR ELECTRIC POWER LINE OR LINES AND RIGHTS INCIDENTAL THERETO IN FAVOR OF IMPERIAL IRRIGATION DISTRICT AS SET FORTH IN A DOCUMENT RECORDED JUNE 29, 1939, IN BOOK 529, PAGE 549, OF OFFICIAL RECORDS, AFFECTS THE LAND.
- AN EASEMENT FOR RIGHT OF WAY FOR PUBLIC UTILITIES AND RIGHTS INCIDENTAL THERETO IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY, A CORPORATION AS SET FORTH IN A DOCUMENT RECORDED OCTOBER 19, 1949, IN BOOK 760, PAGE 525, OF OFFICIAL RECORDS, AFFECTS THE LAND.
- AN EASEMENT FOR PUBLIC UTILITIES AND RIGHTS INCIDENTAL THERETO IN FAVOR OF BRAWLEY COUNTY WATER DISTRICT AS SET FORTH IN A DOCUMENT RECORDED MARCH 28, 1977, IN BOOK 1399, PAGE 945, OF OFFICIAL RECORDS, AFFECTS THE LAND.
- AN EASEMENT AFFECTING PUBLIC USE AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, CONDEMNED BY FINAL DECREE IN FAVOR OF CITY OF BRAWLEY, A MUNICIPAL CORPORATION, FOR RIGHT OF WAY EASEMENT, CASE NO. ECU02317, RECORDED OCTOBER 25, 2007, AS INSTRUMENT NO. 2007-039819, OF OFFICIAL RECORDS, WHICH AFFECTS SAID LAND.

**TITLE DATA NOTE:**

AS TO THE TITLE MATTER SHOWN AND NOTED HEREIN, DYNAMIC CONSULTING ENGINEERS, INC AND DAVID BELTRAN, PLS, HAVE RELIED SOLELY UPON INFORMATION PROVIDED BY STEWART TITLE COMPANY, PRELIMINARY TITLE REPORT ORDER NO. 413037 DATED MARCH 29, 2019 AND AS MAY BE SUPPLEMENTED, OTHER CONDITIONS AFFECTING TITLE SUCH AS TRUST DEEDS, TAXES, ETC. ARE CONTAINED IN SAID PRELIMINARY TITLE REPORT AND INCORPORATED HEREIN BY REFERENCE. DYNAMIC CONSULTING ENGINEERS, INC AND DAVID BELTRAN, PLS, MAKE NO STATEMENT AS TO THE ACCURACY AND COMPLETENESS OF THE SUBJECT PRELIMINARY TITLE REPORT.

**UNDERGROUND UTILITY NOTE:**

IF UNDERGROUND PUBLIC AND/OR PRIVATE UTILITIES, OTHER STRUCTURE OR ZONE AND SETBACK DATA ARE SHOWN HEREIN, IT IS FOR INFORMATION ONLY, HAVING BEEN OBTAINED FROM THE BEST AVAILABLE SOURCES BUT FROM OTHERS NOT CONNECTED WITH THIS COMPANY, THEREFORE, NO GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SAID INFORMATION.

**LEGEND:**

- INDICATES EASEMENT LINE
- INDICATES BLOCK LINE
- INDICATES SURVEY BOUNDARY
- FOUND MONUMENT AS NOTED
- SET 1-1/4" IRON PIPE, 0.2-FOOT ABOVE GROUND, IN DIRT, "TAGGED L.S. 8482"
- ICSTC IMPERIAL COUNTY SURVEY TIE-CARD
- NF/S NOTHING FOUND OR SET

**GENERAL NOTES:**

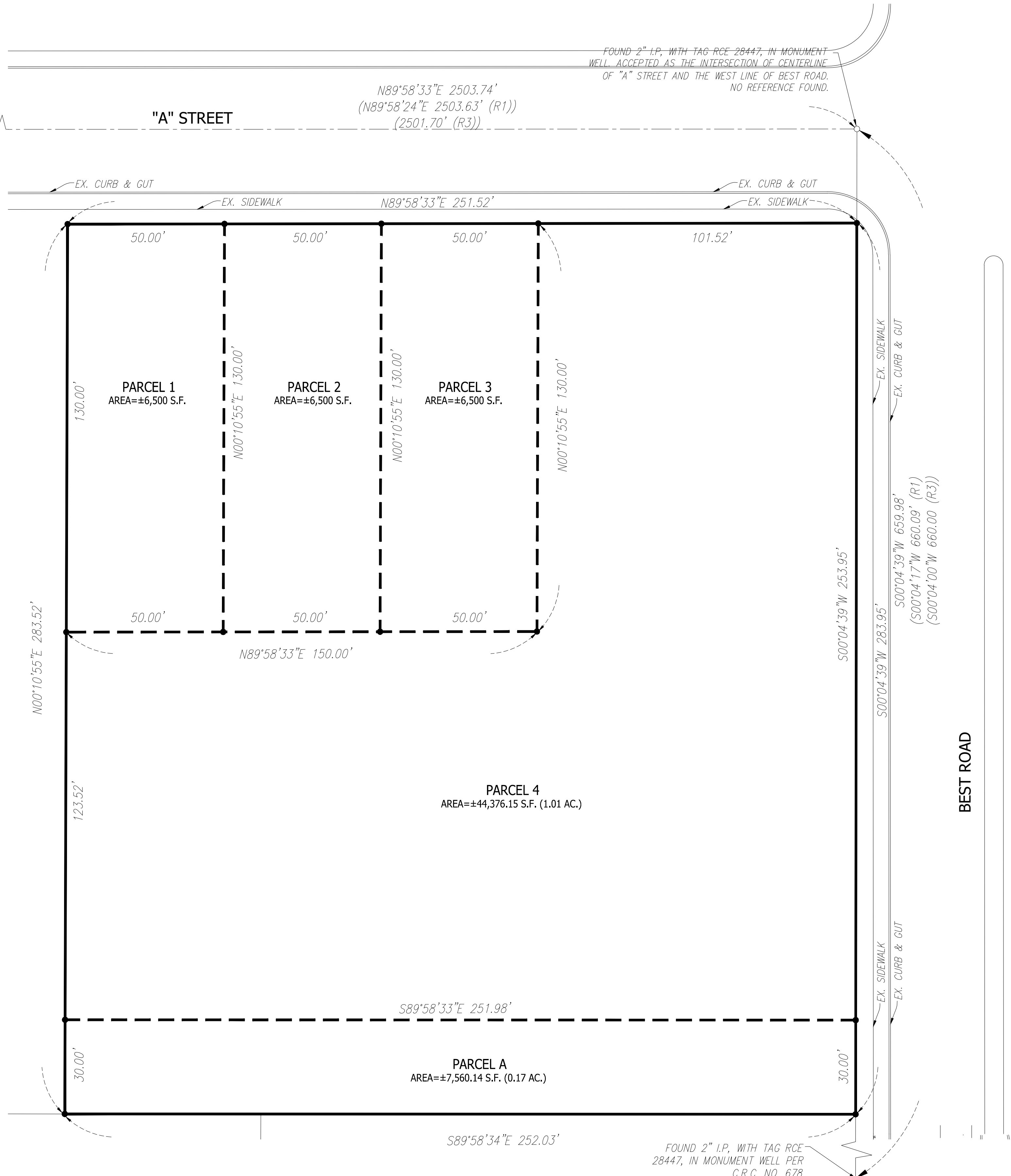
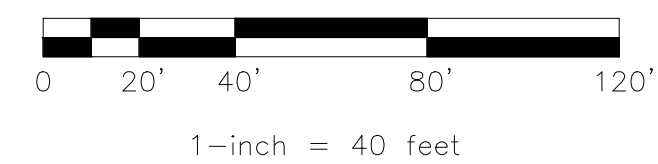
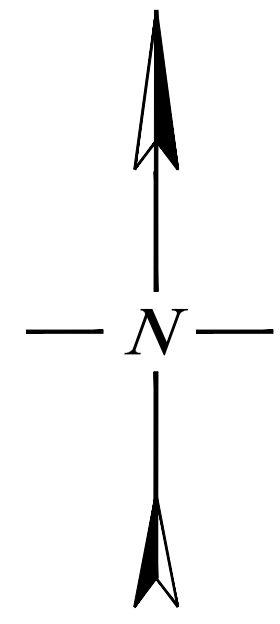
**TOTAL PROPOSED LOTS:** 4 LOTS

- TOTAL PARCEL BOUNDARY:** ±1.63 ACRES
- SCHOOL:** BRAWLEY UNIFIED SCHOOL DISTRICT
- SEWER:** CITY OF BRAWLEY  
5015 BEST ROAD, BRAWLEY, CA. 92227  
PHONE: 760-344-5803
- WATER:** CITY OF BRAWLEY  
5015 BEST ROAD, BRAWLEY, CA. 92227  
PHONE: 760-344-5803
- ELECTRIC:** IMPERIAL IRRIGATION DISTRICT  
333 E. BARIONI BLVD, IMPERIAL, CA. 92251  
PHONE: 760-335-3640
- GAS:** SOUTHERN CALIFORNIA GAS COMPANY  
602 E. ROSS RD, EL CENTRO, CA. 92243  
PHONE: 760-370-5812
- TELEPHONE:** SBC PACIFIC BELL  
PHONE: 1-800-750-2355
- CABLE:** TIME WARNER CABLE  
135 S. PLAZA STREET, BRAWLEY, CA. 92227  
PHONE: 866-874-2389
- FIRE DISTRICT:** BRAWLEY FIRE DEPARTMENT:  
1505 JONES STREET, BRAWLEY, CA. 92227  
PHONE: 760-351-9110
- TITLE COMPANY:** STEWART TITLE COMPANY  
11870 PIERCE STREET, SUITE 100  
RIVERSIDE, CA. 92505  
PHONE: 951-276-2700  
ORDER NO.: 413037

LOTS 2-8  
PER COM. MAP

**ROAD RIGHT OF WAY NOTE:**

- PARCEL "A" IS OFFERED TO THE CITY OF BRAWLEY FOR PUBLIC ROAD RIGHT OF WAY AND UTILITIES PURPOSES.



FOUND 2" I.P. WITH TAG RCE 28447, IN MONUMENT WELL ACCEPTED AS THE INTERSECTION OF CENTERLINE OF "A" STREET AND THE WEST LINE OF BEST ROAD. NO REFERENCE FOUND.

FOUND 2" I.P. WITH TAG RCE 28447, IN MONUMENT WELL PER C.R.C. NO. 678.

**PLANNING COMMISSION AGENDA REPORT**  
City of Brawley

Meeting Date: September 8, 2021

**FROM:** Prepared by: Gordon R. Gaste AICP CEP, Development Services Director  
Presented by: Gordon R. Gaste AICP CEP, Development Services Director  
Christney Barilla, Planning Consultant

**SUBJECT:** City of Brawley Housing Element Update/Negative Declaration and associated ordinances for 2021-2029

**RECOMMENDATION:** Approve

**RECOMMENDATION:** The City of Brawley is requesting approval for the City of Brawley Housing Element Update and CEQA Negative Declaration for 2013-2021. This also includes associated ordinances that are in agreement with state statutes. A comprehensive update of the Housing Element would ensure that the Plan accurately reflects the City policies, conforms to any changes in State law, reflects current court decisions, and provides an integrated and internally consistent set of goals, objectives, and policies designed to reflect the changing characteristics and growth of the community. The Department of Housing and Community Services (HCD) has reviewed the document and finds it in conformance with the state housing statutes.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** Housing Element; Initial Study/Negative Declaration; Accessory Dwelling Unit Ordinance; Density Bonus Ordinance.



**PUBLIC HEARING DRAFT HOUSING ELEMENT**

**FOR REVIEW BY**

**PLANNING COMMISSION  
CITY OF BRAWLEY**

**SEPTEMBER 8, 2021**



**A. REGIONAL SETTING**

Imperial County is located in a broad desert that has been transformed to productive agricultural lands by the importation of irrigation water. The City of Brawley is located in central Imperial County, which is in the southeastern corner of California near the Mexican border. Brawley is located approximately –

- 6 miles southeast of the City of Westmorland
- 9 miles to the south of the City of Calipatria
- 9 and 12 miles north of the Cities of Imperial and El Centro
- 21 miles north of Calexico which is located next to the Mexican border

Within the context of the County, Brawley is located at the intersection of State Route 78 with State Route 86 and State Route 111. The New River flows from the southwest to the northern portion of the Brawley Planning Area and the Union Pacific Railroad generally extends north-to-south and bisects central Brawley.

Brawley has historically played a significant role in the agricultural economy that characterizes Imperial County. The landscape around the urbanized areas is dominated by agricultural fields, scattered farmhouses, and related agricultural structures. Scenic views are enjoyed throughout Brawley including panoramic views of the stark topography of the Chocolate Mountains in the east and the foothills of the Peninsular Range in the west, the New River riparian corridor, and agricultural open space.

Brawley's strategic crossroads location at several major highways and the railroad facilitates easy access for residents and visitors, and regional shipping services. The City continues to provide a unique urban setting for residential, commercial, agribusiness, and industrial uses. The City is distinguished by a historic downtown commercial and civic center surrounded by a variety of distinct residential neighborhoods, parks, some industrial development, agriculture, and a municipal airport.

**B. HISTORICAL CONTEXT**

In 1902, J.H. Braly, a Los Angeles investor, was assigned 4,000 acres of land in the center of the area representing the present-day City of Brawley. U.S. Government Circular No. 9 was shortly released after Braly took control of the land and it claimed that nothing would grow in the desert area of Imperial Valley, even with plentiful water. In response to this news, Braly sold the land to G.A. Carter who shortly sold the land to the Imperial Land Company. In defiance of the government circular, the Imperial Land Company ordered the new town plotted and began promoting the agricultural potential of the area. Colorado River water was initially diverted to Imperial Valley in 1901 and irrigated agriculture in the Valley was showing promise.

People had already begun to call the new townsite "Braly." However, Mr. Braly prohibited the use of his name for the town because he was convinced the town would fail miserably. A.H. Heber, one of the principals of the Imperial Land Company, suggested that the town be named Brawley: "I have a friend in Chicago named Brawley - we'll name the town after him," said Mr. Heber. The town developed that year with approximately a dozen tent houses and the railroad reached Brawley in September 1903. Due to the town's location at the end of the rail, new immigrants hopped off the train and often remained in Brawley for a while. By Christmas of 1903, the town's success was certain.

Brawley incorporated as a City in 1908. The City initially served as a bedroom community for farmers and cattlemen working in the central part of Imperial Valley. Due to the historic location of Brawley along the railroad, the City also served as an important trading and shipping center. For many years, Brawley contained the largest concentration of people in Imperial Valley.

During World War II, the City of El Centro exceeded Brawley's population due to the large military installations located near El Centro and Brawley consequently had become the second largest city in the Valley. Today, the cities of El Centro and Calexico each surpass the population of Brawley as a result in part to their advantageous position near Interstate 8 and the international border.

Brawley's strategic crossroads location with several major highways and the railroad as well as the City's proximity to Mexico continues to provide convenient access and opportunities for residents, visitors and businesses. The City's employment base, low cost of living, historic character, and recreational opportunities have made Brawley an attractive place to live.

### **C. GOVERNMENT CODE REQUIREMENTS**

A housing element is one of the seven mandated elements of the General Plan and it must be updated every eight years unless otherwise extended by legislation. The City of Brawley's Housing Element covers the planning period from October 2021 to October 2029. The mandated contents of a housing element are described in great detail in Title 7, Chapter 3, Article 10.6, Government Code Sections 65580 through Government Code 65589.8. The law governing the contents of a housing element is the most detailed of all elements of the General Plan.

According to Government Code Section 65583:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

### **D. ORGANIZATION OF THE HOUSING ELEMENT**

In addition to the Introduction, the *2021-2029 Housing Element* includes Section II and seven Appendices:

Section II Housing Program: This section presents a summary of housing needs and constraints; a statement of goals, policies, and objectives; and a description of planned actions to address the program requirements of Government Code Section 65583(c).

Appendix A: Assessment of Housing Needs: The Appendix includes data and analysis of existing and projected housing needs.

Appendix B Assessment of Fair Housing: The Appendix contains information on fair housing protected groups; describes fair housing issues; and recommends goals, priorities; and strategies.

Appendix C: Sites Inventory and Analysis: The Appendix identifies the sites that will accommodate the City's share of the regional housing need for above moderate, moderate and lower income housing units.

Appendix D: Governmental Constraints: The Appendix describes actual and potential governmental constraints that hinder the City's ability to address housing needs.



Appendix E: Nongovernmental Constraints: This Appendix describes market conditions that impede the development of housing for all economic segments, including the availability of financing, land costs, and construction costs.

Appendix F: Housing Resources: This Appendix describes financial and administrative resources that can contribute to addressing the City's housing needs.

Appendix G: Progress Report: The Appendix describes the progress the City has made in implementing the actions adopted in the *2014-2021 Housing Element*.

## **E. RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS**

Seven elements comprise the Brawley General Plan:

- Land Use Element
- Infrastructure Element
- Resource Management Element
- Open Space/Recreation Element
- Public Safety/Noise Element
- Economic Development Element
- Housing Element

The Housing Element complements other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. For example, the housing sites identified in the Housing Element are consistent with those designated as residential or mixed use in the Land Use Element. Also, residential densities established by the Land Use Element are incorporated within the Housing Element and form the basis for calculating the residential capacity within the City.

The California Government Code requires internal consistency among the various elements of a General Plan. Section 65300.5 of the Government Code states that the General Plan's various Elements shall provide an integrated and internally consistent and compatible statement of policy. The City has reviewed the other elements of the General Plan and has determined that this Housing Element provides consistency with the other Elements of the General Plan. The City will maintain this consistency as future General Plan amendments are processed by evaluating proposed amendments for consistency with *all* elements of the General Plan.

## **F. WATER AND SEWER PRIORITY**

Government Code Section 65589.7(a) requires the *2021-2029 Housing Element* that is adopted by the City Council to be delivered to agencies providing the City's water and sewer services. Each public agency or private entity providing water or sewer services shall grant *a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.* [Emphasis added]

The General Plan Infrastructure Component contains the following goals and objectives:

- Goal 7: Adequate water service and infrastructure.
- Objective 7.1: Provide adequate water service and infrastructure for existing development while planning and implementing improvements to accommodate planned growth in Brawley

- Goal 8: Provide adequate sewer collection infrastructure and treatment facilities.
- Objective 8.1: Provide adequate sewer collection infrastructure and treatment facilities for existing development while planning and implementing improvements to accommodate planned growth in Brawley.

The Public Works Department plans, constructs, and maintains the water system. The City purchases raw imported Colorado River water from the Imperial Irrigation District (IID), which then delivers the raw water to the City via IID-owned and operated canals.

The City provides wastewater collection, treatment and disposal services from residential, commercial, and industrial uses, and the Public Works Department plans, constructs, and maintains the sewage system, which includes a collection network of pipes and a wastewater treatment plant (WWTP).

The Planning and Zoning Department will transmit a copy of the adopted *2021-2029 Housing Element* to the Public Works Department.

## **G. PUBLIC PARTICIPATION AND CONSULTATION**

### **1. Planning Commission Community Workshop – June 2, 2021**

The Planning Commission held a noticed Housing Element Community Workshop on June 2, 2021. City staff and consultant presented an overview of the *2021-2029 Preliminary Draft Housing Element*. Among the topics presented were:

- Assessment of housing needs
- Regional housing needs allocation
- Sites inventory
- Draft housing programs
- Schedule

Commissioner Goyal commented that several sites have been identified as potential sites for the affordable housing allocations. He asked if the State of California is planning to provide the City of Brawley funds for the fulfillment to promote the housing construction on these sites.

Staff responded that the Housing Element 6<sup>th</sup> Cycle Allocation is to provide the sites inventory to meet the allocation. It is to provide that these sites are availability by zoning, availability and capacity to meet the allocation. The State of California through the Housing Element does not provide funding. There are other programs that could, if funds, grants or incentives are available to assist in multiple ways from the State and other sources.

Planning Director Gordon Gaste commented that there is a great deal of approved projects in the pipeline to accommodate the lower income allocation. They are:

- Three more phases in the Adams Park Apartment Project on Strictly Avenue comprising of 240 units
- Ocotillo Wells multifamily project on "I" Street and 18<sup>th</sup> Street
- Senior Apartments on Eastern Avenue

There were no further questions from the Planning Commissioners or the public. The Planning Commission unanimously approved transmittal of the *Preliminary Draft Housing Element* to the State Department of Housing and Community Development (HCD) for purposes of commencing the 60-day review period.

## **2. Apartment Survey (in both English and Spanish)**

A survey of the tenants of three apartment complexes collected demographic and housing data. Large families (5+ persons) comprised 38% of all the families who responded to the survey. Just over 70% of the tenants occupied 2-bedroom units. The survey also asked questions regarding workers per household, vehicle ownership and satisfaction with resident and visitor parking. The survey responses will allow comparisons to data available from the American Community Survey,

## **3. Stakeholder's Surveys**

- Kirk Mann  
Imperial Valley Housing Authority (IVHA)  
Information on public housing units, Section 8 Housing Choice Voucher Holders, tenant demographics
- Jose Gomez  
Campesinos Unidos (war on poverty agency)  
Information on housing needs, rental assistance provided, energy efficiency improvements
- Jaime Palomino  
Inland Fair Housing & Mediation Board (IFHMB)  
Information on fair housing services provided under contract to the City of El Centro
- Anna Swartz  
Community Access Center  
Information on transitional living services provided to disabled persons
- Access for Independence  
Information on services provided to disabled persons living in the Imperial Valley

## **4. Additional Public Consultation**

Through e-mails, interviews, survey questions, published needs assessments and action plans, information and insights were obtained from the following individuals and organizations:

- California Department of Developmental Disabilities  
Data on the number of Brawley clients and their living arrangements
- Danielle Mazzella  
California Housing Partnership  
Data on the risk assessment of affordable housing projects converting to market rate housing
- Tawnia Starr  
California Tax Credit Allocation Committee  
Information on the demographics (race, disability) of tenants occupying low income housing tax credit projects located in Brawley

- Disability Rights California  
Information on reasonable accommodations, reasonable modifications, service and companion animals
- Imperial County Area Agency on Aging  
Information on needs assessments, survey of seniors, housing priorities
- Public Counsel Pro Bono Law Firm  
Information on best practices regarding planning for emergency shelters
- San Diego Regional Center  
Information on services provided and licensed and unlicensed living options
- Turner Center for Housing Innovation  
Information on housing development costs, impact of local development impact fees, density bonuses
- Vicki Gums  
U.S. Department of housing and Urban Development (HUD)  
San Francisco Regional Office  
Information on housing discrimination complaints filed Brawley residents by basis and alleged act

## **5. Copies of the Draft Housing Element**

The *Draft 2021-2029 Housing Element* was posted on the City's website.

The Planning Commission Public Hearing Draft Housing Element (September 8, 2021) was posted on the City's website on September 1, 2021. On the same day, copies of the document were transmitted to:

- Imperial Valley Housing Authority (IVHA)
- Campesinos Unidos, Inc.
- Area Agency on Aging
- Farm Worker Services Coalition

In addition, copies were available at the Brawley Public Library and Brawley Senior Center.

## **6. Input to the Development of the 2021-2029 Housing Element**

The public participation and consultation effort provided valuable input to the development of the *2021-2029 Housing Element*. The following summarizes how input was incorporated into the element's actions, policies and programs:

- Input from the Imperial Valley Housing Authority (IVHA) and Campesinos Unidos showed that there continues to be a very high need for rental assistance (Program Category #2).
- Input from the Inland Fair Housing & Mediation Board and Disability Rights CA helped to shape the fair housing actions (Program Category #5).
- Input from Campesinos Unidos helped to identify poverty as a contributing factor to fair housing issues and the need for poverty reduction strategies.

Government Code Section 65583(c) requires that a housing element include:

*A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element....*

The Housing Program must:

- Identify Actions to Make Sites Available to Accommodate the City's Share of the Regional Housing Need That Could Not Be Accommodated on the Sites Identified in the Land Inventory [Government Code Section 65583(c)(1)]
- Assist in the Development of Adequate Housing to Meet the Needs of Extremely Low, Very Low-, Low- and Moderate Income Households [Government Code Section 65583(c)(2)]
- Address and, Where Appropriate and Legally Possible, Remove Governmental and Nongovernmental Constraints to the Maintenance, Improvement and Development of Housing Including Housing for All Income Levels and Housing for Persons with Disabilities [Government Code Section 65583(c)(3)]
- Conserve and Improve the Condition of the Existing Affordable Housing Stock [Government Code Section 65583(c)(4)]
- Promote and Affirmatively Further Fair Housing Opportunities throughout the Community or Communities for All Persons Regardless of Race, Religion, Sex, Marital Status, Ancestry, National Origin, Color, Familial Status, or Disability [Government Code Section 65583(c)(5)]
- Preserve the Lower Income Households the Assisted Housing Developments at Risk of Conversion to Market Rate Housing [Government Code Section 65583(c)(6)]

The Housing Program describes goals, policies, objectives and action programs. The following pro-housing policies are included in the Housing Program:

- By-Right Zoning
- Specific Plans
- Fee Waivers/Reductions
- ADU Incentives
- Expedited Processing
- Reduced Parking Space Requirements

**Table II-1  
City of Brawley  
2021-2029 Housing Program**

<b>Program Category</b>	<b>List of Programs</b>
<b>Category 1 – Identify Sites to Accommodate the City’s Share of the Regional Housing Need</b>	1.1 By-Right Zoned Sites Development Program
	1.2 Housing Supply Proactive Marketing Program
	1.3 No Net Loss Program
	1.4 Sites Used in Previous Housing Elements
	1.5 Land Use Element Updates
<b>Category 2 - Assist the Development of Lower Income and Moderate Income Housing</b>	2.1 Imperial Valley Housing Authority – Rental Assistance for Lower Income Cost Burdened Families
	2.2 First Time Homebuyer Program (City)
	2.3 Section 502 Direct Loan program (USDA)
	2.4 Density Bonus Affordable Housing Program
	2.5 ADU Incentives Plan
	2.6 Affordable Rental Housing Construction Program
	2.7 Fee Waivers and Deferrals for Affordable Housing Developments
	2.8 Developmentally Disabled Program
	2.9 Assistance for Special Needs Populations
	2.10 Farm Worker Housing Program
	2.11 Extremely Low Income (ELI) Program
<b>Category 3 - Remove Governmental and Nongovernmental Constraints to Housing</b>	3.1 Adopt Density Bonus Ordinance
	3.2 Adopt Accessory Dwelling Unit Ordinance
	3.3 Adopt New and Revised Zoning Ordinance Definitions
	3.4 Update the Uses Permitted in Residential Districts
	3.5 Update the Uses Permitted in the Commercial Districts
	3.6 Update the Parking and Loading Requirements
	3.7 Update Article XII Special Development Standards and Uses
	3.8 Update Article XIII Special Development Standards for Certain Conditional and Regulated Uses
	3.9 Update Article XXI Density Bonus Program
	3.10 Non-Governmental Constraints Program
<b>Category 4 – Conserve and Improve the Existing Stock of Affordable Housing</b>	4.1 Housing Code Enforcement
	4.2 Housing Rehabilitation Program
	4.3 Section 504 Home Repair Program
<b>Category 5 - Promote Housing Opportunities For All/Affirmatively Furthering Fair Housing</b>	5.1 Fair Housing Services Program
	5.2 Fair Housing Information Program
	5.3 Affirmatively Furthering Fair Housing (AFFH) Program
<b>Category 6 - Preserve Affordable Housing At Risk of Converting to Market Rate Housing</b>	6.1 At-Risk Housing Preservation Program
<b>Category 7 – Opportunities for Energy Conservation</b>	7.1 Energy Conservation Program

**PROGRAM CATEGORY #1:  
ACTIONS TO MAKE SITES AVAILABLE TO ACCOMMODATE THE RHNA**

*Section 65583(c)(1) states that the housing program must:*

*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's ... share of the regional housing need for each income level that **could not** be accommodated on sites identified in the inventory ... without rezoning...*

**Housing Need Summary**

The City's total RHNA allocation is 1,426 housing units of which 615 are above moderate income housing units. In 2021, a 4-person above moderate income family had an annual income of \$84,851 or more.

Attachment A in Appendix C identifies eight sites that have a combined capacity of 1,912 housing units:

Seven individual projects provide for the development of 763 single family dwellings. One Specific Plan site is zoned R-1 and has a capacity of 1,149 housing units.

The RHNA moderate income allocation is 202 housing units. In 2021, a 4-person moderate income family had an annual income of no more \$84,850.

Attachment B in Appendix C identifies six vacant sites that have a combined housing capacity of 748 housing units:

- Four condo projects are entitled with a combined housing capacity of 224 housing units
- One 13-unit mixed use residential project located in Downtown Brawley is entitled
- Zoning is approved for the development of 511 townhome housing units in the La Paloma Specific Plan

There is sufficient housing capacity to accommodate the moderate income RHNA allocation.

The RHNA lower income allocation is 609 lower income housing units. In 2021, a 4-person lower income family had an annual income of no more \$55,900.

Attachment C in Appendix C identifies 10 sites are that can accommodate 684 multifamily housing units.

**Goals**

- Accommodate the housing needs of all income groups as quantified by the Regional Housing Needs Assessment.
- Facilitate the construction of the maximum feasible number of housing units for all income groups.

**Policies**

- Implement the development of the "by-right" zoned sites

- Implement adopted residential Specific Plans.
- Designate sites that provide for a variety of housing types.
- Implement an infill development strategy through cooperative efforts with private developers.

**Program 1.1: By-Right Zoned Sites Development Program**

The City will expeditiously process applications for the development of the by-right zoned sites including, but not limited, to:

- Building permits
- Site plan review
- Reduced parking requests
- Reasonable accommodations
- SB 35 streamlining

The sites inventory will be posted on the Planning and Zoning Department webpage including assessor parcel numbers, parcel sizes, site plans, and photographs.

*Objective:* 1) Facilitate the development of the sites identified in the sites inventory and 2) accelerate the production of housing

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Implement the adequate sites program continuously through the 2021-2029 planning period.

*Funding Source(s):* General Fund

**Program 1.2: Housing Supply Proactive Marketing Program**

This program involves the preparation and adoption of an Economic Development Element. One major purpose of the Economic Development Element is to identify specific actions the City can take to proactively market the housing sites for purposes of attracting buyers and renters to the new housing that will be built. The actions will 1) contribute to accelerating housing production and 2) attracting a robust share of the housing demand In Imperial County.

*Objective:* Preparation and adoption of the Economic Development Element, include a proactive marketing program.

*Responsible Agency:* Planning and Zoning Department

*Timeline:* 1<sup>st</sup> Quarter 2020

*Funding Source:* Local Early Action Planning (LEAP) Grant

**Program 1.3: No Net Loss Program**

To ensure sufficient residential capacity is maintained to accommodate the RHNA for each income category, within six months of adoption of the *2021-2029 Housing Element*, develop and implement a formal, ongoing (project-by-project) evaluation procedure pursuant to Government Code section 65863. The evaluation procedure will track the number of extremely low-, very low-, low-, moderate-, and above moderate-income units constructed to calculate the remaining unmet RHNA. The evaluation procedure will also track the number of units built on the identified sites to determine the remaining site capacity by income category and will be updated continuously as developments are approved.

No action can be taken to reduce the density or capacity of a site (e.g., downzone, moratorium), unless other additional adequate sites are identified prior to reducing site density or capacity. If a development is being approved on an identified site at a lower density than what was assumed for that site identified in



the 2021-2029 *Housing Element*, additional adequate sites will be made available within 180 days of approving the development. A program to identify the replacement sites, and take the necessary actions to make the site(s) available and ensure they are adequate sites, will be adopted prior to, or at the time of, the approval of the development.

Subsequent to adopting an evaluation procedure, the City will monitor rezones and development of residential units, and update the sites inventory. The sites inventory will be posted on the Community Development Department's website and will be updated at least once a year.

At least annually, the City will update, if necessary, the sites inventory in conjunction with the Housing Element Annual Reports pursuant to Government Code section 65400.

*Objective:* Develop and maintain a no net loss evaluation procedure.

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Within six months of adoption of the 2021-2029 *Housing Element*, develop and implement a formal ongoing evaluation procedure pursuant to Government Code section 65863.

*Funding Source:* General Fund

#### **1.4: Sites Used in Previous Housing Elements**

AB 879 (2017) and AB 1397 (2017) require additional analysis and justification of the sites included in the sites inventory of the Housing Element. The Housing Element may only count non-vacant sites included in one previous housing element inventory and vacant sites included in two previous housing elements if the sites are subject to a program that allows affordable housing by right. While no underutilized/non-vacant sites were included in the sites inventory, the City did include four vacant sites that were counted in the previous two housing element cycles (identified in Appendix C, Attachment C). This program was included to address the by-right requirement for vacant sites included in two previous housing elements.

The City shall rezone, within three years of the beginning of the planning period, (October 15, 2021) to allow residential use by right under a R-3 designation, as appropriate for the site, and require that at least 20% of the units are affordable to lower-income households. This program can be an overlay on these specific sites. Housing developments that do not contain the requisite 20% lower income housing would still be allowed to be developed according to the underlying (base) zoning but would not be eligible for "by right" processing. If this 20% is not met, the City would make findings on the approval of that project pursuant to No Net Loss Law (Government Code section 65863) and proceed to identify an alternative site or sites pursuant to that law.

This is a program is designed to meet the requirements of State law and further the provision of housing for lower-income households.

*Objective:* Implement State law (by-right zoning, no net loss)

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Adopt re-zoning within three years of adoption of the Housing Element

*Funding Source:* General Fund

#### **1.5: Land Use Element Updates**

This Program implements the Local Early Action Program (LEAP). The LEAP grant includes the following scope of work:

The Land Use Element Update will involve, but not be limited, to policies and programs involving a range of housing types; residential land use allocations; residential land use categories; residential densities including minimum densities; area designations (downtown mixed use); and specific plan designations.

Another focus of the Land Use Element Updates is on neighborhood planning to support efforts to affirmatively further fair housing. Neighborhood planning would cover the topics of “area designations” and “specific plan designations.” The neighborhood planning effort would -

- Evaluate and select criteria to delineate neighborhood boundaries
- Identify the neighborhoods in developed and Specific Plan areas
- Prepare a neighborhood demographic profile (i.e., population, income, etc.)
- Identify and describe neighborhood assets (i.e., parks, churches, etc.)
- Identify community leadership (organizations, non-profits)
- Inventory vacant land and development potential
- Identify opportunities for placed based investments
- Places to physically post and/o distribute city and fair housing information

The neighborhood planning effort will be used to 1) focus community outreach efforts and 2) identify realistic funding resources to address placed-based investment opportunities

*Objective:* Implement Program; identify General Plan Amendments and Zoning Ordinance Amendments

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Implement Program by summer 2022; adopt residential land use category (20.1-24.0 du/ac) as part of the General Plan Update (2024-2025)

*Funding Source:* Local Early Action Planning (LEAP) Grant

**PROGRAM CATEGORY #2:  
ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF  
ALL ECONOMIC SEGMENTS**

*Government Code Section 65583(c)(2) states that a housing program shall:*

*Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate- income households.*

### **Housing Need Summary**

Appendix A describes the City's housing needs. Table II-2 presents a summary of the assessment of housing needs.

### **Goals**

- Reduce the number of cost burdened lower income households.
- Reduce the number of crowded lower income households.
- Increase the number of lower income, first-time homebuyers.

### **Policies**

- Provide rental assistance to extremely low-, very low, and low- income households through programs administered by the Imperial Valley Housing Authority.
- Provide financial assistance, if available, to first time homebuyers.
- Facilitate the construction of new housing affordable to lower income households.
- Ensure the affordability of new affordable housing developments through long-term affordability covenants.
- Adopt a plan of incentives for the development of accessory dwelling units (ADUs).

### **Special Needs Policies**

#### Elderly

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- To expand housing choices at potentially reduced costs, implement incentives for ADU development
- Prepare and adopt a Senior Housing Overlay Zone
- Provide financial assistance, if possible, to make home modifications

The purpose of a Senior Housing Overlay (SO) district is to provide optional standards and incentives for the development of a wide variety of specialized housing designed for and restricted to residents over the age of 55. Whenever the SO has been added to a base zone, the applicant may choose whether to use the optional SO standards or the standards of the base zone.

#### Disabled

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- Promote and make the community aware of the Reasonable Accommodation Procedure

- Provide information to apartment owners, property management companies and on-site property managers regarding reasonable accommodations, reasonable modifications; and service and companion animals
- Coordinate with the Access for Independence to promote independent living services
- Provide financial assistance, if funding resources become available, to make home modifications

#### Developmentally Disabled

- Explore with the San Diego Regional Center the need for home modifications in homes occupied by persons with developmental disabilities
- Post on the City's website information on the services and resources available from the San Diego Regional Center
- Explore with Access for Independence the opportunities that may be available to transition developmentally disabled persons from an institutional setting to a home environment

#### Large Families

- Continue to maintain the affordability and habitability of the existing housing stock that meets the needs of large families (13 large family affordable housing developments with a combined total of 772 lower income housing units.)
- Continue to support the poverty reduction programs operated by Compassions Undo's Community Action Partnership (CAP)

#### Farmworkers

- Continue to support meeting the housing needs of farmworkers through existing housing and new housing developments.

#### Female Householders

- Work with the Inland Fair Housing & Mediation Board. to ensure that female householders are free from housing discrimination on the basis of sex and familial status.
- Post on the City's website information on availability and location of child care services.

#### Homeless Population

- Continue to support the efforts of County and local agencies addressing the needs of the homeless population.
- Post on the City's website information on available homeless population resources.

**Table II-2**  
**City of Brawley**  
**Assessment of Housing Need Summary**

	# of Renter Households	# of Owner Households
Cost Burden	1,665	965
Severe Cost Burden	1,010	425
Overcrowded Households (1.01+ persons per room)	556	213
Overcrowded Households (1.51+ persons per room)	101	92
At-Risk Housing	No existing affordable housing is at risk of conversion to market rate housing in the next 10 years	
Special Housing Needs		
Elderly	Almost 2,350 elderly households (60+) live in Brawley.	
	30.5% of elderly householders 65+ live alone	
	52.7% of elderly householders 65+ are married couples	
	Approximately 1,025 elderly householders have lower incomes and a high percentage probably experience cost burdens and severe cost burdens	
Frail Elderly	Approximately 312 elderly persons 65+ are estimated to be frail	
	Almost 420 elderly persons 65+ have a propensity to fall multiple times during a year	
Persons with Disabilities	4,523 persons are estimated to be disabled (17% of the total population)	
	2,660 households have one or more disabled member	
	20.8% of the households with a disabled member live alone	
Persons with Developmental Disabilities	481 developmentally disabled persons are served by the San Diego Regional Center	
	437 developmentally disabled persons live in a home	
	Fewer than 11 live in a care facility	
Large Families (5+ persons)	Approximately 500 owner large families live in the City	
	Approximately 700 renter large families live in the City	
Farmworkers	Approximately 500 farm workers live in the City	
Female Householders	Approximately 1,400 female householders live in the City	
Homeless	The homeless population is estimated to be 106 persons	

Source: Appendix A Assessment of Housing Needs

### **Program 2.1: Imperial Valley Housing Authority - Rental Assistance for Lower Income Cost Burdened Families**

The Imperial Valley Housing Authority (IVHA) operates throughout the County eight housing developments consisting of 395 housing units and a 58-space mobile home park. In Brawley, the IVHA provides rental assistance to 222 extremely-low and 74 very low-income Brawley families.

During the planning period, the City anticipates that the IVHA will continue to implement these two very important rental assistance programs. The assisted families pay 30% of their income toward monthly rent and, therefore, these programs reduce the number of cost burdened families. The City will continue to support the efforts of the Housing Authority to secure additional Section 8 Housing Choice Vouchers.

*Objective:* Provide rental assistance to approximately 400 Brawley families  
*Responsible Agency:* Imperial Valley Housing Authority  
*Timeline:* Continuously through 2021-2029  
*Funding Source:* Section 8 contract (IVHA and HUD)

**Program 2.2: First Time Homebuyer Program (City)**

First time home buyer means an individual(s) who have not owned a home during the three- year period before the purchase of a home with program assistance.

This program offers first time home buyer down-payment assistance to low and very low households for the purchase of qualified homes in the City of Brawley. These loans will enable applicants to qualify for permanent financing of single family homes. The loans are for gap funding only.

The Housing Division of the Community Development Services Department administers this program.

Currently the City does not have funding for the program but may have funds sometime during the 2021-2029 planning period.

*Objective:* Five families if funding becomes available  
*Responsible Agency:* Housing Division of the Community Development Services Department  
*Timeline:*  
Secure HOME funding within two years from adoption of the 2021-2029 Housing Element  
Provide assistance to one first time homebuyer per year  
*Funding Source:* HOME funds

**Program 2.3: Section 502 Direct Loan Program (USDA)**

The Section 502 Direct Loan Program assists low- and very-low-income applicants obtain decent, safe, and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant’s repayment ability. Payment assistance is a type of subsidy that reduces the mortgage payment for a short time. The amount of assistance is determined by the adjusted family income.

Generally, rural areas with a population less than 35,000 are eligible

Loan funds may be used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate, or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

*Objective:* Five households  
*Responsible Agency:* United States Department of Agriculture (USDA)  
*Timeline:*  
Assist one household every 18 months  
Contact the local USDA at least once a year to determine implementation progress  
*Funding Source:* USDA 502 funds

**Program 2.4: Density Bonus Affordable Housing Program**

The City's Density Bonus Ordinance (DBO) facilitates the production of affordable housing units.

In the past three years, the City has facilitated the development of four density bonus projects having a combined total of 39 density bonus units:

- |                               |          |
|-------------------------------|----------|
| ▪ 616 Main Street (Mixed Use) | 4 units  |
| ▪ Adams Park I                | 12 units |
| ▪ Brawley Senior Apartments   | 13 units |
| ▪ Ocotillo Springs Apartments | 10 units |

The Planning and Zoning Department will continue to expeditiously process applications for density bonus units and will post the following information on its webpage:

- Density Bonus Ordinance (DBO)
- All forms associated with the DBO
- All definitions associated with the DBO
- Processing flowchart
- Project examples:
  - ✓ Site location
  - ✓ Project description
  - ✓ Site plans
  - ✓ Renderings

*Objective:* 30 density bonus units

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Continuously through 2021-2029

*Funding Source:* General Fund

**Program 2.5: ADU Incentives Plan**

The Planning and Zoning Department will implement on an ongoing basis the following components of the ADU Incentives Plan:

- Inform owners of fee exemptions for ADUs of less than 750 SF
- Inform owners of the Section 8 Housing Choice Voucher Program and County of Imperial Valley Housing Authority contacts
- Provide owners with examples of small ADUs (micro-units, small studios (<500 SF))
- Make copies available of the ADU Design and Development Manual which includes information on the following key topics:
  - ✓ How do I get started?
  - ✓ Basic steps for building an ADU
  - ✓ ADU development checklist
  - ✓ Site plan examples
  - ✓ Unit plan example
  - ✓ Promoting affordability
  - ✓ Constructing the ADU

- ✓ Financing the ADU
- ✓ Permitting the ADU

*Objective:* Increase the number of constructed ADUs by implementing the “incentives plan”

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Continuously through 2021-2029. The ADU Design and Development Manual will be completed by March 2022. The guidebook will include examples of small ADUS (<500 SF). The Manual/Guidebook will be posted on the Planning Department’s webpage by March 2022. The webpage will include additional information describing the benefits of ADUs, including how the Imperial Valley Housing Authority could be of assistance to homeowners.

*Funding Source:* SB 2 Planning Grant

### **Program 2.6: Affordable Rental Housing Construction Program**

The City will continue to support developer applications for funding of new construction (and preservation) affordable housing developments. The support includes City Council adopted resolutions and staff completion of the local review process for projects applying for low income housing tax credits.

The City Council has adopted resolutions in support of the following projects:

- Spring/Encino (Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing
- Ocotillo Springs Apartments (Affordable Housing Sustainable Communities - AHSC)
- Adams Park (Low Income Housing tax Credits - LIHTC)

The City also will facilitate the production of affordable housing through actions such as the following:

- Expedited processing of minor subdivisions (parcel splits)  
Adams Park and Malan Apartments are examples of projects receiving expedited processing to create parcel splits
- Density bonus units  
616 Main Street, Ocotillo Spring Apartments, and Brawley Senior Apartments are examples of projects with density bonus units
- Building height increases  
Brawley Senior Apartments is an example of a project with an increase in the building height
- Reduced parking space requirements

*Objective:* Accelerate the production of affordable housing

*Responsible Agency:* City Council and Planning and Zoning Department

*Timeline:* Facilitate the development of two affordable housing projects within four years of adoption of the 2021-2029 Housing Element

*Funding Source:* General Fund

### **Program 2.7: Fee Waivers and Deferrals for Affordable Housing Developments**

The City Council has waived and deferred fees when housing developments confer public benefits such as road improvements and affordable housing.

In September 2019, the City Council voted to waive the transportation portion of development impact fees for housing units within the boundaries of Victoria Park and Malan Park subdivisions. The waived



fee was \$1,836.45 per unit. There are approximately 120 units between the two subdivisions totaling \$367,290.00.

The City Council also approved the deferral of water capacity and waste water capacity fees for the following affordable housing developments:

- Brawley Senior Apartments \$186,442 (project was not awarded tax credits)
- Malan Street Apartments I \$238,879
- Malan Street Apartments II \$233,053
- Adams Park I \$618,229

The fee deferrals help projects applying for low income housing tax credits to garner points in the “public funds section.” Fees are awarded for the “Waiver of fees resulting in quantifiable cost savings and not required by federal or state law.”

The City will continue to implement the policy of fee waivers and deferrals for housing developments that confer public benefits.

*Objective:* Contribute to a reduction in housing production costs

*Responsible Agency:* City Council and Planning and Zoning Department

*Timeline:* Continuously through the 2021-2029 planning period

*Funding Source:* Waived and deferred fees

### **Program 2.8: Developmentally Disabled Program**

The City will implement a program that informs Brawley’s residents about the housing and services provided to developmentally disabled persons by the San Diego Regional Center (SDRC).

The City also will work with the SDRC to identify funding sources that can address the housing needs of developmentally disabled persons.

In addition, the City will reach out to the SDRC to find out if the homes in which developmentally disabled persons may need -

- Home modifications
- Home Repairs
- Reasonable accommodations

*Objective:* Implement Developmentally Disabled Program

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Achieve program within one year of adoption of the 2013-2021 Housing Element

*Funding Source:* General Fund

### **Program 2.9: Assistance for Special Needs Populations**

State law has identified populations with special needs as having greater difficulty finding decent, affordable housing. For example, homeless individuals and families have no housing at all. The frail elderly and disabled may need home modifications to make their homes safe.

Households with special needs include persons that are homeless, the elderly, persons with physical and/or mental disabilities (including developmental disabilities), large households, and female householders. The City will provide assistance to these households to encourage the provision of adequate housing to meet their needs.

In order to assist in meeting the housing needs of special populations, the City will:

- Identify the mainstream agencies, non-profits and advocates addressing the needs of each special needs population -
  - ✓ Campesinos Unidos, Inc.
  - ✓ Area Agency on Aging
  - ✓ Access to Independence
  - ✓ Homeless services
    - Continuum of Care
    - Our Lady Of Guadalupe Men's Shelter
    - House of Hope
    - Neighborhood House Shelter
    - WomenHaven Center for Family Solutions
- Engage these groups to identify needs and new solutions
- Pursue funding sources that address the needs of special housing populations
- Encourage housing developers to accommodate special needs populations in portions of their developments

*Objective:* Produce housing meeting the needs of special populations

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Achieve program within one year of adoption of the 2013-2021 Housing Element

*Funding Source:* General Fund

### **Program 2.10 Farm Worker Housing Program**

This Program will:

- Identify sites that may be most appropriate for farm worker housing based on funding source criteria
- Reach out to affordable housing developers with development experience in Brawley (e.g., Chelsea Development Corporation, AMG)
- Develop incentives to accelerate the production of farm worker housing
- Reach out to public and private organizations that can contribute to the production of farm worker housing
  - ✓ Farm Worker Services Coalition
  - ✓ Imperial Valley Economic Development Corporation
  - ✓ Catholic Charities
  - ✓ California Coalition for Rural Housing
  - ✓ Imperial Valley Housing Authority (IVHA)

- ✓ United States Department of Agriculture (USDA)
- ✓ Campesinos Unidos, Inc.

*Objective:* Achieve the production of 40-60 farm worker housing units by 2025

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Complete outreach efforts within 12 months of adoption of the Housing Element

Identify most appropriate sites within 12 months of adoption of the Housing Element

Complete the incentives for farm worker housing developments within 24 months of adoption of the Housing Element

Submit a funding application for funding (LIHTC, AHSC, and Joe Serna) within 24 months of adoption of the Housing

*Funding Source:* General Fund

**Program 2.11: Extremely Low Income (ELI) Program**

The needs of extremely low income households are addressed within the framework of the programs administered by the City and Imperial Valley Housing Authority. Each of these entities addresses the needs of lower income households, including extremely low income households. The quantified objectives for extremely low income households are based on individual programs and the approved affordable housing developments that address the existing and future needs of extremely low income households, as follows:

- Program 2.1 – Imperial Valley Housing Authority operated housing and Section Housing Choice Vouchers - 222 ELI households
- Program 2.3: Section 502 Direct Loan Program (USDA) – 2 ELI households
- Program 2.4: Density Bonus Affordable Housing Program – 10 ELI households
- Program 2.6: Affordable Rental Housing Construction Program – 62 ELI households
- Program 2.7: Fee Waivers and Deferrals for Affordable Housing Developments - unknown
- Program 2.8 – Developmentally Disabled Program - unknown

**PROGRAM CATEGORY #3:  
IMPLEMENTATION PROGRAM TO ADDRESS AND REMOVE GOVERNMENTAL AND  
NONGOVERNMENTAL HOUSING CONSTRAINTS**

Government Code Section 65583(c)(3) requires the 2021-2029 *Housing Element* to include a program to:

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities.*

*The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.*

*Transitional and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.*

*Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).*

**Analysis of Potential and Actual Governmental Constraints**

Appendix D contains the analysis of governmental constraints based on the requirements of the following Government Code Sections:

- 65583(a)(5) - describes the governmental factors, such as land use controls and building codes, which must be included in the constraints analysis
- 65583c)(1) - identifies the types of housing that must be permitted by the Zoning Ordinance
- 65583(a)(7) – describes the scope of the special housing needs analysis which includes, but is not limited, to disabled and developmentally disabled persons
- 65915-65918 – requires the City to adopt an ordinance that describes how it will comply with the State density bonus law
- 65852.2 – requires the Zoning Ordinance to provide for the creation of accessory dwelling units
- 65852.22 – requires the Zoning Ordinance to provide for the creation of junior accessory dwelling units
- 65662 – requires the City to permit by right “low barrier navigation centers”
- 65651 – requires the City to permit by right qualified supportive housing developments

Program Category 3 describes an implementation program designed to remove the governmental constraints which are identified in Appendix D.

State grants provided to the City enabled the completion of the comprehensive analysis of governmental constraints (Appendix D); preparation of the implementation program to remove governmental constraints (Program Category #3); and the adoption of all the required Zoning Ordinance Amendments. The State grants included the SB 2 Planning Grant and the Local Early Action Planning (LEAP) Grant.

The list below provides a few examples of governmental constraints:

- Land use policies and zoning standards and regulations create constraints if they are not consistent with state housing law requires. For example, State law requires cities and counties to permit emergency shelters in at least one zone. If a jurisdiction has not designated a zone permitting emergency shelters, a constraint is considered to exist.
- If State law requires local jurisdiction to adopt – for example – a density bonus law and a city or county has failed to do so, a constraint is said to exist.
- If the local development standards are not consistent with what the State law requires, a governmental constraint is considered to exist. For example, a local ADU ordinance could set forth setback, parking and unit size standards in conflict with Government Code requirements.
- Another example of a governmental constraint occurs when a jurisdiction fails to abide by the guidance provided by HCD and/or California Attorney General’s Office. A governmental constraint is created when a jurisdiction fails to adopt a reasonable accommodation procedure.

**Goals**

- Attain barrier and constraint free governmental codes, ordinances, and policies.
- Provide codes, ordinances, and policies that lead to the development of a variety of housing types.
- Provide codes, ordinances, and policies that accommodate special housing needs.

**Policies**

- Remove existing governmental constraints to the maintenance, preservation, improvement and development of housing.
- Affirmatively further fair housing goals through codes, ordinances and policies that enhance the housing choices of protected groups (i.e., disabled, families with children).

**Objectives**

The housing program efforts do not involve the production or rehabilitation of housing. Therefore, quantified objectives cannot be set for this Program Category.

**Programs to Remove Governmental Constraints**

*Objective:* Implementation of Program 3.1 through Program 3.9

*Responsible Agency:* Planning Commission, City Council, Planning and Zoning Department

*Timeline:* The City plans to adopt the ADU Ordinance and Density Bonus Ordinance concurrently with adoption of the 2021-2029 Housing Element.

*Funding Source:* SB 2 Planning Grant, Local Early Action Planning (LEAP) Grant, and General Fund

### Program 3.1: Adopt Density Bonus Ordinance

Government Code 65915(a)(1) requires the City to adopt an ordinance that specifies how compliance with the Density Bonus Law will be implemented. However, the failure to adopt an ordinance does not relieve the City from the necessity to comply with Government Code Section 65915-65918 when an application is submitted to the Development Services Department.

In recent years, the City has approved three projects that included density bonus units. The current density bonus ordinance must be updated to comply with all laws enacted through 2020.

The Density Bonus Ordinance (Article XXI of the Zoning Ordinance) will be updated and adopted concurrently with or prior to City Council adoption of the *2021-2029 Housing Element*.

### Program 3.2: Adopt Accessory Dwelling Unit Ordinance



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2020, are intended to reduce barriers, streamline the approval processes, and expand local capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

The City's Second Unit Ordinance needs to be updated to comply with all the ADU laws enacted through 2021.

The Accessory Dwelling Unit Ordinance will be adopted concurrently with or prior to City Council adoption of the *2021-2029 Housing Element*.

### Program 3.3: Adopt New and Revised Zoning Ordinance Definitions

Article II of the Zoning Ordinance provides definitions of terms and phrases that are necessary to the proper understanding of the Ordinance's standards and regulations. It is necessary to add or update Zoning Ordinance definitions because of the following reasons:

- Recently enacted State laws such as those concerning accessory dwelling units, density bonus units, low barrier navigation centers and qualified supportive housing
- Need to revise or add definitions such as "family" and "licensed group home".to achieve consistency with federal and state fair housing laws.

- Need to define the new housing types added to list of permitted uses in the residential, commercial and mixed-use overlay zones/

Definitions Associated with the Density Bonus Ordinance

At a minimum, definitions will be included in Article II for the terms “Density Bonus” and “Maximum Allowable Residential Density.”



**Ocotillo Springs Apartments**

Definitions Associated with the Accessory Dwelling Unit Ordinance

Definitions will be included in Article II for the terms associated with the ADU Ordinance including, but not limited to “Accessory Dwelling Unit” and “Junior Accessory Dwelling Unit”.

Definitions Associated with Compact Housing Units

Compact housing unit is a term encompassing, SROs, Micro-Units, and small studio units. These housing unit types are essentially the same, providing new housing with a minimum unit size of 350 SF and a maximum SF of 500 SF. The minimum unit size of 350 SF will be large enough to accommodate a kitchen or kitchenette and bathroom. A maximum unit size of 500 SF aligns with California Tax Credit Allocation Committee’s maximum unit size for Single Room Occupancy (SRO) unit.

Definitions of following terms associated with Compact Housing Units will be added to the Zoning Ordinance:

- Compact Housing Unit
- Compact Housing Development
- Dwelling unit, efficiency
- Micro-unit
- Single room occupancy unit
- Studio-unit



Definitions Associated with the Conversion of Motels or Hotels to Permanent Housing

HCD recommends when appropriate jurisdictions should support the conversion of motels and hotels to SROs. The City of El Centro has approved two SRO developments and Calexico has approved one such development. The Zoning Ordinance will be amended to add the following definitions:

- Hotels, converted to SRO units
- Motels, converted to SRO units

Definitions Associated with Meeting the Requirements of State Laws

Definitions will be added to the Zoning Ordinance for the following housing types:

- Employee Housing
- Low Barrier Navigation Center
- Qualified Supportive Housing Development

A housing element, according to HCD, should ensure that local zoning, development standards, and permitting processes comply with Health and Safety Code Sections 17021.5 and 17021.6. Section 17021.5 generally requires employee housing for six or fewer persons to be treated in a zoning ordinance as a single-family structure and residential use. No conditional-use permit, zoning variance, or other zoning clearance shall be required for this type of employee housing that is not required of a single-family-family dwelling of the same type in the same zone.

A definition of “employee housing” needs to be added to the Zoning Ordinance. Moreover, employee housing needs to be listed as a permitted use in the zones that permit single-family housing.

Government Code 65660 describes a ‘low barrier navigation center’ as a service enriched shelter providing temporary living facilities while focused on moving homeless people to permanent housing.

Government Code 65662 requires the City to permit a “low barrier navigation centers” as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of State law.

A definition of “low barrier navigation center” will be added to the Zoning Ordinance.

AB 2162 requires supportive housing to be a “use by right” in zones where either multifamily or mixed uses are permitted, so long as the proposed housing development meets the criteria outlined in Government Code Section 65651(a). To qualify as a “use by right” under AB 2162, a supportive housing development must satisfy several requirements one of which is the housing units in the development must be subject to a 55-year recorded affordability restriction.

Definitions Associated with Affirmatively Furthering Fair Housing

The following terms will need to be added or updated for purposes of affirmatively furthering fair housing:

- Family
- Licensed Group Home
- Senior Citizen
- Senior Housing Development





Both State and Federal fair housing laws prohibit definitions of family that either *intentionally* discriminate against people with disabilities or *have the effect* of excluding such individuals from housing. To comply with fair housing laws, a definition of “family” must emphasize the functioning of the members as a cohesive household:

- A definition should not distinguish between related and unrelated persons.
- A definition should not impose numerical limitations on the number of persons that may constitute a family.

The Zoning Ordinance will be amended to update the City’s “family” definition.

Under California law, group homes housing six or fewer persons that are licensed under the Health and Safety Code must be permitted in all residential zones that permit single family homes. Examples of licensed group homes are an “adult residential facility” and a “residential care facility for the elderly.”

The Zoning Ordinance will be amended to add a definition of “licensed group home.”

The Zoning Ordinance does not define “senior housing”. A definition will be added to ensure that a senior housing development meets the requirements of federal and state fair housing law.

Senior housing meeting the requirements of the federal Housing for Older Persons Act (HOPA) may legally exclude families with children. The 1988 amendments to the federal Fair Housing Act exempt "housing for older persons" from the prohibitions against familial discrimination. All residents in a senior housing must be 62 years of age or at least 80% of the occupied units must have at least one person who is 55 years of age or older.

California law states that a housing provider using the lower age limitation of 55 years must have at least 35 units to use the familial status discrimination exemption. Also, California law, with narrow exceptions, requires all residents to be “senior citizens” or “qualified permanent residents”, pursuant to Civil Code Section 51.3.

Thus, the Zoning Ordinance will be amended to add definitions of “senior citizen” and senior housing development.”

#### **Program 3.4: Update the Uses Permitted in the Residential Districts**

Article IV of the Zoning Ordinance lists the uses permitted in each Residential District. The Zoning Ordinance will be amended to add uses to certain residential districts for purposes of complying with the Government Code and the Health and Safety Code.

- Compact housing will be added as a permitted use in the R-3 Zone.
- Employee housing will be added as a permitted use in all zones permitting single-family dwellings: R-A Residential-Agricultural, R-E Residential-Estate, R-1 Single Family Residential, R-2 Low Density Multiple Family Residential, and R-3 Medium Density Multiple Family Residential.
- Licensed group homes (residential care facilities) will be added as a permitted use in all residential zones permitting single family dwellings.
- Large family day care homes (see below) will be added as a permitted use in the R-2 and R-3 Zones.

AB 234 – Keeping Kids Closer to Home Act – aims to expand childcare opportunities for California families. This legislation allows large family childcare homes that provide care for up to 14 children in multifamily units, meaning these large family daycare homes are now to be treated as a residential use of property in local ordinances. The bill also prohibits a property owner or manager from refusing to sell or rent a dwelling unit to a person that is a daycare provider. The law prohibits local jurisdictions from imposing a business license, fee, or tax for the privilege of operating both small and large daycare homes as well.

### **Program 3.5: Update the Uses Permitted in the Commercial Districts**

Article V of the Zoning Ordinance lists the uses permitted in each Commercial District. The Zoning Ordinance will be amended to add uses to certain commercial districts for purposes of complying with the Government Code and the Health and Safety Code.

- Emergency shelters will be permitted in the C-2 and C-3 Zones with a maximum of 30 beds in each zone.
- “Low Barrier Navigation Centers will be added as a permitted use in the C-P Commercial Zone and the M-U Mixed Use Overlay District. State law requires “low barrier navigation centers” as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. The C-P Service and Professional Zone permits “apartment houses.”
- Hotels, converted to SRO housing units will be a permitted use in the C-2 and C-3 Zones
- Motels, converted to SRO housing units will be a permitted use in the C-2 and C-3 Zones

### **Program 3.6: Update the Parking and Loading Requirements**

Article XI - Parking and Loading – of the Zoning Ordinance will be amended to state the number of parking spaces required for compact housing units and for density bonus projects.

HCD recommends that jurisdictions should have provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development.

A provision will be added to the Zoning Ordinance to allow the Planning Commission to reduce the number of parking spaces required for senior and special needs housing developments, subject to an applicant submitting information that demonstrates fewer parking spaces are able to meet the demand for parking spaces.

### **Program 3.7: Update Article XII Special Development Standards and Uses**

Section 27.184 will be added to provide development standards for Compact Housing Units (SROs, micro units, and small studio units). Among the development standards will be:

- New multiple-family residential buildings comprised entirely of compact housing units shall have a minimum of 16 housing units.
- New multiple-family residential buildings which are not comprised entirely of compact housing units shall include no more than 25% of the total number of housing units as compact housing units.

Section 27.185 will be added to establish development regulations for the Conversion of Motels or Hotels to SRO Housing Units. The regulations are described in Appendix D,

**Program 3.8: Update Article XIII Development Standards for Certain Conditional and Regulated Uses**

The new Accessory Dwelling Unit (ADU) Ordinance will replace Section 27.201 Second Units.

Section 27.202 Family Day Care Home will be added to comply with AB 284 which requires cities to permit by right large family day care homes (up to 14 kids) in multifamily residential zone districts.

Update per State law.

**Program 3.9: Update Article XXI Density Bonus Program**

The new Density Bonus Ordinance will replace Article XXI Density Bonus Program.

**Program 3.10: Non-Governmental Constraints Program**

The program to remove or ameliorate non-governmental constraints will include:

- Adoption of a density bonus program to reduce per unit land costs.
- Adoption of an ADU Ordinance to promote new housing on parcels with no associated land costs,
- Creation of a new housing type – compact housing units of 350 to 500 SF – to promote new housing with lower construction costs.
- To increase financing availability, continue to approve letters supporting developer applications for funding (e.g., LIHTC, AHSC).

*Objective:* Contribute to reducing land costs and construction costs and increasing the availability of financing.

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Adoption of DBO and ADU Ordinance concurrently with the 2021-2029 Housing Element. Provide in the Zoning Ordinance for the creation of compact housing units by March 2022.

*Funding:* General Fund, SB Planning Grant, Local Early Action Planning Grant (LEAP)

**PROGRAM CATEGORY #4:*****CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING STOCK***

Government Code Section 65583(c)(4) states that a housing program shall describe actions to:

*Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.*

**Housing Needs Summary**

Approximately 3,000 housing units are in need of minor (67%), moderate (27%), or substantial (6%) rehabilitation. The estimate is based on previously completed windshield surveys, housing code enforcement efforts, and home improvements completed in recent years.

The most frequent housing rehabilitation needs are replacing windows, re-painting, re-roofing, and patching/painting.

Approximately 50 housing units are deemed dilapidated and beyond repair.

**Goals**

- Achieve a housing stock free of substandard structures.
- Conserve and improve the existing stock of affordable housing.

**Policies**

- Continue to implement the Housing Code Enforcement Program.
- Continue to implement a Housing Rehabilitation Program.

**Housing Programs****Program 4.1: Housing Code Enforcement**

Code Enforcement administers an enforcement program that investigates and corrects violations of the City's Municipal Codes that govern the use and maintenance of private, residential property and commercial property. Code Enforcement also investigates and conducts inspections involving vehicle abatement, blight and nuisance, weed abatement, unsafe, illegal or unlicensed construction or conversions, and illegal dumping.

The Code Enforcement Division of the Community Services Department enforces city code violations that are blight issues or hazards that are seen by public view or reported to code enforcement. Personnel assigned to this program are responsible for investigating city code violations, seeking compliance via education and enforcement efforts up to and including civil/criminal prosecutions.

If a code violation occurs, the following are options the Code Enforcement Officer may use to ensure compliance: notice of violations, correction notices, inspection notices and order, summary abatement, citations, inspection and abatement warrants, and warnings.

*Objective:* 2,000 corrected code violation; 250 per year

*Responsible Agency:* Code Enforcement Division of the Development Services Department

*Timeline:* Continuously between 2021 and 2029

*Funding Source:* General Fund

**Program 4.2: Housing Rehabilitation Program**

The City currently has an active Owner-Occupied Rehabilitation Program. This program will enable income qualified families to make much needed health and safety repairs to their home.

Rehabilitation means repairs and improvements to substandard housing which are necessary to meet rehabilitation standards as defined in Section 50097 of the Health and Safety Code, to eliminate conditions specified in Section 17920.3 of the Health and Safety Code and to meet housing quality standards. Rehabilitation also means repairs and improvements which are necessary to meet city-adopted standards used in the rehabilitation program.

Rehabilitation shall include reconstruction, if needed.

Homeowners are eligible for a Deferred Payment Loan at zero (0%) percent interest rate, evidenced by a promissory note and secured by a deed of trust, with no payback required for 30 years unless the borrower sells, refinances, transfers title or discontinues residence in the dwelling, at which time the full balance is due and payable. Payments are voluntary on a deferred loan with no penalties

*Objective:* Five substandard housing units

*Responsible Agency:* Code Enforcement Division of the Community Services Department

*Timeline:*

Implement continuously between 2021 and 2029

Report on the number of housing unit rehabilitated in the Housing Element Annual Progress Reports

*Funding Source:* HOME Investments Partnership Program (HOME)

**Program 4.3: Section 504 Home Repair Program**

The Section 504 Home Repair program provides loans to very-low-income owners to repair, improve, or modernize their homes or provides grants to elderly very-low-income homeowners to remove health and safety hazards.

The qualification criteria include:

- Be the homeowner and occupy the house
- Be unable to obtain affordable credit elsewhere
- Have a family income below 50% of the area median income

The program basics include:

- Loans may be used to repair, improve, or modernize homes or to remove health and safety hazards.
- Grants must be used to remove health and safety hazards.
- The maximum loan is \$20,000.
- The maximum grant is \$7,500.
- Loans and grants can be combined for up to \$27,500 in assistance.

*Objective:* 8 rehabbed homes

*Responsible Agency:* United States Department of Agriculture

*Timeline:* Continuously between 2021 and 2029

*Funding Source:* USDA loans and grants

**PROGRAM CATEGORY #5****PROMOTE AND AFFIRMATIVELY FURTHER HOUSING OPPORTUNITIES FOR ALL PERSONS**

Section 65583(c)(5) requires that the housing program:

*Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act and any other state and federal fair housing and planning law.*

**Assessment of Fair Housing Summary**

Appendix B presents the Assessment of Fair Housing. The assessment includes a demographic summary of fair housing protected classes; analysis of fair housing issues; description of factors contributing to fair housing issues; and a fair housing action plan encompassing priorities, goals, and strategies.

**Program 5.1: Fair Housing Services Program**

As the City is not a CDBG entitlement jurisdiction it has no funding to retain the services of a fair housing provider. However, the City of El Centro, a CDBG recipient, contracts with the Inland Fair Housing & Mediation Board. The principal offices of IFHMB are located in San Bernardino and Ontario.

The City of Brawley, when funds become available, will contract with Inland to conduct:

- Fair housing training to City staff
- Fair housing workshop for the benefit of tenants
- Fair housing workshop for the benefit of apartment managers

Staff training was recently completed on March 30, 2021. One city staff person participated in a fair housing webinar hosted by the Inland Fair Housing & Mediation Board.

*Objective:* Complete additional training hold workshops

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Complete program implementation within two years of adoption of the 2021-2029 Housing Element

*Funding Source:* General Fund

**Program 5.2: Fair Housing Information Program**

The City will provide residents with fair housing information primarily by posting links to a variety of fair housing resources including, but not limited, to:

- Inland Fair Housing & Mediation Board (IFHMB)
- California Department of Fair Employment and Housing (DFEH)
- U. S. Department of Housing and Urban Development (HUD)
- U.S. Department of Justice (DOJ)
- Disability Rights California

*Objective:* Post new information on the City’s webpage

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Within six months of adoption of the 2021-2029 Housing Element

*Funding Source:* General Fund

### **Program 5.3: Affirmatively Furthering Fair Housing (AFFH) Program**

The research and analysis demonstrates that the following are not fair housing issues:

- Integration and segregation patterns and trends
- Disparities in access to opportunity
- Displacement risk.

Cost burdens and severe cost burdens adversely impact all population groups.

Disproportionate housing needs are experienced by Hispanic (overcrowding) and homeless individuals and families

Hispanics are disproportionately impacted by overcrowding. In comparison to other populations, Hispanics may have large families and live in multigenerational households.

The fair housing priorities, goals and strategies are set forth in the context of the following:

- Findings and conclusions drawn from completion of the *Assessment of Housing Needs* (Appendix A), especially in regard to cost burdens, severe cost burdens, overcrowding and the special needs of the elderly, families with children, female householders, and large families.
- Findings and conclusions drawn from the research and analysis conducted to prepare the *Assessment of Fair Housing*.(Appendix B).
- City’s share of the regional housing need (1,426 housing units).
- Fair housing services available from the Inland Fair Housing & Mediation Board.

#### **Priorities**

- Addressing the disproportionate housing needs experienced by Hispanic households.
- Addressing the housing needs of fair housing protected groups by the development of a diversity of housing types.
- Increasing the community’s awareness of fair housing (renters, on-site property managers, City staff, City commissions)

#### **Goals**

- Continue to seek ways to enhance the City’s ability to affirmatively further fair housing.
- Create new affordable housing that addresses a diversity of lower income housing needs.
- Reduce poverty by increasing incomes so that cost burdens and overcrowding are reduced, particularly for the population living in the neighborhoods with the lowest resources.



**Strategies and Actions**

- Improve access to opportunity by developing and implementing a poverty reduction strategy in all of Brawley’s neighborhoods.
- Partner with Campesinos Unidos to inform neighborhood residents of the poverty reducing policies of the American Rescue Plan.
- Partner with economic development groups to ensure neighborhood residents are aware of and participate in the earned income tax credit program.

*Objective:* Implement strategies and actions

*Responsible Agency:* Planning and Zoning Department, Campesinos Unidos, Imperial Valley Housing Authority

*Timeline:* Within two years of adoption of the *2021-2029 Housing Element*

*Funding Source:* General Fund, Community Services Block Grant

**PROGRAM CATEGORY #6*****PRESERVE AFFORDABLE HOUSING AT RISK OF CONVERTING TO MARKET RATE HOUSING***

Section 65583(c)(6) mandates that the housing program shall do the following:

*Preserve for lower income households the assisted housing developments . . . The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all the available federal, state, and local financing and subsidy programs... except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve regulation and technical assistance.*

**1. Housing Needs Summary**

The 20-unit Brawley Senior Plaza is at risk of conversion to market rate housing because affordability restrictions are set to expire by 2025.

**Goal**

- Preserve the existing supply of affordable housing that is financially assisted by the City, County, and State or Federal governments.

**Policies**

- Monitor and protect the supply of affordable housing.
- Ensure the long-term affordability of future affordable housing developments.

**Objectives**

- Preserve 20 affordable housing units at risk of conversion to market rate housing.

**2. Housing Program****Program 6.1: At-Risk Housing Preservation Program**

The program consists of the following actions:

Monitor Units at Risk: Maintain contact with owners of Brawley Senior Plaza to monitor the status and future plans.

Work with Potential Purchasers: Where feasible, provide assistance to public and non-profit agencies interested in purchasing and/or managing units at risk.

Tenant Education: The California legislature extended the noticing requirement of at-risk units opting out of low income use restrictions to one year. Within 60 days of a notice of intent to convert at-risk units to market rate rents, the City will work with potential purchasers using HCD's current list of Qualified Entities.-

Should a property owner pursue conversion of the units to market rate, the City will ensure that tenants were properly noticed and informed of their rights and that they are eligible to receive Section 8 vouchers that would enable them to stay in their units.

Assist Tenants of Existing Rent Restricted Units to Obtain Section 8 Voucher Assistance: Tenants of housing units with expired Section 8 contracts are eligible to receive special Section 8 vouchers that can be used only at the same property. The City will assist tenants of "at-risk" units to obtain these Section 8 vouchers through the Imperial Valley Housing Authority.

*Objective:* Implement Program and preserve 20 at-risk senior housing units

*Responsible Agency:* Planning and Zoning Department

*Timeline:* Preserve the at-risk senior housing units by 2025

*Funding Source:* Housing preservation funding sources

**PROGRAM CATEGORY 7  
OPPORTUNITIES FOR ENERGY CONSERVATION**

Government Code Section 65583(a)(8) states the Housing Element must include:

*An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.*

**Opportunities for Energy Conservation**

Conservation can be accomplished by reducing the use of energy consuming items, or by physically modifying existing structures and land uses. The California Energy Commission first adopted energy conservation standards for new construction in 1978. These standards, contained in Title 24 of the California Administrative Code, contain specifications relating to insulation, glazing, heating and cooling systems, water heaters, swimming pool heaters, and several other items.

Like all California communities, Brawley implements the requirements of CALGreen, California's first green building code and first in the nation state mandated green building code. As stated on the State's website (<https://www.hcd.ca.gov/building-standards/calgreen/>), "CALGreen provisions under the jurisdiction of HCD are for newly constructed residential structures, as well as additions and alterations to existing buildings which increase the building's conditioned area, interior volume or size. Therefore, for the purposes of HCD, CALGreen applies to the following types of residential structures:

- Hotels, motels, lodging houses
- Apartment houses, condominiums
- One and two-family dwellings, townhouses, factory-built housing
- Dormitories, shelters for homeless persons, congregate residences, employee housing
- Other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities"

As part of the Community Stakeholder Outreach, both Campesinos Unidos, Inc. and the Area Agency on Aging indicated that there is a growing need for energy efficient homes because many homes are old.

**Goal**

- Achieve reductions in energy consumption.

**Policies**

- Encourage the use of energy conserving techniques in the siting and design of new housing.
- Actively enforce all state energy conservation requirements for new residential construction.
- Allow use of rehabilitation assistance funds to make residences more energy efficient.
- Continue to make local residents aware of the free home energy surveys performed by the Imperial Irrigation District as a means to reduce energy consumption and, in turn, overall long-term housing costs.
- Encourage and promote the maximum use of solar energy systems and other more aggressive

energy conservation techniques, including construction techniques similar to and including LEED certification in housing units throughout the City thereby increasing opportunities for energy conservation and reducing overall long term housing costs.

**Energy Conservation Objective**

- Achieve the General Plan energy conservation implementation objective

**Housing Program****Program 7.1: Energy Conservation Program**

The Planning Department will utilize the development review process to incorporate energy conservation techniques into the siting and design of proposed residences.

The Building Division of the Community Services Department also will continue to require that all new residential development complies with the energy conservation requirements of Title 24 of the California Administrative Code, and the City will encourage developers to employ additional energy conservation measures in an effort to exceed the minimum required standards, including but not limited, to the specific example below.

- Sustainable site development;
- Water savings;
- Energy efficiency;
- Material selection; and
- Indoor environmental quality.

The Housing Division of the Community Services Department, to the extent permitted by funding programs, will continue to allow energy conservation measures as improvements eligible for assistance under the provisions of the Housing Rehabilitation Program.

The Housing Division of the Community Services Department will continue to inform the public regarding free home energy audits and other programs of the Imperial Irrigation District (IID).

The City will continue to implement the energy conservation and efficiency measures included in the 2019 Climate Action Plan (e.g., Buildings Exceed Title 24 Energy Efficiency Standards, New Construction Energy Efficiency Program (NCEEP)).

*Objective:* Implement the Energy Conservation Program

*Responsible Agency:* Planning and Zoning Department; Housing Division of the Community Services Department

*Timeline:* Achieve program implementation within two years of adoption of the 2021-2029 Housing Element

*Funding Source:* General Fund

## QUANTIFIED OBJECTIVES

According to HCD’s *Building Blocks: A Comprehensive Housing Element Guide*:

The quantified objectives should estimate the number of units likely to be constructed, rehabilitated, or conserved/preserved by income level during the planning period. The quantified objectives do not represent a ceiling on development, but rather set a target goal for the jurisdiction to achieve, based on needs, resources, and constraints.

Ideally, construction objectives will be equal to identified needs. However, when a locality has determined total housing needs exceed the locality’s ability to meet those needs with existing resources, the quantified objectives may be less than the total identified need as specified in the locality’s regional housing need allocation. Under these circumstances, localities may target limited resources to areas of greatest need (based on the analysis completed). The housing element, however, must describe the analysis used to establish the quantified objectives.

- The “New Construction” objective refers to the number of new units that potentially could be constructed using public and/or private sources over the planning period, given the locality’s land resources, constraints, and proposed programs.
- The “Rehabilitation” objective refers to the number of existing units expected to be rehabilitated during the planning period.
- The “Conservation/Preservation” objective refers to the preservation of the existing affordable housing stock throughout the planning period.

### City of Brawley Quantified Objectives: 2021-2029

Category	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
Construction	62	188	168	202	615	1,235
Rehabilitation	2	6	37	32	32	109
Conservation/ Preservation	222	106	62	0	0	390

The “construction” objective includes:

- 418 affordable rent restricted apartment units that are approved for development. The income distribution is based on a sample of six low income housing tax credit projects: extremely low income, 15%; very low income, 45%; and low income, 40%.
- At least the RHNA allocation of 202 moderate income housing units
- At least the RHNA allocation of 615 above moderate income housing units

The “rehabilitation” objective is the sum of the following:

- Extremely Low Income (ELI): 2 units per the USDA Home Repair Program
- Very Low Income (VL): 6 units per the USDA Home Repair Program
- Low Income (L): 5 units per City’s program and 32 per privately funded home improvement loans
- Moderate (M): 32 per privately funded home improvement loans

- Above Moderate (AM): 32 per privately funded home improvement loans

The Home Mortgage Disclosure Act (HMDA) reports that annual average of 12 home improvement loans was approved in 2018 and 2019. It is projected that 96 home improvement loans would be approved over the 8-year planning period that they would be distributed evenly among the low, moderate and above moderate income groups. According to HMDA, a home improvement loan is any dwelling-secured loan to be used, at least in part, for repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which the dwelling is located.

The “conservation/preservation” objective includes the following:

- Section 8: 222 ELI households and 74 very low income households.
- Preservation of the Spring-Encino apartments: 32 very low income households and 62 low income households





**A note about the American Community Survey (ACS) Data:** Single-year and multiyear estimates from the ACS are all “period” estimates derived from a sample collected over a period of time, as opposed to “point-in-time” estimates such as those from past decennial censuses.

In the case of ACS multiyear estimates, the period is 5 calendar years (e.g., the 2015–2019 ACS estimates cover the period from January 2015 through December 2019).

Multiyear estimates are labeled to indicate clearly the full period of time (e.g., “The child poverty rate in 2015–2019 was X percent.”). They do not describe any specific day, month, or year within that time period.

For data users interested in obtaining detailed ACS data for small geographic areas (areas with fewer than 65,000 residents), ACS 5-year estimates are the only option.

Data for individual census tracts is available only from the ACS 5-year estimates.

Source: U.S. Census Bureau, *Understanding and Using American Community Survey Data*, pages 13-16

**A note about COVID-19:** The ACS 2015-2019 estimates are the source for many of the tables and data presented and discussed in Appendix A. The ACS data does not reflect the impacts of COVID 19 and, therefore, may not portray accurately the 2021 conditions in Brawley. Indeed, the tables and data describe the conditions that existed over a 5-year period, a period that ended in December 2019 which was three months before the March 2020 lockdown caused by the spread of COVID-19.

The COVID-19 pandemic caused job losses and associated income losses as well an increase in homelessness. Persons employed in the food industry would experience disproportionately adverse economic impacts compared to those working in software development or who are able to work remotely at home.

A recent economic report explained that -

The majority of pandemic-related job losses were low-skill, low-wage positions that impacted the region’s at-risk communities the most.

Lower-income Southern California residents already faced significant challenges before the pandemic, resulting in continued housing affordability concerns, domestic outmigration, and an overall reduction in quality-of-life. The pandemic has clearly exacerbated these issues. While federal stimulus may have supported these communities during the initial months of the pandemic, it has since diminished, further complicating the financial picture for many families throughout the region. While lower-wage positions are often overlooked, they are crucial to “essential” businesses and to the explosive growth in gross domestic product (GDP) experienced in Q3 2020.

Lower-wage segments at the national, state, and SCAG regional level have all felt significantly more employment losses than middle- or high-wage segments.

Source: Southern California Association of Governments, *Regional Briefing Book*, December 20201, pages 6 and 9

Many of the characteristics discussed in the assessment of housing needs have not changed because of the pandemic. The existing housing stock and its physical condition remain unchanged. The number of vacant housing units, however, may have increased above the levels reported as of January 1, 2020. Certain household characteristics such as the elderly, persons with disabilities, and large families have not changed due to the pandemic. The population and employment projections remain the same.

However, because of the lockdown and stay-at-home orders, many businesses have had to close temporarily and some even permanently. This has created job losses and associated income losses. Therefore, the number of lower income households probably has increased above the number reported in this housing needs assessment.

The number of cost burdened households – those spending 30% or more of their income on housing costs - also may have increased because of a loss of income, or no income at all. But some owners and renters may have skipped making their housing payments which would have dampened any increase in housing cost burdens.

Overcrowding may have increased as some families pooled their resources by moving into the same home. On the other hand, some doubled-up households may have moved from more urban dense communities to less populated suburban and rural towns

Finally, homelessness probably will increase in the next few years. The Pandemic Recession is projected to cause roughly twice as much homelessness as the 2008 Great Recession.

Source: Economic Roundtable, *Locked Out: Unemployment and Homelessness in the Covid Economy*, January 2021, page 3

**A. INTRODUCTION**

Chart A-1 lists the components of the assessment of housing needs.

**Chart A-1  
City of Brawley  
Components of the Housing Needs Assessment**

<ul style="list-style-type: none"> <li>▪ <b>Housing Stock Characteristics</b></li> </ul>
<ul style="list-style-type: none"> <li>✓ Number and Types of Housing</li> <li>✓ Vacant Housing Units</li> <li>✓ Condition of the Existing Housing Stock</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Household Characteristics</b></li> </ul>
<ul style="list-style-type: none"> <li>✓ Tenure</li> <li>✓ Household Income Groups</li> <li>✓ Level of Payment Compared with Ability to Pay</li> <li>✓ Overcrowding</li> <li>✓ Race and Ethnicity</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Affordable Housing At-Risk of Conversion to Market Rate Housing</b></li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Special Housing Needs</b></li> </ul>
<ul style="list-style-type: none"> <li>✓ Elderly</li> <li>✓ Persons with Disabilities</li> <li>✓ Persons with Developmental Disabilities</li> <li>✓ Large Families</li> <li>✓ Farmworkers</li> <li>✓ Families with Female Heads of Household</li> <li>✓ Families and Persons in Need of Emergency Shelter</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Projected Housing Needs</b></li> </ul>
<ul style="list-style-type: none"> <li>✓ Population Trends and Projections</li> <li>✓ Employment Trends and Projections</li> <li>✓ Share of the Regional Housing Need</li> </ul>

**B. HOUSING CHARACTERISTICS**

Part B includes information on –

- Number and types of housing units
- Vacant housing units
- Condition of the existing housing stock

## 1. Existing Housing Stock

As of January 1, 2020, Brawley’s housing stock is comprised of 8,538 housing units. Table A-1 shows single-family detached homes comprise two-thirds of the existing housing stock. Almost one of every five housing units is located in multi-family buildings of five or more housing units.

**Table A-1**  
**City of Brawley**  
**Housing Stock by Type of Unit**  
**January 1, 2020**

Type of Unit	Number of Units	Percent
1 unit, detached	5,583	65.4%
1 unit, attached	218	2.6%
2 to 4 units	739	8.6%
5+ units	1,628	19.1%
Mobile homes	370	4.3%
Total Housing Units	8,538	100.0%

Source: California Department of Finance, Demographic Research Unit, *Population and Housing Estimates for Cities, Counties and the State*, January 1, 2020

## 2. Vacant Housing Units

According to the State Department of Finance (DOF), there are an estimated 724 vacant housing units, a number which represents an 8.5% vacancy rate.

By comparison, the American Community Survey (ACS) estimates a total of 1,503 vacant units of which 1,276 are classified “as other vacant.” According to the 2015-2019 ACS estimates, only 103 housing units were available “for rent” and zero was “for sale only.”

Thus, the effective vacancy rate is lower than the DOF estimate of 8.5%.

## 3. Condition of the Existing Housing Stock

The City estimates that approximately 3,000 housing units are in need of minor (67%), moderate (27%), or substantial (6%) rehabilitation. The estimate is based on previously completed windshield surveys, housing code enforcement efforts, and home improvements completed in recent years.

The most frequent housing rehabilitation needs are replacing windows, re-painting, re-roofing, and patching/painting.

Approximately 50 housing units are deemed dilapidated and beyond repair.

The City administers an Owner-Occupied Rehabilitation Program. This program enables income-qualified families to make much needed health and safety repairs to their home. Funding includes:

- Loans at a rate of 0% and deferred for 30 years

- Applicant must own the home and must reside on property.
- Loan amount depends upon the severity of repairs needed and the amount of equity in the home.

The program provided funding for the rehabilitation of 21 single family homes between 2014 and 2019.

**C. HOUSEHOLD CHARACTERISTICS**

Part C examines the following household characteristics:

- Tenure
- Household income groups
- Level of payment compared to ability to pay
- Overcrowding
- Race and ethnicity

**1. Tenure – Owners and Renters**

Tenure refers to owner and renter occupancy of housing units. Owners occupy 52% and renters occupy 48% of all housing units, respectively. Ninety-two percent of all owners occupy single family homes. About one-third of all renters occupy single-family homes and just over one-fifth live in multifamily buildings with 10 or more units.

**Table A-2  
City of Brawley  
Tenure by Units in Structure: 2015 – 2019**

<b>Units in Structure</b>	<b>Owner Occupied</b>	<b>Percent of Occupied</b>	<b>Renter Occupied</b>	<b>Percent of Occupied</b>	<b>Total Occupied</b>
1, detached	3,318	91.9%	1,144	34.9%	4,462
1, attached	51	1.4%	42	1.3%	93
2	5	0.1%	208	6.4%	213
3 or 4	0	0.0%	503	15.4%	503
5 to 9	36	1.0%	548	16.7%	584
10 or more	4	0.1%	739	22.6%	743
Mobile Homes	199	5.5%	90	2.7%	289
<b>Total</b>	<b>3,613</b>	<b>100.0%</b>	<b>3,274</b>	<b>100.0%</b>	<b>6,887</b>

Source: 2015-2019 American Community Survey 5-Year Estimates, Table S2504, Physical Housing Characteristics for Occupied Housing Units

**2. Household Income Groups**

**a. Definitions of Household Income Groups**

Household income groups are defined in terms of the percentages of Imperial County’s median income:

- Extremely low                      0-30%
- Very low                              30-50%
- Low                                      50-80%
- Moderate                              80-120%
- Above Moderate                      120+

Table A-3 shows that the income limits are adjusted by household size, meaning that a 6-person lower income household (\$64,850) has a higher income than a 4-person lower income household (\$55,900).

**Table A-3  
Imperial County  
2021 Annual Household Income Limits Adjusted by Household Size**

<b>Household Size (# of Persons)</b>	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>
1 person	\$14,700	\$24,500	\$39,150	\$59,400
2 persons	\$17,420	\$28,000	\$44,750	\$67,900
3 persons	\$21,960	\$31,500	\$50,350	\$76,350
4 persons	\$26,500	\$34,950	\$55,900	\$84,850
5 persons	\$31,040	\$37,750	\$60,400	\$91,650
6 persons	\$35,580	\$40,550	\$64,850	\$98,450
7 persons	\$40,120	\$43,350	\$69,350	\$105,200
8 persons	\$44,660	\$46,150	\$73,800	\$112,000

Source: California Department of Housing and Community Development, State Income Limits for 2020, April 26, 2021

Table A-4 estimates the number of owners and renters in five income groups based on the most recent data that are available. HUD uses income groups that differ slightly from those used by HCD. However, both departments define lower income as consisting of extremely low-, very low- and low-income households.

Lower income households comprise 51.5% of all households. The number of lower income renter households (2,430) is about twice the number of lower income owners (1,200). The above moderate income households comprise just over 41% of all households.

**Table A-4  
City of Brawley  
Annual Household Income Distribution by Tenure: 2013-2017**

<b>Income Group (% of area median income)</b>	<b>Owner Households</b>	<b>Renter Households</b>	<b>Total Households</b>	<b>Percent Distribution</b>
Extremely Low 0-30%	255	1,075	1,330	18.9%
Very Low 30-50%	395	640	1,035	14.7%
Low 50-80%	550	715	1,265	17.9%
Moderate 80-100%	345	155	500	7.1%
Above Moderate >100%	2,170	750	2,920	41.4%
<b>Total</b>	<b>3,720</b>	<b>3,335</b>	<b>7,055</b>	<b>100.0%</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey

**3. Level of Payment Compared to Ability to Pay**

Level of payment compared to ability is measured by housing costs as a percentage of income. For lower income households, housing costs exceed ability to pay when 30% or more of their income is expended on housing costs. These households are referred to as “overpaying” or “cost burdened.” “Severe” cost burden occurs when lower income households spend 50% or more of their income on housing costs.

According to Campesinos Unidos, Inc., the main priority in terms of housing needs is lower or middle-class income housing, including apartments. In addition, the organization stated that poverty reduction should be significant because home mortgage or rent costs are a large share of total monthly household expenses. Due to the COVID-19 pandemic, the economic conditions of low-income and middle-class Americans are under urgent risk. Campesinos Unidos provides rental assistance to 10 households.

a. Renter Households

Table A-5 shows that 1,665 (655 + 1,010) renter households are cost burdened. Of the 1,665 cost burdened renters, 60% are severely cost burdened. These severely cost burdened households are spending more than one-half of their paychecks on housing costs. Severely cost burdened extremely low income households (725) is the group facing disproportionate hardships. This one group represents 43.5% of all cost burdened renter households (725/1,665)

**Table A-5  
City of Brawley  
Number and Percentage of Renters Cost Burdened by Income Group**

<b>Household Income Group</b>	<b>Cost Burden 30-50%</b>	<b>% of All Cost Burden</b>	<b>Severely Cost Burden 50%+</b>	<b>% of All Severely Cost Burden</b>
Extremely Low <30%	125	19.1%	725	71.8%
Very Low 30-50%	250	38.2%	255	25.2%
Low 50-80%	270	41.2%	30	3.0%
Moderate 80-100%	10	1.5%	0	0.0%
Above Moderate >100%	0	0.0%	0	0.0%
<b>Total</b>	<b>655</b>	<b>100.0%</b>	<b>1,010</b>	<b>100.0%</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey  
Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities).

The Section 8 rental housing assistance program helps ease the economic hardships of cost burdened renters. The Imperial Valley Housing Authority’s Section 8 program provides rental assistance to 749 households:

- 505 extremely low income households
- 169 very low income households
- 75 low income households.

**b. Owner Households**

Table A-6 shows that 965 (540 + 425) owner households are cost burdened. Of the 965 cost burdened owners, 44% are severely cost burdened, meaning that more than one-half of their income is expended on housing costs.

No programs are available to ease the hardships that lost burdened owners experience. It may be possible for some owners to take advantage of historically low interest rates and refinance their loans in order to reduce the monthly payments.

Cost burdens, especially for renters, cause economic hardships because after making their monthly housing payments so little income remains to meet other needs such as food, utilities, transportation, health insurance and child care.

**Table A-6  
City of Brawley  
Number and Percentage of Owners Cost Burdened by Income Group**

<b>Household Income Group</b>	<b>Cost Burden 30-50%</b>	<b>% of All Cost Burden</b>	<b>Severely Cost Burden 50%+</b>	<b>% of All Severely Cost Burden</b>
Extremely Low <30%	65	12.0%	180	42.4%
Very Low 30-50%	115	21.3%	165	38.8%
Low 50-80%	180	33.3%	80	18.8%
Middle 80-100%	20	3.7%	0	0.0%
Above Middle >100%	160	29.7%	0	0.0%
<b>Total</b>	<b>540</b>	<b>100.0%</b>	<b>425</b>	<b>100.0%</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2013-2017 American Community Survey

Cost burden is the ratio of housing costs to household income. For owners, housing cost is “selected monthly owner costs”, which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

**4. Overcrowding**

The ACS does not define an overcrowded housing unit or household. The ACS does publish data on the ratio of the number of persons occupying a housing unit to the number of rooms in the dwelling. These data are often used as an indicator of overcrowded households. There are, however, several other indicators of overcrowded households such as persons per bedroom, square footage per person, and Uniform Building Code occupancy standards.

Government Code Section 65584.01(b)(1) defines overcrowding as one person per room in a dwelling. Demographers have offered the following evaluation of the 1.01 persons per room ratio:

Persons per room has been used as the primary indicator for measuring overcrowding. In this calculation, all persons (adults and children of both sexes) are counted equally, as are all rooms. The room count does not include bathrooms, hallways, closets, and porches.



To measure overcrowding, we combine two variables to form the ratio of the number of persons in the household to the number of rooms reported in the housing unit. This ratio is trichotomized to reflect key policy thresholds: one person or fewer per room, 1.01 to 1.50 persons per room, and more than 1.50 persons per room. ...the highest of the three categories measures severe overcrowding and is proposed as a less culturally restrictive assessment of behavior that constitutes a ‘problem’. [Emphasis added]

Dowell Myers and Seong Woo Lee, *Immigration Cohorts and Residential Overcrowding in Southern California*, Demography, Volume 33-Number 1, February 1996, pages 52 and 55

The U.S Census and ACS provide data on the ratio of the number of persons occupying a housing unit to the number of rooms in the dwelling. These data are often used as an *indicator* of the magnitude of overcrowded households.

Table A-7 reveals that about 11% of all households are overcrowded (769). A fewer number of households (193) are severely overcrowded, a number representing less than 3% of all households.

**Table A-7  
City of Brawley  
Persons per Room by Tenure – 2015-2019**

<b>Persons Per Room</b>	<b>Owner Occupied</b>	<b>Percent</b>	<b>Renter Occupied</b>	<b>Percent</b>	<b>Total Households</b>	<b>Percent</b>
Less than 1.00	3,400	94.1%	2,718	83.0%	6,118	88.8%
1.01 to 1.50	121	3.3%	455	13.9%	576	8.4%
1.51 to 2.00	86	2.4%	39	1.2%	125	1.8%
2.01 or more	6	0.2%	62	1.9%	68	1.0%
<b>Total</b>	<b>3,613</b>	<b>100.0%</b>	<b>3,274</b>	<b>100.0%</b>	<b>6,887</b>	<b>100.0%</b>

Source: 2013-2017 American Community Survey 5-Year Estimates, Table B25014, Tenure by Occupants Per Room

**5. Race and Ethnicity**

The analysis of race and ethnicity is presented in Appendix B – Assessment of Fair Housing

**D. AT RISK HOUSING**

According to HCD:

For the purpose of housing-element law, assisted housing developments (or at-risk units) are defined as multifamily, rental housing complexes that receive government assistance under any federal, state, and/or local programs or any combination of rental assistance, mortgage insurance, interest reductions, and/or direct loan programs *and* are eligible to convert to market-rate units due to termination (opt-out) of a rent subsidy contract, mortgage prepayment, or other expiring use restrictions *within 10 years* of the beginning of the housing-element planning period. [emphasis added]

**1. Assisted Housing Units At Risk of Conversion to Market Rate Housing**

There are 20 multi-family rental housing complexes that receive government assistance under Federal, State, and/or local programs located in Brawley.

Table A-8 indicates that the Brawley Senior Plaza has its affordability restrictions expire in 2025.

The California Housing Partnership has assigned a “low” risk pf conversion to the Brawley Senior Plaza because it is owned by a a large/stable on-profit, mission-driven developer.

**Table A-8  
City of Brawley  
Affordable Housing at Risk Analysis**

<b>Name</b>	<b>Address</b>	<b>Affordable Units</b>	<b>Total Units</b>	<b>Program</b>	<b>Expiration</b>
Brawley Senior Plaza	430 K St	20	20	HUD	2025
Encino Village	1165 B St	32	32	HUD	2058
Spring & Encino Village Apartments (Site A)	402 S. Eastern Ave	95	96	LIHTC; HUD; USDA	2058
Austin-Thomas Housing	1250 N. Imperial Ave	58	58	USDA	2038
Al Mix/George Speer	675 South Palm Avenue	44	44	USDA	2035
<b>Salton Village c/o AWI Mgmt.</b>	380 N. Eastern Ave	38	38	USDA	2034
<b>Salton II Village Apts.</b>	1524 C Street	30	30	LIHTC; USDA	2034
Tres Palms Village	1631 Malan Street	56	56	USDA	2039
Brawley Pioneers Apartments	1690 C Street	75	76	LIHTC; USDA	2065
Hatfield Homes (Site A)	963 Dominguez Court	48	48	LIHTC	2049
Brawley Family Apartments	1690 C Street	79	80	LIHTC; HUD	2055
Sonterra Apartments	250 S. Eastern Ave.	53	54	LIHTC	2060
Brawley Elks Senior Apartments	995 Willard Avenue	80	81	LIHTC	2059
Brawley Gardens Apartments	221 Best Road	80	81	LIHTC; HUD	2059
Valle del Sol Apartments	1605 East C Street	70	72	LIHTC	2062
Manzanilla Terrace	1586 I Street	68	69	LIHTC	2063
Malan Street Apartments	180 Malan Street	40	41	LIHTC	2069
Malan Street Apartments II	180 Malan Street	40	40	LIHTC	2072
Brawley Adams I	1598 C Street	59	60	LIHTC	2072
Imperial VI (Site E) - Citrus Pointe I & II	694 N 3rd St, Brawley	—	—	LIHTC	2032

Source: California Housing Partnership email to City of Brawley, November 4, 2020 SCAG Data Appendix

The Spring-Encino Village Apartments are in the process of being preserved to 2058. The Spring & Encino Village Apartments were built in1991. The 2-story building is comprised of 32 1-bedroom units (630 SF) and 64 2-bedroom units (740 SF).

On February 17, 2021 the Tax Credit Allocation Committee approved 4% low income housing tax credits for the tax exempt bond financed Spring and Encino Apartments.

On March 16, 2021 the City Council conducted a required public hearing and approved a resolution supporting the tax exempt bond financing for the rehabilitation and preservation of the Spring and Encino

Apartments (which includes the 32-unit Encino Village). The tax exempt revenue bonds are to be issued by the California Statewide Communities Development Authority (CSCDA). The agency is a joint powers authority founded and sponsored by the League of California Cities and the California Association of Counties.

**2. Cost Analysis**

The Brawley Senior Plaza is comprised of 20 housing units.

The cost analysis involves estimates of the costs to preserve or replace the 20 affordable housing units. The cost estimates are based on the following:

- |                            |               |                            |
|----------------------------|---------------|----------------------------|
| ▪ Imperial VI              | \$92,793/unit | Acquisition/Rehabilitation |
| ▪ Spring-Encino Apartments | \$121,217     | Resyndication              |
| ▪ 5 Brawley LIHTC Projects | \$306,000     | New Construction           |

Imperial VI is a scattered site project with housing developments located in Brawley, Calexico, Holtville and Seeley. The average per unit cost of the acquisition/rehabilitation project was \$92,793. The project was approved for LIHTC financing on March 20, 2019.

The Spring-Encino Apartments are located in Brawley. LIHTC financing was approved on February 17, 2021. The average per unit cost of the resyndication project was \$121,217.

The average new construction cost of Brawley’s five most recent LIHTC developments was \$305,000.

Preservation by means of acquisition/rehabilitation is estimated to cost in the neighborhood of \$1,860,000.

Preservation by means of resyndication is estimated to cost approximately \$2,420,000.

Replacement of the 20 housing units by new construction is estimated to cost \$6,120,000.

**3. Preservation Resources**

Efforts by the City to retain low-income housing must be able to draw upon two basic types of preservation resources: organizational and financial. Qualified, non-profit entities need to be made aware of the future possibilities of units becoming “at-risk”. Should a property become “at-risk” the City maintains an active list of affordable housing developers that may have an interest in preserving that property.

Monitoring procedures for preserving at-risk units include:

- Monitoring the Risk Assessment report published by the California Housing Partnership Corporation (CHPC).
- Maintain regular contact with the local HUD office regarding early warnings of possible opt-outs.
- Maintain contact with the owners and managers of the Brawley Senior Plaza to determine if there are plans to opt-out in the future, and offer assistance in locating eligible buyers.
- Develop and maintain a list of potential purchasers of at-risk units and act as a liaison between owners and eligible purchasers.
- Ensure that all owners and managers of affordable housing have access to applicable State and federal laws regarding notice to tenants of the owner’s desire to opt-out or prepay.

The following is a list of potential financial resources considered a part of the City's overall financial plan to deal with retaining affordable units. The number and availability of programs to assist cities and counties in increasing and improving their affordable housing stock is limited, and public funding for new projects is unpredictable. The following is a list of current local, state and federal programs.

- HOME Investment Partnerships (HOME) Program
- Imperial Valley Housing Authority (IVHA) is a Public Housing Authority. It administers federal and state funds for its public housing projects and government assisted housing units such as the Section Housing Choice Voucher Program (rental assistance). Brawley is located within the service area of the IVHA.
- Low-income Housing Tax Credit Program (LIHTC) - The LIHTC Program provides for federal and state tax credits for private and non-profit developers and investors who agree to set aside all or an established percentage of their rental units at affordable rent levels. These tax credits may also be utilized on rehabilitation projects, contributing to the preservation of at-risk housing.
- Preservation Financing Program, operated through California Housing Finance Agency (CHFA), offers tax-exempt financing for the acquisition or refinancing of a project with an expiring Section 8 contract.

Pursuant to California Government Code Section 65863.11, owners of government-assisted projects cannot terminate subsidy contracts, prepay a federally-assisted mortgage, or discontinue use restrictions without first providing an exclusive Notice of Opportunity to Submit an Offer to Purchase. This Notice is required to be sent to Qualified Entities at least 12 months prior to sale or termination of use restrictions. Qualified Entities are nonprofit or for profit organizations or individuals that agree to maintain the long-term affordability of projects.

#### **4. Qualified Entities**

Qualified entities that have expressed an interest in preserving the affordability of at-risk housing developments located in Imperial County include, but are not limited, to:

- ROEM Development Corporation
- WNC Housing Preservation
- Affirmed Housing

#### **E. SPECIAL HOUSING NEEDS**

The analysis of special housing needs includes the following groups:

- Elderly persons
- Persons with disabilities
- Persons with developmentally disabilities as defined in Section 4512 of the Welfare and Institutions Code
- Large families
- Farmworkers
- Families with female heads of households
- Families and persons in need of emergency shelter

**1. Elderly**

a. Population and Household Characteristics

Brawley’s senior population age 62 years and over represents about 15% of the City’s population. An indicator of the frail elderly population is persons 85 years and older. There are an estimated 564 persons in this age group, according to the data in Table A-9.

**Table A-9  
City of Brawley  
Elderly Population by Age Group and Sex: 2015-2019**

<b>Age Group</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Percent</b>
62 to 64 years	378	336	714	18.1%
65 and 66 years	305	203	508	12.9%
67 to 69 years	279	223	502	12.7%
70 to 74 years	318	453	771	19.6%
75 to 79 years	287	280	567	14.4%
80 to 84 years	58	258	316	8.0%
85 years and over	260	304	564	14.3%
<b>Total</b>	<b>1,885</b>	<b>2,057</b>	<b>3,942</b>	<b>100.0%</b>
<b>Percent</b>	<b>47.8%</b>	<b>52.2%</b>	<b>100.0%</b>	

Source: 2015-2019 American Community Survey, Table B01001, Sex by Age

Table A-10 shows there are approximately 2,350 households with a householder over the age of 60. Nearly seven of ten of the households are owners.

**Table A-10  
City of Brawley  
Elderly Households by Tenure: 2015-2019**

<b>Age</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Percent</b>
60-64	469	326	795	33.8%
65-74	761	238	999	42.5%
75-84	263	117	380	16.2%
85+	142	36	178	7.1%
<b>Total</b>	<b>1,635</b>	<b>717</b>	<b>2,352</b>	<b>100.0%</b>
<b>Percent</b>	<b>69.5%</b>	<b>30.5%</b>	<b>100.0%</b>	

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25007, Tenure by Age of Householder

b. Living Arrangements of the Elderly

Elderly persons –

- Live alone
- In a housing units with one or more persons

- Group quarters

1. Elderly Living Alone and In Households

Table A-11 shows that almost 31% of all elderly persons 65 years of age or older live alone. Married couples comprise more than half of the elderly households in this age group. Almost 17% of the elderly are male householders, female householders, or live with unrelated individuals. Data are unavailable for the elderly householders aged 62-64 years.

**Table A-11**  
**City of Brawley**  
**Elderly Households 65 Years+ by Tenure**  
**And Household Type: 2015-2019**

<b>Household Type</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Percent</b>
Living Alone	269	206	475	30.5%
Married Couples	725	95	820	52.7%
Male Householder	68	28	96	6.2%
Female Householder	85	62	147	9.4%
Not Living Alone	19	0	19	1.2%
<b>Total</b>	<b>1,166</b>	<b>391</b>	<b>1,557</b>	<b>100.0%</b>
<b>Percent</b>	<b>74.9%</b>	<b>25.1%</b>	<b>100.00%</b>	

Source: 2015-2019 American Community Survey, Table B25011, Tenure by Household Type (including living alone) and Age of Householder

2. Elderly Living In Group Housing Environments

A Group Quarters (GQs) is a place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. People living in GQs usually are not related to each other. GQs include places such skilled nursing facilities and group homes. An estimated 174 persons live in group quarters, according to the State Department of Finance.

Residential Care Facilities for the Elderly (RCFEs) — sometimes called “Assisted Living” (e.g., 16+ beds) or “Board and Care” (e.g., 4 to 6 beds) — are non-medical facilities that provide room, meals, housekeeping, supervision, storage and distribution of medication, and personal care assistance with basic activities like hygiene, dressing, eating, bathing and transferring. RCFEs serve persons 60 years of age and older.

This level of care and supervision is for people who are unable to live by themselves but who do not need 24 hour nursing care. RCFEs are considered non-medical facilities and are not required to have nurses, certified nursing assistants or doctors on staff.

According to the California Community Care Licensing Division, a RCFE is not located in Brawley.

c. Housing Needs of the Elderly

1. Examples of Housing Needs Experienced by the Elderly

Research on the housing needs of elderly persons has resulted in the following observations:

Older persons experience another very different category of housing-related problems when they have physical or cognitive limitations that make it difficult for them to conduct their usual life styles, take care of themselves, or maintain their dwellings without the help of others. Depending on the types and seriousness of their impairments, they may have to adopt one or more of the following options: secure help from family members or move into a family member's home; obtain homemaker assistance, help with personal care, or nursing services from professional paid providers, home-based services, or community care providers, or relocate to a supportive seniors housing option. Older persons that are more at risk of having these limitations and having the fewest options will have one or more the following risk factors: they will be chronologically very old, will be poor, alone, unable to secure any type of assistance from family, less educated, or belong to a racial or ethnic minority.

Older persons may find that they have significantly less disposable income if they incur out of pocket costs for home- and community-based care and health care expenses, in particular prescription medicine costs. Those on fixed incomes may particularly find that paying for these expenses results in their once tolerable housing costs becoming a new burden, and in the case of older homeowners, make it difficult for them to afford their dwelling's maintenance, upkeep, and upgrading costs.

The physical environment of the dwelling has the potential for worsening the effects of these physical and cognitive limitations. The design features and overall physical condition of a dwelling and its location relative to everyday needs may offer new obstacles or even an unsafe environment for impaired older persons to conduct their accustomed life-styles. Among the possible consequences: a car or a bus route may become unusable and accessing everyday community needs may become very difficult, an upstairs of a dwelling may suddenly become inaccessible, throw rugs may become a walking hazard, using a stove may become unsafe, or a bathroom's shower or toilet may be difficult or impossible to use.

Older persons with unavailable family supports and with the lowest incomes represent the greatest potential demand on their State and locality's government-subsidized long-term care resources. Thus, these limitations are not just a personal affair; they become the "problems" of stakeholders in the public sector.

Source: Stephen M. Golant, Ph.D., *The Housing Problems of the Future Elderly Population*, A Report Prepared for the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, January 2002, page 85

#### 1. Area Agency on Aging Area Plan (2020-2024) Needs Assessment

The Area Plan reveals that the top three needs involve health care, dental care, and not enough money. Indeed some income poor seniors travel to Mexico to obtain less expensive dental care.

Regarding the problem with not having enough money to live on, the Area Plan indicates that this ties back to "hidden poor":

The seniors may not be considered "poor" by the federal guidelines, but may truly not have enough money for housing, food, and medication. If they do not have enough money for their basic needs, then their quality of life will be diminished. What we seeing is a cycle that will not be ending anytime soon unless they are addressed.

**2. Housing Costs Exceeding Ability to Pay**

Housing costs burdens are or will become a serious problem to the elderly with the lowest incomes.

According to SCAG’s pre-certified housing data, an 'elderly family' consists of two persons with either or both age 62 or over. Of the City’s 1,709 elderly family households, 60% have lower incomes – that is, 80% or less of the Imperial County median household income. A 2-person household with an annual income of less than \$44,750 is considered low income. Many, if not the majority, of these very low income households are probably experiencing housing cost burdens.

**3. Propensity to Fall Among the Elderly**

As people get older, particularly after age 75, they become susceptible to falls which often lead to hospitalizations and increased medical costs. A UCLA health study revealed the age-specific propensities to fall:

The proportion of older Californians falling multiple times during the year increases with age. Among those ages 65-74, 10.6 percent reported multiple falls in the past year, compared to 13.8 percent of those 75- 84 and 19.3 percent of those ages 85 and over. Multiple falls also occurred more often than average among those with chronic conditions and disabilities, and they were most common among older adults who were legally blind, with almost one third (30.8 percent) reporting multiple falls.

Source: Steven P. Wallace, Ph.D., UCLA Center for Health Policy Research, *More than Half a Million Older Californians Fell Repeatedly in the Past Year*, November 2014, page 1

Table A-12 estimates that about 420 elderly persons experience multiple falls during the course of a year.

**Table A-12  
City of Brawley  
Elderly Population Experiencing Multiple Falls: 2015-2019**

<b>Elderly Age Group</b>	<b>Total Population</b>	<b>Percent With Multiple Falls</b>	<b>Estimated Number With Multiple Falls</b>
65-74	1,781	10.6%	189
75-84	883	13.8%	122
85+	564	19.3%	109
<b>Total</b>	<b>3,228</b>	<b>12.6%</b>	<b>420</b>

Source: Age data from Table A-9

**4. Frail Elderly Population and Associated Supportive Housing Needs**

Based on the Cardiovascular Health Study (CHS), frail elderly indicators include low grip strength, low energy, slowed walking speed, low physical activity, and/or unintentional weight loss. Still other indicators are based on a Frailty Index which accounts for disability, diseases, physical and cognitive impairments, and geriatric syndromes (falls, deliriums).

The frail elderly need assistance to perform daily living activities. The frail elderly may experience difficulty eating, bathing, toileting, etc. by oneself and/or difficulty using the telephone, getting outside, shopping, and doing light house work, etc. by oneself. The frail elderly may be assisted by in-home care, or by residing in supportive housing arrangements.



There are an estimated 312 frail elderly based on the age-specific population and frailty prevalence rates. Table A-13 shows that the frailty prevalence rate increases dramatically for the elderly population 85 years of age or older.

**Table A-13  
City of Brawley  
Estimate of Frail Elderly Population  
By Age Group: 2015-2019**

<b>Age Group</b>	<b>Total</b>	<b>Frailty Prevalence</b>	<b>Frailty Prevalence</b>
65-74	1,781	3.9%	69
75-84	883	11.6%	102
85+	564	25.0%	141
<b>Total</b>	<b>3,228</b>	<b>7.7%</b>	<b>312</b>

Source: Table A-X and Qian- Li Xue, PhD, *The Frailty Syndrome: Definitions and Natural History*, Clinics in Geriatric Medicine, February 1, 2011. Based on Cardiovascular Health Study (CHS)

c. Housing Programs and Services Addressing the Needs of the Elderly

1. Senior Housing

There are two senior housing developments located in Brawley with a combined total of 101 housing units:

- Brawley Elks Senior Housing  
81 units  
1 bedroom, 1 bath  
630 square feet
- Brawley Senior Plaza  
20 units  
1 bedroom, 1 bath  
Section 202 Supportive Housing for the Elderly (HUD)

The City also has approved a yet to be constructed senior housing development:

- Brawley Senior Apartments  
56 housing units

2. County Office of Aging

Located in nearby El Centro, the County Office on Aging is authorized by the Older Americans Act and the Older Californians Act. The Office is charged with developing a system of care that offers safety net services for vulnerable older persons and adults with disabilities.

Among the many services that the Office on Aging can provide to elderly Brawley seniors are: family caregiver support, avoiding institutionalization, elder abuse education, fitness to reduce falls, personal care/homemaker services, senior nutrition, group and home delivered meals, and transportation.

3. *In Home Supportive Services*

This program, which is administered by the County of Imperial Department of Public Social Services, is a home care program that helps elders, dependent adults and minors live safely in their own homes or other non-institutional settings. Eligible persons include:

- Applicants who meet Medi-Cal eligibility requirements in California.
- Elders, dependent adults and minors whose disability is expected to continue longer than 12 months.
- Elders, dependent adults and minors whose physician or a medical professional has determined that they are unable to remain safely in their own home without IHSS.

Depending on the need of the applicant, services may include assistance with meal preparation and clean-up, food shopping, bathing, dressing, personal care, house cleaning, assistance with medications and certain other paramedical assistance (with physician approval).

d. Housing Element Policies and Programs

The *2021-2029 Housing Element* will include the following types of policies and programs:

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- To expand housing choices at potentially reduced costs, implement incentives for ADU development
- Prepare and adopt a Senior Housing Overlay Zone
- Provide financial assistance, if possible, to make home modifications
- Implement the Special Needs Housing Program described in Section II

The purpose of a Senior Housing Overlay (SO) district is to provide optional standards and incentives for the development of a wide variety of specialized housing designed for and restricted to residents over the age of 55. Whenever the SO has been added to a base zone, the applicant may choose whether to use the optional SO standards or the standards of the base zone.

Section II describes the programs and policies in greater detail.

**2. Persons with Disabilities**

a. Population and Household Characteristics

Disabled persons may have one or more of the disabling conditions:

- Hearing difficulty includes respondents who stated they were “deaf or ... [had] serious difficulty hearing.”
- Vision difficulty includes respondents who stated they were “blind or ... [had] serious difficulty seeing even when wearing glasses.”
- Cognitive difficulty includes respondents who due to physical, mental, or emotional condition, had “serious difficulty concentrating, remembering, or making decisions.”

- Ambulatory difficulty includes respondents who had “serious difficulty walking or climbing stairs.”
- Self-care difficulty includes respondents who had “difficulty dressing or bathing.” Difficulty with these activities are two of six specific Activities of Daily Living (ADLs) often used by health care providers to assess patients’ self-care needs.
- Independent living difficulty includes respondents who due to a physical, mental, or emotional condition, had difficulty “doing errands alone such as visiting a doctor’s office or shopping.” Difficulty with this activity is one of several Instrumental Activities of Daily Living (IADL) used by health care providers in making care decisions.

Table A-14 shows that approximately 17% of the City’s population has one or more disability. Nearly one in five people less than 35 years of age have a disability. The largest number of disabled persons is in the 65-74 age group. Almost two thirds of the senior population 75 years old or older has a disability.

**Table A-14**  
**City of Brawley**  
**Disability Prevalence Rates by Age Group: 2015-2019**

<b>Age Group</b>	<b>With a Disability</b>	<b>No Disability</b>	<b>Total Population</b>	<b>Prevalence Rate</b>
Under 5 years	18	2,321	2,339	0.8%
5 to 17 years	554	5,925	6,479	8.6%
18 to 34 years	669	5,157	5,826	11.5%
35 to 64 years	1,609	6,578	8,187	19.7%
65 to 74 years	756	1,009	1,765	42.8%
75 years +	917	471	1,388	66.1%
<b>Total</b>	<b>4,523</b>	<b>21,461</b>	<b>25,984</b>	<b>17.4%</b>

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B18101, Sex by Age by Disability Status

Of the almost 7,000 households living in Brawley, almost 2,700 have one or more members with a disability. The number is almost 40% of all households. Refer to Table A-15.

**Table A-15**  
**City of Brawley**  
**Disabled Householders: 2015-2019**

<b>Household Disability Status</b>	<b>Number</b>	<b>Percent</b>
Households with one or more persons with a disability	2,660	38.6%
Households with no persons with a disability	4,227	61.4%
<b>Total</b>	<b>6,887</b>	<b>100.0%</b>

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Households

b. Living Arrangements of People with Disabilities

1. Group Living Arrangements

Very few disabled people are living in group living arrangements such as adult residential facilities, residential care facilities for the elderly, assisted living, board and care facilities or skilled nursing facilities.

The State Department of Finance estimates that 118 persons live in group quarters, which means that almost all disabled persons live in a household.

According to the California Community Care Licensing Division, two adult residential care facilities are located in the City. They have a combined capacity of 10 beds.

An ARF is a residential home for adults 18 to 59 with mental health care needs or who have physical or developmental disabilities and require or prefer assistance with care and supervision.

In addition, the 99-bed Imperial Heights Healthcare & Wellness Centre is located in Brawley.

2. Separate Living Quarters

Table A-14 shows that approximately one in four households have a member with a disability. The disabled member, as previously noted, could be the head of household, a spouse, child, relative or other person living in the occupied housing unit. Almost all of the disabled population lives in a housing unit. They do not reside, as reported above, in an institutional setting such as a nursing home or rehabilitation facility.

Table A-15 contains data on the percentage of households with a disabled member by household size. One- and two-person households have the highest incidence of disability; roughly one out of five of these households have a member with a disability. It is noteworthy that 20% of all disabled householders live alone.

**Table A-15  
Incidence of Disabled Members by Household Size**

<b>Number of Persons in Household</b>	<b>Percent of Households with Disabled Member</b>
1	20.8%
2	19.3%
3	15.5%
4	10.6%
5	12.6%
6	15.2%
7 or more	18.1%
All households	17.3%

Source: Frederick J. Eggers and Fouad Moumen, Econometrics, Inc. Disability Variables in the American Housing Survey, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development & Research, November 2011, page 13

e. Housing Needs of Disabled Persons

The housing needs of disabled persons may include independent living units with affordable housing costs; supportive housing with affordable housing costs; and housing with design features that facilitate mobility and independence. The shortage of available, accessible, and/or affordable housing is an acute problem for most people with disabilities (PWD).

More specifically, the special needs of disabled persons may include:

- Accessibility and suitability of key ‘functional rooms’ such as bathrooms, kitchens, toilets (including extra downstairs toilets) which enable disabled people to conduct their own activities of living
- Structural needs such as wheelchair accessibility, no internal stairs, bathroom with grab bars
- Flat, level ground between garage and entryway
- Non-porch stairs
- Modifications to housing unit
- Assistance with maintenance and repairs
- Close proximity to doctors, caregivers
- Housing costs with the means of ability to pay

To meet some of their special needs, renters may request that their landlords approve requests for reasonable accommodations and/or reasonable modifications. Renters may also need to move to find housing that meets their special needs. On the other hand, disabled homeowners may remain in their homes and make physical adaptations.

d. Housing Programs and Services Addressing the Needs of Persons with Disabilities

1. Services that Assist Elderly and Non-Elderly Disabled Persons

The persons living in housing units make their home within a neighborhood. Some have become disabled while they lived in the same neighborhood and home. Some, too, are cared for by family members who live in the same home or relatives who have a home nearby. Still others receive care from the In Home Supportive Services Program.

The In Home Supportive Services Program (IHSS) provides homemaker and personal care assistance to eligible individuals who are Medi-Cal eligible and need assistance with the activities of daily living to remain independent. The program allows eligible elderly, blind, or disabled persons to receive needed care while remaining in their own home. In-Home Supportive Services include bathing, grooming, dressing, housecleaning, shopping, laundry, meal preparation and clean up.

The Imperial County In Home Supportive Services Public Authority administers the program.

To be eligible for IHSS, an individual must:

- Fall within the financial eligibility guidelines
- Be blind, disabled, or age 65 and older
- Meet eligibility requirements for federally funded Medi-Cal
- Be unable to live at home safely without help

The financial eligibility criteria include:

- Persons receiving SSI/SSP
- Persons not receiving SSI/SSP may be eligible, but might be required to pay part of the costs.

Social workers meet at the eligible applicant’s home and discuss their medical conditions, living arrangements and any help already received from family, friends or others.

2. Community Based Transition Services

Under the landmark 1999 U.S. Supreme Court Olmstead decision, the state of California is required to accommodate those with physical, mental or developmental disabilities who live in institutions, or are at risk of doing so, in the least restrictive settings possible. Living in “institutions” is considered living in a segregated setting - that is, all other persons living in the institution are disabled.

The “institutional” setting in the Olmstead decision was a psychiatric hospital. Additional institutional settings include “institutions for mental disease,” mental health rehabilitation centers, hospitals and rehabilitation centers, and nursing facilities. Some disabled persons living in a nursing facility may qualify for living in a community setting with attendant care.

Access for Independence is an Independent Living Center with an Imperial Valley Branch Office located in El Centro. Access for Independence is able to assist individuals with physical disabilities who reside in institutional settings to regain their independence within their community. Institutional settings include:

- Nursing Home
- Rehabilitation Facility
- Transitional or supported Housing (minimal assistance available for step-down transition options)

The service is called “transitions from institutions.”

Among the other services offered by Access for Independence are individual living skills for older individuals who are blind and home modifications.

e. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- To relieve housing cost burdens, continue to promote Section 8 rental assistance
- Promote and make the community aware of the Reasonable Accommodation Procedure
- Provide information to apartment owners, property management companies and on-site property managers regarding reasonable accommodations, reasonable modifications; and service and companion animals
- Coordinate with the Access for Independence to promote independent living services
- Provide financial assistance, if funding resources become available, to make home modifications
- Implement the Special Needs Housing Program described in Section II

Some of the policies and programs also have the objective of affirmatively furthering fair housing. Section II describes the programs and policies in greater detail.

### 3. Persons with Developmental Disabilities

#### a. San Diego Regional Center Customers

According to Section 4512 of the Welfare and Institutions Code a -

"Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes *mental retardation, cerebral palsy, epilepsy, and autism*. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature." [Emphasis added]

Brawley is located within the service area of the San Diego Regional Center. The California Department of Development Services publishes counts of consumers by zip code. The Department serves 464 consumers in Brawley's 92227 zip code: 324 customers are 17 years of age or younger and 157 customers are 18 years of age or older.

#### b. Living Arrangements of Developmentally Disabled Persons

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The San Diego Regional Center describes several living options appropriate for developmentally disabled persons; some require licensing and others do not.

#### Requires Licensing

- Community Care Licensed
- Health Licensed
- Adult Residential Facilities (ARF)
- Residential Care Facilities for the Elderly (RCFE)
- Group Homes (GH)
- Intermediate Care Facility/Developmentally Disabled (ICF DD)
- Intermediate Care Facility Developmentally Disabled - Habilitation (ICF DD -H)
- Intermediate Care Facility Developmentally Disabled – Nursing (ICF DD -N)
- Skilled Nursing Facility (SNF)
- State Developmental Center (SDC)

#### Does Not Require Licensing

- Supported Living
- Independent Living
- Adult Family Home Agency

Table A-18 shows that 437 of the 481 developmentally disabled persons live in the home of a parent, family member, or guardian. An additional 28 persons live in independent or supported living and less than 11 live in a foster/family home. Less than 22 persons live in a group environment such as a Community Care Facility (CCF) or Intermediate Care Facility (ICF).

c. Housing Needs of Developmentally Disabled Persons

According to the State Department of Developmental Services:

Affordable housing is a cornerstone to individuals with developmental disabilities residing in their local communities. Due to the high cost of housing in California, many individuals served by the regional centers require deep subsidies in order to make housing affordable. DDS is actively pursuing projects that will increase capacity and precipitate the construction of new affordable housing.

Rental assistance is a need experienced by many developmentally disabled adults.

**Table A-18  
City of Brawley  
Living Quarters of Persons With  
Developmental Disabilities: End of June 2019**

Home of Parent/Family/Guardian	437
Independent/Supported Living	28
Community Care Facility	<11
Intermediate Care Facility	<11
Foster/Family Home	<11
Other	<11
Age 0-17 years	324
Age 18+ years	157

Source: California Department of Development Services, *Consumer Count by California ZIP Code and Residence Type*, end of June 2019

d. Services Addressing the Needs of Persons with Developmental Disabilities

1. State Department of Developmental Services

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The San Diego Regional Center is one of the 21 regional centers.



2. San Diego Regional Center

Persons eligible for services include:

Residents of San Diego or Imperial Counties diagnosed with a developmental disability that originates before age 18, constitutes a substantial handicap and is expected to continue throughout life may be eligible for SDRC services.

Services of the San Diego Regional Center may only be provided when authorized or requested by an adult applicant or client; the parents or guardian of a minor applicant or client; the conservator of an adult applicant or client; or by court order. The responsibilities of a Regional Center include, but are not limited to, the following:

- Case finding and intake
- Assessment, evaluation and diagnosis
- Development of an Individual Program Plan (IPP) for each client
- Purchase of services to meet IPP or IFSP (Individualized Family Service Plan) objectives
- Advocacy for the protection of legal, civil and service rights
- Resource development, program evaluation and community education
- Information and referral services

e. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Explore with the San Diego Regional Center the need for home modifications in homes occupied by persons with developmental disabilities
- Post on the City’s website information on the services and resources available from the San Diego Regional Center
- Explore with t Access for Independence the opportunities that may be available to transition developmentally disabled persons from an institutional setting to a home environment
- Implement the Special Needs Housing Program described in Section II

The Planning Department has obtained the following information from the SDRC and makes it available to the public:

- San Diego Regional Center – SDRC Services
- A Client and Family Guide
- A Guide to Living Options

Section 2 – Housing Program – incorporates the above mentioned policies and programs.

**4. Large Families**

a. Population and Household Characteristics

Large families are households consisting of five or more persons. Table A-19 shows that there are almost 1,200 large families comprising about 18% of all the City’s households. Additionally, renters comprise

almost 60% of all large families. In contrast to renters, owners have more options by which to add more square footage or rooms to their dwellings.

**Table A-19  
City of Brawley  
Tenure by Household Size: 2015-2019**

<b>Households Size (Number of Persons)</b>	<b>Owner Occupied</b>	<b>Renter Occupied</b>	<b>Total Households</b>
5	256	426	682
6	92	170	262
7+	134	118	252
<b>Total</b>	<b>482</b>	<b>714</b>	<b>1,196</b>

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25009, Tenure by Household Size

**b. Housing Needs of Large Families**

The City has more than 700 large family renter households. Renters are constrained by the inability to add space to their housing unit, especially if it is an apartment unit. Large family renters who need more space will probably need to move to a larger rental unit, perhaps a single family home.

Larger families may also need an additional bedroom. Owners, if they have enough income, can pay for a bedroom addition or the construction of an accessory dwelling unit.

Lower income renters and owners face a significant financial barrier to accommodate their space needs with more spacious housing.

**c. Housing Programs and Services Addressing the Needs of Large Families**

**1. Large Family Affordable Housing Developments**

The existing housing stock contains 13 large family affordable housing developments with a combined total of 772 lower income housing units. The City will continue to maintain the affordability and habitability of this very important segment of the housing stock.

In addition, the City Council has approved the development of five large family affordable housing developments with a combined total of 348 housing units.

**2. Campesinos Unidos Community Action Partnership (CAP)**

CAP is a public community action agency that receives funding from the federal Community Services Block Grant (CSBG) Program.

CAP also administers programs and services offering education and wealth building that strengthens families, including large families, such as:

- Earned Income Tax Credit (EITC)
- Parent/Children Poverty Reduction Program
- On the Job Training

Large families that are cost burden can benefit from the poverty reduction programs. These program can lead to increased income and potentially reduce the proportion of family income spent on housing costs.

3. County of Imperial Department of Public Services (DPSS)

The Imperial County Department of Social Services offers public assistance that can benefit large families:

- CalFresh (California's Food Stamp Assistance - SNAP): Provides supplemental food and nutrition for low income families and individuals. Applicants/recipients must meet income and resource requirements and benefits are issued based on household size. Special rules apply to persons who are elderly and/or disabled.
- CalWORKs: Provides cash assistance to families with children who are deprived of the support and care of one or both parents due to death, absence, incapacity or unemployment. Unless exempt from federal/state mandated Welfare to Work (WTW) requirements, the parent(s)/caretaker relative must comply with WTW to find and maintain employment that will result in self-sufficiency. Eligibility is contingent on meeting regulatory income and resource limits.
- **Medi-Cal Program:** This is California's Medicaid program. This is a public health insurance program which provides needed health care services for low-income individuals including families with children, seniors, persons with disabilities, foster care, pregnant women, and low income people with specific diseases such as tuberculosis, breast cancer or HIV/AIDS. Medi-Cal is financed equally by the State and federal government.
- **General Assistance:** Also known as General Relief (GR) is county funded aid for the relief and support of indigent residents of the county who are not eligible for any other cash assistance program. Assistance is intended for those who are incompetent or incapacitated by age, disease or accident and not supported by any other means.
- Welfare-To-Work Program: This program helps family members acquire the skills needed to get a job. The County will determine if a family must participate in Welfare-To-Work activities as a requirement for CalWORKs. Families may also volunteer to participate.

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to maintain the affordability and habitability of the existing housing stock that meets the needs of large families (13 large family affordable housing developments with a combined total of 772 lower income housing units.)
- Continue to support the poverty reduction programs operated by Campesinos Unidos Community Action Partnership (CAP)
- Implement the Special Needs Housing Program described in Section II

**5. Farmworkers**

a. Population and Household Characteristics

Statewide, farmworker housing is of unique concern and of unique importance. While only a small share of SCAG region jurisdictions have farmworkers living in them, they are essential to the region's economy and food supply. Agricultural and farmworkers are key components of the Imperial Valley economy.

The 2017 Census of Agriculture provides an Imperial County profile:

- 396 farms
- 521,729 acres in farms
- 1,317 acres – average size of a farm
- \$,859,678,000 market value of products sold
- Imperial County ranks fourth among California counties in terms of agriculture sales
- 71% (N=282) of farms hire farm labor

HCD guidance indicates that a housing element should estimate the number of permanent and migrant farmworkers within the community. A farm worker is –

- A person who performs manual and/or hand tool labor to plant, cultivate, harvest, pack and/or load field crops and other plant life.
- A person who attends to live farm, ranch or aqua cultural animals including those produced for animal products.

Source: State of California, Employment Development Department, Labor Market Information Division, Occupational Definitions

Because of their predominantly low incomes, housing affordability is an acute need for farmworkers as well as the living in substandard housing.

For the 5<sup>th</sup> Cycle Housing Element, SCAG estimated that 686 farmworkers lived in Brawley. In 2020, using ACS data and NAICS and SOC codes, SCAG estimate that a total of 501 farmworkers reside in Brawley and 363 hold full-time year round jobs. The estimate may overstate the number of “farm workers” which meet the EDD definition because the farming codes include other workers such as supervisors, inspectors, graders and sorters. It is unlikely that within Brawley’s farmworker estimate there are forest and conservation and logging workers, and fishing and hunting workers.

The *housed* “farmworkers” who reside in the City live in a household and occupy a housing unit. Therefore, they would be among the existing households counted as part of the CHAS housing needs, and estimates of existing and projected housing needs produced by SCAG. That is, the resident farmworker housing needs would be counted as part of the lower income households experiencing problems of overpaying, overcrowding, and living in substandard housing.

b. Farmworker Housing

The Imperial Valley Housing Authority owns the 58-unit Austin Thomas farmworker housing development, which is located in Brawley.

The City has approved two affordable rental housing developments that will include farm worker housing:

- Adams Park III 80 unit s
- Ocotillo Springs Apartments 75 units

Three additional farm worker housing developments are located in Imperial County:

- Tierra del Sol - El Centro 40 units
- Casa de Anza - El Centro 36 units
- Sunset Garden Apartments – Heber 40 units

c. Farm Worker Services Coalition

The purpose of the Farm Worker Services Coalition of Imperial County is to seek a networking relationship with service organizations that work with Farm Workers and their families and to provide up to date information on services, changes, funding sources, volunteer programs, and instructional programs, to share information on changes in the law or regulations that affect this special group. The organization will also assist farm workers and their families to live a healthy and production life.

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to support meeting the housing needs of farmworkers through existing housing and new housing developments.
- Implement the farmworker housing program described in Section II.

**6. Female Householders**

a. Population and Household Characteristics

Brawley’s female householder characteristics are noted below:

- Total female householders: 1,376 householders (20.5% of all householders)
- Female householders with children: 815 householders (12.2% of all householders)
- Female householders with children under 6 years of age: 174 (2.6% of all householders)

b. Housing Needs of Female Householders

Housing needs often experienced by female householders may include:

- Housing with costs within their ability to pay
- Housing in close proximity to work place
- Access to housing which accommodates children
- Access to housing near parks and open space to serve the needs of female householders with children.
- Access to housing which is designed for security and convenience
- Assistance with maintenance and repairs for elderly women living alone

c. Housing Programs and Services Addressing the Needs of Female Householders

1. Child Care Centers

The City has the following child care centers:

- 10 Child Care Centers Preschool with a combined capacity of 543 children. Including one Head Start Center (55 child capacity and one migrant Head Start Center (110 child capacity)
- 25 large family child care homes with a capacity of 14 children each

Data are unavailable regarding small family child care homes.

2. Early Care and Education Programs (ECEP)

The program is the one stop shop for Child Care needs in Imperial County.

The California Department of Education/Early Education and Support Division alongside with the United States Department of Health and Human Services fund the ECEP department. The ECEP department has been operational since 1980 and is committed to families of the Imperial County in meeting their child care needs.

Early Care and Education Programs offers comprehensive child care and development services to Imperial County families. We help parents explore all of their child care options by providing free child care referrals and information on how to choose quality early education and child care services. ECEP also offers income eligible programs which provide child care financial assistance to low-income families who are employed, participating in job training or educational programs.

The ECEP department also provides workshops for child care providers on a number of childhood topics and assists with Trustline Registry – fingerprint clearance program for exempt (unlicensed) child care providers. As well as, provide information on the supply and demand of early education and child care services in Imperial County and statewide.

In addition, ECEP operates subsidized early education State Preschool and Federal Head Start centers and home based programs throughout Imperial County.

3. Child Care Resource & Referral

This state and federally funded program assists parents in Riverside County with finding licensed child care near their home, work, or child’s school. The computerized, geographically based program lists over 2,800 licensed centers and family child care homes. The Online Referral System requests the following family and children information:

- Location: near home, near work/school, near child/children’s school
- Preferred provider type: family child care home, child care center, or other

d. Housing Element Policies and Programs

Based on the foregoing analysis, the 2021-2029 *Housing Element* will include the following types of policies and programs:

- Work with the Inland Fair Housing & Mediation Board. to ensure that female householders are free from housing discrimination on the basis of sex and familial status.
- Post on the City’s website information on availability and location of child care services.
- Implement the Special Needs Housing Program described in Section II

Section II describes the programs and policies in greater detail.

## **7. Families and Persons in Need of Emergency Shelter**

### **a. Unsheltered Homeless**

Unsheltered homeless are defined as those who reside in places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, or on the street.

### **b. Emergency Shelter Zoning and Shelter Estimate**

Gov. Code, § 65582, subd. (d) and Health and Safety Code, § 50801, subd. (e) provide the following definition:

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

A more descriptive definition offered by the pro bono law firm Public Counsel is:

Emergency shelters are temporary housing available to individuals and families experiencing homelessness. Shelters provide the least intensive programs, generally providing meals, a cot and minimum case management services. They often operate from late afternoon to early morning. Individuals and families can typically stay in shelters for up to six months.

The City has an estimated 106 unsheltered homeless, according to the *Imperial County 2018 Homeless Point-in-Time County and Survey*.

The living space standards of efficiency dwelling units was relied on to calculate an order of magnitude estimate of the square footage needed to accommodate 106 homeless persons. The efficiency dwelling unit standard is 220 square feet for the first occupant and 100 square feet for all additional persons. Thus, somewhat less than 11,000 square feet would be needed to provide enough sleeping space for 106 homeless persons. Additional space would be needed for staff, bathrooms, etc. It is assumed that 12,000 to 13,000 square feet would be sufficient to meet the space needs generated by an emergency shelter housing 106 persons.

Individual emergency shelters having a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones.

Vacant land, vacant buildings, buildings for sale, business turnover in the C-1, C-2, and C-3 Zones demonstrate there is sufficient space to accommodate the development of emergency shelters. There are no environmental hazards in the three zones.

c. Brawley Homeless Services

1. *Campesinos Unidos, Inc.*

Campesinos Unidos, Inc. is located in Brawley and offers the following services:

Emergency Food and Shelter Program (EFSP) to provide assistance to families/individuals that are homeless or at-risk of homelessness. This service helps to pay past due rent or utilities, and provide emergency food. Campesinos Unidos, Inc. also partners with the Imperial Valley Food Bank, to provide USDA Commodities distribution in two sites and provide families/individuals with access to healthy food. By helping alleviate these immediate needs, the organization also gains the opportunity to offer additional emergency and social service support to improve socio-economic status and overall wellness of low-income families/individuals in Brawley and Imperial County.

2. Imperial County Emergency Shelters

- Our Lady of Guadalupe Men's Shelter

545 Encinas Ave  
Calexico, CA 92231  
(760) 357-0894

<http://www.ccdsd.org/programs/homeless-mens-services/>

Located in Calexico, CA, Our Lady of Guadalupe Shelter is a program of Catholic Charities Diocese of San Diego. A 50 bed facility, it provides emergency housing services for men. The program offers case management, social support, information and referral services for employment, medical care, recovery services.

- House of Hope

1948 W Orange Ave  
El Centro, CA 92243  
(760) 352-1182

<http://www.ccdsd.org/programs/homeless-womens-services/>

An emergency and short term shelter, House of Hope provides an array of supportive services to aid women and families to become housed and contributing members of the community.

- Neighborhood House Shelter

506 E. 4th Street  
Calexico, CA 92231  
(760) 357-6875

<http://nhclx.org/>

Neighborhood House Shelter is an emergency shelter for homeless women and children. By providing clients with room, food, clothing and intensive case management, shelter strives to give



homeless women and children the opportunity to become self-sufficient and contributing members of our community.

Neighborhood House Shelter is supported by funds from community donations, the United Methodist Women and the Emergency Food and Shelter Program.

- WomanHaven/Center for Family Solutions

510 W. Main Street  
Suite 106  
El Centro, CA - 92243  
760-353-6922  
24 Hour Hotline: 760-353-8530

The WomanHaven Shelter is available to women and their children. The following is a brief description of the services offered:

- 2 Emergency Shelters with a total of 25-beds for abused women and their children or who are homeless for other reasons.
- Food, toiletries and emergency clothing are provided for our families.
- Regular group and individual counseling is provided for women and children.
- Case management to assist the families with housing options, financial assistance and legal decisions regarding the future safety and security for the family.
- Life Skills courses are offered on topics to include health, nutrition, finances, parenting.

WomanHaven continues to be the only state-approved comprehensive domestic violence agency in Imperial County.

Additional Resources:

[Imperial County Resources for the Homeless](#)

d. Housing Element Policies and Programs

Based on the foregoing analysis, the *2021-2029 Housing Element* will include the following types of policies and programs:

- Continue to support the efforts of County and local agencies addressing the needs of the homeless population.
- Post on the City’s website information on available homeless population resources.
- Implement the Special Needs Housing Program described in Section II

## F. PROJECTED HOUSING NEEDS

### 1. Population Trends and Projections

Between April 1, 2010 to January 1, 2020, Brawley's population grew from 24,953 to 27,349 people for a net gain of 2,396 persons. The population growth represents an almost 10% gain over the decade. The yearly gain of 240 persons is modest.

The City's future population depends on the construction of new housing units and a decrease in the number of vacant housing units. An average population gain of 240 persons would mean that Brawley's population will grow by almost 1,920 persons during the 8-year Housing Element planning period.

### 2. Employment Trends and Projections

In 2016, 8,000 jobs were located in Brawley, according to SCAG's Connect SoCal *Demographics and Growth Forecast*. By 2045, the growth forecast expects 13,600 jobs to be located in Brawley, a net increase of 5,600 jobs over a 29-year period. The average annual jobs increase of almost 200 jobs means that 1,600 jobs could be added during the 2021-2029 Housing Element planning period.

According to ACS data, the average number of workers per household is 1.22. The worker per household ratio of 1.22 translates to an associated increase of 1,311 households based on job growth alone. (1,600 x 1.22 = 1,311)

### 3. Share of Regional Housing Needs/Regional Housing Needs Assessment

The SCAG Region's housing need was determined by HCD. The SCAG "region" encompasses the counties of Ventura, Los Angeles, Orange, Riverside, San Bernardino and Imperial.

On August 22, 2019, HCD provided SCAG with a numerical determination of the region's existing and projected housing need (1,344,740) for the 8.3 year period from June 30, 2021 to October 15, 2029.

On September 18, 2019 SCAG transmitted to HCD a letter objecting to HCD's regional housing need determination. The objection letter offered alternative regional housing need determinations ranging between 823,808 and 920,772 housing units.

On October 15, 2019, HCD notified SCAG that it disagreed with SCAG's objection letter and issued the *Final Regional Housing Needs Assessment*, as shown in Table A-20.

Given the final determination of the regional housing need, SCAG's responsibility then became establishing a methodology to distribute, meaning allocate, a share of the total regional housing need of 1,341,827 housing units to each county (6) and city (191) in the region.

The total regional housing need is comprised of two components: projected need and existing need.

Three components comprise the regional *projected* need of 504,970 housing units: household growth (466,958); future vacancy need (14,467); and replacement need (23,545).

The regional *existing* need is 836,857 housing units (total need of 1,341,827 minus projected need of 504,970).

SCAG's Regional Council voted to approve a Draft RHNA Methodology on November 7, 2019 and transmitted it to HCD for their statutorily required review. On January 13, 2020, HCD completed its

review of the draft methodology and found that it furthers the objectives of Regional Housing Need Assessment (RHNA).

On March 4, 2020, SCAG’s Regional Council voted to approve the Final RHNA Methodology.

**Table A-20**  
**SCAG Region:**  
**Final Regional Housing Needs Assessment**  
**June 30, 2021 0 October 15, 2029**

<b>Income Group</b>	<b>Number of Housing Units</b>
Very Low	351,796
Low	223,807
Moderate	223,967
Above Moderate	559,267
Total	1,341,827

Source: California Department of Housing and Community Development, SCAG Region, Final Regional Housing Needs Assessment

To determine a jurisdiction’s projected need, the allocation methodology uses a three-step process:

- Determine the jurisdiction’s regional projected household growth *based on local input*
- Determine future vacancy need based on a jurisdiction’s existing composition of owner and renter households and apply a vacancy rate on projected household growth based on the following:
  - ✓ Apply a 1.5% vacancy need for owner households
  - ✓ Apply a 5.0% vacancy need for renter households
- Determine a jurisdiction’s net replacement need based on replacement need survey results

For Brawley the RHNA methodology to determine the City’s projected housing need resulted in the following numbers:

- Projected Need Based on *Local Input*: 1,176 housing units
- Vacancy Adjustment: 37 housing units
- Replacement Need: 31 housing units
- Total Projected Need: 1,346 housing units

HCD explains “existing need” as referring to legislative changes which are intended to explicitly address housing production “backlog.” The backlog refers to persons living in existing housing units who would live independent of others (a household) if there was sufficient housing production. Government Code Section 65584.01(b)(1) cites two indicators that capture the “backlog” and form the basis for computing “existing need.”:

- Overcrowded households: “more than one resident per room in each room in a dwelling.”
- Cost burdened: “the share of very low-, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.”

The total existing need of 836,857 housing units was split into two parts:

- 50% was allocated on the basis of population near transit; that is, designated High Quality Transit Areas (HQTAs).

Brawley’s share of the regional population within HQTAs is zero housing units.

- 50% allocated on the basis of jobs accessibility.

Brawley’s share of the regional jobs accessibility is 77 housing units.

The Final RHNA Methodology allocates 1,423 housing units to Brawley:

Projected and existing need comprise 95% (1,346) and 5% (77), respectively, of the City’s total RHNA allocation.

After determining a jurisdiction’s total RHNA allocation, the next step is to assign the total allocation into four RHNA income categories. The four RHNA income categories are:

- Very low (50% or less of the county median income)
- Low (50-80%)
- Moderate (80 to 120%)
- Above moderate (120%and above)

One RHNA objective specifically requires that the RHNA methodology allocate a lower proportion of housing need in jurisdictions that already have a disproportionately high concentration of those households in comparison to the county distribution. Additionally, another objective, affirmatively furthering fair housing (AFFH), requires that the RHNA methodology further the objectives of addressing significant disparities in housing needs and access to opportunity in order to overcome patterns of segregation.

With Regional Council’s adoption of Connect SoCal in its entirety on September 3, 2020, SCAG distributed the *draft* RHNA Allocation to local jurisdictions on September 4, 2020.

Cities and counties were able to appeal their Draft RHNA allocation. SCAG approved only two of the almost 50 appeals that were submitted. The SCAG Regional Council approved the Final RHNA allocation on March 4, 2021.

Table A-21 shows the City’s Final RHNA allocation by income group.

The RHNA projects very low income households, but not extremely low income households.

The projected number of ELI households (N=200) in Table A-21 represents 50% of the projected very low income households (N=399).

**Table A-21**  
**City of Brawley**  
**6<sup>th</sup> Cycle**  
**Share of Regional Housing Needs**  
**June 30, 2021 – October 15, 2029**

<b>Income Group</b>	<b>Number</b>	<b>Percent</b>
Extremely Low	200	14.0%
Very Low	199	14.0%
Low	210	14.7%
Moderate	202	14.2%
Above Moderate	615	43.1%
Total:	1,426	100.0%

Source: Southern California Association of Governments, *Final 6<sup>th</sup> Cycle RHNA Allocation* adopted by Regional Council on, March 4, 2021



## A. GOVERNMENT CODE REQUIREMENTS

### 1. Background

#### a. HUD's Assessment of Fair Housing

On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) published a [final rule on Affirmatively Furthering Fair Housing](#) (AFFH rule).<sup>1</sup> The AFFH rule established a process that certain recipients of HUD funding (referred to in the rule as “program participants”) were to use to help them meet their long-standing obligations to affirmatively further fair housing. The AFFH rule created a standardized process for fair housing planning – referred to in the AFFH rule as an Assessment of Fair Housing (AFH).

On January 5, 2018 HUD published a notice in the Federal Register suspending the obligation to prepare and submit an AFH.

In the *Federal Register* notice, HUD claimed that, based on reviews of the 49 initial AFHs submissions, local governments needed additional time and technical assistance to adjust to the AFFH process and complete AFH submissions that HUD could accept. Thirty-five percent of the 49 submissions (17 submissions) were not accepted when first submitted. HUD did not discuss why they were not accepted or how meaningful the deficiencies were.

#### b. AB 686 (Santiago)

AB 686 was introduced on April 3, 2017. The June 4, 2018 version added the Assessment of Fair Housing to the program requirements of a local housing element, beginning on January 1, 2021. Government Code Section 65583(c)(5) states the housing program shall -

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

AB 686 does not ascribe a quantified meaning to the phrase “throughout” a community.

### 2. Assessment of Fair Housing Requirements

Appendix B presents an *Assessment of Fair Housing* for purposes of providing direction to the City on the goals, priorities and strategies it can adopt to affirmatively further fair housing (AFFH).

The Government Code requirements relating to affirmatively furthering fair housing and the assessment of fair housing are described on the next page.

<sup>1</sup> The AFFH rule is published at 80 Fed. Reg. 42,272 and codified at 24 CFR Part 5, along with conforming amendments to Parts 91, 570, and 903. The effective date of the AFFH rule is August 17, 2015.

**Affirmatively Furthering Fair Housing/Assessment of Fair Housing****Government Code Section 8899.50**

(a) For purposes of this section, the following terms have the following meanings:

(1) "Affirmatively furthering fair housing" means taking 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. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development.

**Government Code Section 65583(c)(9)(A) states:**

Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

- (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
- (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
- (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
- (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
- (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement



The Assessment of Fair Housing presents an analysis of five potential issues:

- Integration and segregation patterns and trends
- Racially or ethnically concentrated areas of poverty
- Disparities in access to opportunity
- Disproportionate housing needs within the jurisdiction
- Displacement risk

Government Code Section (c)(9)(A) requires the analysis of fair housing issues within a jurisdiction. This focus is appropriate because it is the City's goals, priorities and strategies that will guide the actions to be taken to AFFH. The obstacles of comparing the city to a "region" are explained later in this *Assessment of Fair Housing*.

The fair housing analysis is hindered because the American Community Survey (ACS) does not produce data for each of the protected classes. For example, data are unavailable from the ACS regarding religious affiliation and the cost burdens experienced by sex of householder or by familial status.

The purpose of the analysis is to provide a basis to identify a "fair housing issue." For example, does segregation exist in the jurisdiction? Are there racially and ethnically concentrated areas of poverty in the jurisdiction?

If there are fair housing issues in the jurisdiction, then the assessment must identify and describe the factors that contribute to: 1) limiting or denying fair housing choice or access to opportunity and 2) negatively impact fair housing or civil rights compliance.

The jurisdiction then must identify for each contributing factor, the fair housing priorities and goals and the strategies to implement those priorities and goals. Government Code Section 65583(c)(9)(A)(v) provides examples of possible strategies and actions:

- Enhancing mobility strategies
- Encouraging development of new affordable housing in areas of opportunity
- Place-based strategies to encourage community revitalization
- Preservation of existing affordable housing
- Protecting existing residents from displacement

The strategies and actions become necessary when a fair housing issue is identified and the factors that contribute to that issue are known to some degree of certainty.

Government Code Section 8899.50(b) states:

In selecting meaningful actions to fulfill the obligation to affirmatively further fair housing, this section does not require a public agency to take, or prohibit a public agency from taking, any one particular action.

According to Government Code Section 8899.50(c):

This section shall be interpreted consistent with the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this

Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section.

In preparing the AFH, the program participants – primarily Community Development Block Grant (CDBG) entitlement communities – were advised by HUD to use several available resources, including the *AFFH Rule Guidebook*, which was made available to grantees on December 15, 2015.

## **B. FAIR HOUSING PROTECTED CHARACTERISTICS AND PROTECTED CLASSES**

A “protected class” is a group of people with a common characteristic who are legally protected from housing discrimination.

According to U.S. Department of Housing and Urban Development (HUD):

- *Protected Characteristics* are race, color, religion, sex, familial status, national origin, having a disability, and having a type of disability. (24 C.F.R. § 5.152)
- *Protected Class* means a group of persons who have the same protected characteristic; e.g., a group of persons who are of the same race are a protected class. Similarly, a person who has a mobility disability is a member of the protected class of persons with disabilities and a member of the protected class of persons with mobility disabilities. (24 C.F.R. § 5.152)

### Federal Protected Classes

- Race
- Color
- National Origin
- Disability: Mental and Physical
- Religion
- Sex
- Familial Status

### California Protected Classes

- Marital Status
- Ancestry
- Source of Income
- Sexual Orientation
- Age\*
- Gender Identity, Gender Expression
- Genetic Information
- Military or Veterans Status
- Primary Language\*
- Citizenship/Immigration Status\*

\*Covered under the Unruh Civil Rights Act, which applies to most housing accommodations in California.

The federal Fair Housing Act prohibits both intentional discrimination and policies and practices that discriminate against the seven protected classes/groups. According to HUD’s Office of General Counsel (OGC), people with limited English proficiency (LEP) are not a protected class under the Fair Housing

Act. However, the OGC explains that there is a close link between LEP and certain racial and national origin groups.

The federal Fair Housing Act prohibits both intentional discrimination and policies and practices that discriminate against the seven protected classes/groups. According to HUD's Office of General Counsel (OGC), people with limited English proficiency (LEP) are not a protected class under the Fair Housing Act. However, the OGC explains that there is a close link between LEP and certain racial and national origin groups.

Income, per se, is not a protected class. According to HUD:

...the Fair Housing Act does not prohibit discrimination on the basis of income or other characteristics not specified in the Act, and it is not HUD's intent to use the AFFH rule to expand the characteristics protected by the Act.

Source: Federal Register July 16, 2015, page 42283

## **C. DEFINITIONS OF FAIR HOUSING PROTECTED CLASSES AND DISCRIMINATION EXAMPLES**

### **1. Race**

The Fair Housing Act does not define "race". Data on race is required for many federal programs and the Census Bureau collects race data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB) and these data are based on self-identification. The racial categories included in the census form generally reflect a *social definition* of race recognized in this country, and are not an attempt to define race biologically, anthropologically or genetically. In addition, the Census Bureau recognizes that the categories of the race item include both racial and national origin or socio-cultural groups. Census 2010 and the American Community Survey provide for six race categories: White; Black, African American or Negro; American Indian or Alaska Native; Asian; Native Hawaiian or Other Pacific Islander; and Some Other Race.

Example: Discrimination against African-Americans by a Caucasian apartment manager.

### **2. Color**

The Fair Housing Act does not define "color". However, it probably refers to the complexion of a person's skin color or pigmentation. The 2010 racial categories can be traced to Statistical Policy Directive No.15, promulgated by the OMB on May 12, 1977. "The four racial categories stipulated in the (1977) directive parallel the classic nineteenth-century color designations of black, white, red (American Indian or Alaska native), and yellow (Asian or Pacific Islander); there is no brown race in the American ethn racial taxonomy." [Victoria Hattam, "Ethnicity & the Boundaries of Race: Re-reading Directive 15," *Daedalus*, Winter 2005, page 63]

Example: Discrimination against a dark-skinned African-American by a light-skinned African-American.

### **3. National Origin**

"National origin" means the geographic area in which a person was born or from which his or her ancestors came. The geographic area need not be a country for it to be considered someone's "national

origin,” but rather can be a region within a country, or a region that spans multiple countries. In general, national origin discrimination can occur even if a defendant does not know, or is mistaken about, precisely from where the plaintiff originates.

Example: Discrimination against a Puerto Rican individual by a Mexican property owner.

#### **4. Disabled/Disability**

The term “disability” means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

Disability does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Example: Not allowing a disabled individual to have a service animal in a renter’s apartment.

#### **5. Religion**

“Religion” refers to all aspects of religious belief, observance, and practice. According to the United States Department of Justice (DOJ), this prohibition covers instances of overt discrimination against members of a particular religion as well as less direct actions, such as zoning ordinances designed to limit the use of private homes as places of worship.

Example: Discriminating against non-Catholics (Muslim, Buddhist, etc.) because of their religion.

#### **6. Sex**

The protected group includes gender (male or female), gender identity, and gender expression. California’s Fair Employment and Housing Act defines “sex” as including, but not limited to, pregnancy, childbirth, medical conditions related to pregnancy or childbirth and a person’s gender, as defined in Section 422.56 of the Penal Code. Government Code Section 12926(p)

Example: A property manager refusing to rent an apartment to a female householder.

#### **7. Familial Status**

“Familial Status: means one or more individuals (who have not attained the age of 18 years) being domiciled with--

- A parent or another person having legal custody of such individual or individuals; or
- The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. (42 U.S.C. 3602(k))

Example: Forcing families with children to live on the first floor, or not renting to individuals with young children.

## D. DEMOGRAPHIC SUMMARY

The Demographic Summary contains data on the numbers of people and households who are members of six protected classes under the provisions of both federal and California law. The demographic summary establishes benchmarks that will enable the City to track trends as the American Community is released each year.

### 1. Race/Color Protected Class

#### a. Race and Ethnic Categories

Census 2010 and the 2015-2019 American Community Survey provide for six race categories:

- White Alone
- Black, African American or Negro Alone
- American Indian or Alaska Native Alone
- Asian Alone
- Native Hawaiian or Other Pacific Islander Alone
- Some Other Race Alone

Individuals who chose more than one of the six race categories are referred to as the *two or more races* population. All respondents who indicated more than one race can be collapsed into the *two or more races* category, which combined with the six *alone* categories, yields seven mutually exclusive categories. Thus, the six race *alone* categories and the *two or more races* category sum to the total population.

#### b. Definitions of Non-Minority and Minority Populations

The *non-minority* population includes White persons who are not of Hispanic or Latino origin (e.g., Mexican, Cuban, and Puerto Rican). All other population groups comprise the minority population. The minority population is defined in the same way by the Office of Management and Budget (OMB), Federal Department of Transportation (DOT), Federal Financial Institutions Examination Council (FFIEC), and Council on Environmental Quality (CEQ - environmental justice guidelines).

The race and ethnic categories follow the OMB Policy Directive No. 15 (May 12, 1977) and the 1997 revisions. The OMB's efforts are to standardize the racial and ethnic categories so that federal government agencies can monitor discrimination, as required by the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Equal Credit Opportunity Act of 1974, and the Home Mortgage Disclosure Act of 1975.

Source: Victoria Hattam, "Ethnicity & the American Boundaries of Race: Rereading Directive 15," *Daedalus* – Journal of the American Academy of the Arts & Sciences, Winter 2005, pgs. 61-62

Ethnicity means being of Hispanic or Latino Origin or not being of such origin.

Refer to the next page for definitions of race and Hispanic or Latino origin.

**U.S. Census Bureau  
Race and Ethnicity Definitions**

The U.S. Census Bureau must adhere to the 1997 Office of Management and Budget (OMB) standards on race and ethnicity which guide the Census Bureau in classifying written responses to the race question:

**White** – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**Black or African American** – A person having origins in any of the Black racial groups of Africa.

**American Indian or Alaska Native** – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

**Asian** – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Native Hawaiian or Other Pacific Islander** – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

An individual's response to the race question is based upon *self-identification*. The Census Bureau does not tell individuals which boxes to mark or what heritage to write in. For the first time in Census 2000, individuals were presented with the option to self-identify with more than one race and this continued with the 2010 Census. People who identify with more than one race may choose to provide multiple races in response to the race question. For example, if a respondent identifies as "Asian" and "White," they may respond to the question on race by checking the appropriate boxes that describe their racial identities and/or writing in these identities on the spaces provided.

**Hispanic** -Hispanic origin can be viewed as the heritage, nationality, lineage, or country of birth of the person or the person's parents or ancestors before arriving in the United States. People who identify as Hispanic, Latino, or Spanish may be any race. In most southern California communities, 80% or more of the Hispanic population is Mexican-American.

c. Brawley’s Population by Race and Ethnicity

Table B-1 shows the population growth by race and ethnicity between 2010 and 2015-2019. During this period, the Hispanic and persons of two or more races experience the largest numerical population gains.

**Table B-1  
City of Brawley  
Population Growth by Race and Ethnicity: 2010 to 2015-2019**

<b>Race/Ethnicity</b>	<b>2010</b>	<b>2015-2019</b>	<b>Increase/ Decrease</b>
Hispanic or Latino	20,344	21,828	1,484
Not Hispanic or Latino			
White Alone	3,724	3,186	-538
Black or African American Alone	369	316	-53
American Indian and Alaska Native Alone	86	85	-1
Asian Alone	235	104	-131
Native Hawaiian and Other Pacific Islander Alone	7	77	70
Some Other Race Alone	17	40	23
Two or More Races	171	440	269
<b>Total</b>	<b>24,953</b>	<b>26,076</b>	<b>1,123</b>

Sources: U.S. Census Bureau; 2010 Census, 2010 Summary File 1, Table P9 Hispanic or Latino, and Not Hispanic or Latino Origin by Race

U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table B03002 Hispanic or Latino by Race

d. Race of Hispanic or Latino and Not Hispanic or Latino Populations

Table B-2 shows that in 2015-2019, about 21,800 persons identified themselves as being of Hispanic or Latino Origin. With respect to race –

- About 84% (18,353/21,828) of the Hispanic population said that their race was White Alone
- About 10% said they belonged to Some Other Race
- About 5% identified themselves as having Two or More Races

The majority of Brawley’ population is White because about 84% of the Hispanic population identifies with the White Alone race category,

**Table B-2**  
**City of Brawley**  
**Race of Hispanic or Latino and Not Hispanic or Latino Populations: 2015-2019**

<b>Race</b>	<b>Hispanic or Latino</b>	<b>Percent</b>	<b>Not Hispanic or Latino</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
White Alone	18,353	84.1%	3,186	75.0%	21,539	82.6%
Black or African American Alone	56	0.3%	316	7.4%	372	1.4%
Asian Alone	86	0.4%	85	2.0%	171	0.7%
American Indian or Alaska Native Alone	0	0.0%	104	2.4%	104	0.4%
Native Hawaiian/Other Pacific Islander Alone	33	0.2%	77	1.8%	110	0.4%
Some Other Race Alone	2,225	10.2%	40	0.9%	2,265	8.7%
Two or More Races	1,075	4.9%	440	10.4%	1,515	5.8%
Total	21,828	100.0%	4,248	100.0%	26,076	100.0%

Source: U.S. Census Bureau; American Community Survey. 2015-2019 5-Year Estimates, Table B03002: Hispanic or Latino Origin by Race

## 2. Sex of Householder Protected Class

Federal and State fair housing laws prohibit discrimination based on a person's sex. The United States Department of Justice (DOJ) has stated:

The Fair Housing Act makes it unlawful to discriminate in housing on the basis of sex. In recent years, the Department's focus in this area has been to challenge *sexual harassment* in housing. Women, particularly those who are *poor*, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes.

In addition, *pricing discrimination* in mortgage lending may also adversely affect women, particularly minority women. This type of discrimination is unlawful under both the Fair Housing Act and the Equal Credit Opportunity Act. [Emphasis added]

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, pages 2 and 3

Table B-3 presents data on the number of householders by type. Female householders comprise approximately about 21% of all householders. The largest numbers of householders are married couples (3,266) and female householders (1,431).



**Table B-3  
City of Brawley  
Number of Households by Type: 2015-2019**

<b>Household Type</b>	<b>Number</b>	<b>Percent</b>
Married Couples	3,266	47.4%
Female Householders	1,431	20.8%
Male Householders	672	9.8%
Householder Living Alone	1,302	18.9%
Householder Living w/Others	216	3.1%
Total	6,887	100.0%

Source: U.S. Census Bureau; American Community Survey. 2015-2019 5-Year Estimates, Table S2501 Occupancy Characteristics

**3. National Origin/Ancestry Protected Class**

The Fair Housing Act and California Fair Employment and Housing Act prohibit discrimination based upon national origin. According to the United States Department of Justice, such discrimination can be based either upon the country of an individual’s birth or where his or her ancestors originated.

a. Foreign Born Population by Region of Birth

The foreign-born population includes anyone who is not a U.S. citizen or a U.S. national at birth, including respondents who indicated they were a U.S. citizen by naturalization or not a U.S. citizen. Table B-4 indicates that Brawley’s foreign born population consists of approximately 6,770 persons. Of this total number nearly 97% were born in Latin America.

b. Origins of the Hispanic or Latino Population

About 21,800 Hispanic or Latino persons reside in Brawley. Table B-5 shows that Mexico is the origin of nearly 97% of all Hispanic persons.

**Table B-4  
City of Brawley  
Foreign Born Population by Region of Birth: 2015-2019**

<b>Region</b>	<b>Number</b>	<b>Percent</b>
Europe	50	0.7%
Asia	68	1.0%
Africa	117	1.7%
Oceania	0	0.0%
Latin America	6,538	96.5%
North America	0	0.0%
<b>Total</b>	<b>6,773</b>	<b>100.0%</b>

Source: U.S. Census Bureau; American Community Survey. 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics in Brawley

**Table B-5  
City of Brawley  
Persons of Hispanic Origin: 2010 and 2015-2019**

<b>Hispanic Origin</b>	<b>2015-2019</b>	
	<b>Number</b>	<b>Percent</b>
Mexican	21,102	96.7%
Puerto Rican	10	0.0%
Cuban	15	0.1%
Other Spanish/Hispanic	701	3.2%
<b>Total</b>	<b>21,828</b>	<b>100.0%</b>

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP05: ACS Demographic and Housing Characteristics

**4. Familial Status Protected Class**

a. Background

The Fair Housing Amendments Act of 1988 prohibits discriminatory housing practices based on familial status. In most instances, according to the United States Department of Justice, the Act prohibits a housing provider from refusing to rent or sell to families with children. However, housing may be designated as housing for older persons (55 years + of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, may operate as “senior housing” and exclude families with children.

The Act protects families with children less than 18 years of age, pregnant women, or families in the process of securing custody of a child under 18 years of age. The Department of Justice has stated:

In addition to prohibiting the outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 3

b. Population Characteristics

About 38% of all households have children. The majority of families with children are married couples (1,513) and female householders with no husband present (753). Refer to Table B-6.

Non-family households do not have children. A non-family household is a householder *living alone* or with *nonrelatives* only. Unmarried couple households, whether opposite-sex or same-sex, with no relatives of the householder present are tabulated in nonfamily households.

**Table B-6  
City of Brawley  
Households with Children: 2015-2019**

<b>Household Type</b>	<b>Households</b>	<b>With Children</b>	<b>Percent With Children</b>
Married Couples	3,266	1,513	46.3%
Cohabiting Couples	413	170	41.2%
Female Householders, No Husband Present	1,968	753	38.3%
Male Householders, No Wife Present	1,240	205	16.5%
Total	6,887	2,641	38.3%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics

## **5. Handicap/Disability Protected Class**

### **a. Background**

The Fair Housing Act prohibits discriminatory housing practices based on handicap/disability. Among other prohibitions, the Act is intended to prohibit the application of special restrictive covenants and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice. Fair housing laws, therefore, make it illegal to deny a housing opportunity on the basis of disabilities.

In addition, the law prohibits applying one standard to one class of individuals while applying a different standard to another class of individuals. For example, it would be illegal to ask a disabled individual applying for an apartment to provide a credit report if non-disabled applicants do not have to provide one.

Housing opportunities for disabled persons are impeded by practices in both the private and public sectors. For instance, “denied reasonable modification/accommodation” is often cited as an alleged act in housing discrimination complaints. Additionally, apartment rental ads often state “no pets allowed,” even though disabled persons may have service or companion animals. In the public sector, housing opportunities can be impeded because a community has not adopted a reasonable accommodation procedure, or if adopted has not made the procedure widely known in the community.

The United States Department of Justice has indicated a major focus of its efforts is on public sector impediments that may restrict housing opportunities for disabled persons. The Department has stated:

The Division’s enforcement of the Fair Housing Act’s protections for persons with disabilities has concentrated on two major areas. One is insuring that zoning and other regulations concerning land use are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act’s accessibility requirements so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 4

### **b. Population and Household Characteristics**

About 4,500 residents have one or more disability, a number that represents 17.4% of Brawley’s total population. The disability prevalence rate, or percent disabled, steadily increases with age. Two thirds of the senior population 75 years old or older has a disability. Table B-7 presents the number and percent of disabled persons by age group.

**Table B-7  
City of Brawley  
Disability Prevalence Rates by Age Group: 2015-2019**

<b>Age Group</b>	<b>With a Disability</b>	<b>No Disability</b>	<b>Total Population</b>	<b>Prevalence Rate</b>
Under 5 years	18	2,321	2,339	0.8%
5 to 17 years	554	5,925	6,479	8.6%
18 to 34 years	669	5,157	5,826	11.5%
35 to 64 years	1,609	6,578	8,187	19.7%
65 to 74 years	756	1,009	1,765	42.8%
75 years +	917	471	1,388	66.1%
<b>Total</b>	<b>4,523</b>	<b>21,461</b>	<b>25,984</b>	<b>17.4%</b>

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B18101, Sex by Age by Disability Status

Table B-8 shows that 2,660 households have one or more member with a disability, a number that equals nearly 40% of all households. The member with a disability could be the head of household, a spouse, a child or other related or unrelated person living in the housing unit.

**Table B-8  
City of Brawley  
Disabled Householders: 2015-2019**

<b>Household Disability Status</b>	<b>Number</b>	<b>Percent</b>
Households with one or more persons with a disability	2,660	38.6%
Households with no persons with a disability	4,227	61.4%
<b>Total</b>	<b>6,887</b>	<b>100.0%</b>

Source: 2018 American Community Survey 1-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Household

**6. Limited English Proficiency (LEP) Protected Class**

a. Background

LEP refers to a person’s limited ability to read, write, speak, or understand English. Individuals who are LEP are not a protected class under the federal Fair Housing Act. Nonetheless, the Act prohibits housing providers from using LEP selectively based on a protected class or as a pretext for discrimination because of a protected class. The Act also prohibits housing providers from using LEP in a way that causes an unjustified discriminatory effect.

b. LEP Households

A “Limited English speaking household” is one in which no member 14 years old and over (1) speaks only English at home or (2) speaks a language other than English at home and speaks English “Very well.”

Respondents were asked to indicate their English-speaking ability based on one of the following categories: “Very well,” “Well,” “Not well,” or “Not at all.” Those who answered “Well,” “Not well,” or “Not at all” are sometimes referred to as “Less than ‘very well.’”

After data are collected for each person in the household, the limited English-speaking household variable is calculated by checking if all people 14 years old and older speak a language other than English. If so, the calculation checks the English-speaking ability responses to see if all people 14 years old and older speak English “Less than ‘very well.’” If all household members 14 and over speak a language other than English and speak English “Less than ‘very well,’” the household is considered part of this group that may be in need of English language assistance.

There are approximately 7,900 limited English speaking households residing in Brawley. The vast majority – 98% - of limited English speaking households speak Spanish.

Refer to Table B-9 for data on the number and percentage of limited English speaking households.

**Table B-9  
City of Brawley  
Limited English Speaking Households: 2015-2019**

<b>Households Speaking</b>	<b>Limited English-Speaking Households</b>	<b>Percent of all Limited English-Speaking Households</b>
Spanish	7,750	98.2%
Other Indo-European Languages	27	0.3%
Asian and Pacific Island Languages	40	0.5%
Other Languages	72	0.9%
<b>Total</b>	<b>7,889</b>	<b>100.0%</b>

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics

Limited English Speaking Households Speak English less than “very well”

**7. Primary Language**

In California, “primary language” is a protected class. Primary language means that people whose first language is not English are protected from housing discrimination. Tenants have the right to use their preferred language and private housing providers do not have to provide a translator, but they must speak with a translator if the tenant has one. Tenants whose first language is not English should not be treated differently, harassed, or refused housing/services.

**8. Source of Income Discrimination**

The California Fair Employment and Housing Act (FEHA) protects people from housing discrimination. The latest amendment to the law regarding source of income protections adds people using a federal, state, or local housing subsidy to this list of protected groups. This means, beginning on January 1, 2020, housing providers, such as landlords, cannot refuse to rent to someone, or otherwise discriminate against them, because they have a housing subsidy, such as a Section 8 Housing Choice Voucher, that helps them to afford their rent.

The new law prohibits discrimination against any applicant because the applicant is using a federal, state, or local housing subsidy to assist with paying rent. Section 8 Housing Choice Vouchers, the HUD- VASH program, Homelessness Prevention and Rapid Re-Housing Programs, Housing Opportunities for Persons with AIDS and security deposit assistance programs, among others, all fall within the scope of the new law's protection. This list of protected subsidies also includes locally funded subsidy programs created by cities, counties and public agencies to address growing homelessness.

## **E. SEGREGATION/INTEGRATION ANALYSIS**

For the purposes of the AFFH rule, "segregation" "means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. 24 C.F.R. § 5.152.

For the purposes of the AFFH rule, "integration" "means a condition in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. 24 C.F.R. § 5.1522

The AFFH rule does not define the meaning of "high concentration" or "not a high concentration."

### **1. Dissimilarity Index Measures Segregation/Integration**

The Dissimilarity Index, according to HUD's *Assessment of Fair Housing Tool for Local Governments*, measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used measure for assessing residential segregation between two groups. The analysis is typically conducted for a city or county based on the racial and ethnic distribution of the population within the census tracts that comprise the jurisdiction. A census is a standardized geographic unit with a population of approximately 4,000. Census tracts provide a standardized geographic unit to report census data and compare change over time. The boundaries of census tracts remain the same from one census to the next and only change if there is a major increase or decrease in the population.

The values of the Dissimilarity Index range from 0 to 100. An index value of 0 indicates that a city is completely integrated when measuring for example the distributions of Whites and Blacks, while an index value of 100 indicates the city is completely segregated. The value of the Dissimilarity Index is based on the proportion of the two groups within each census tract relative to the distribution of the two groups in the city. It is not based on the proportion of the two groups within the city. Table B-10 provides an example that helps to explain the DI.

In each of these hypothetical cities, there are 15,600 Whites (97.5%) and 400 Blacks (2.5%). Because of the small proportion (2.5%) of Blacks, these cities could be labelled as "segregated." However, the Dissimilarity Index for these cities ranges from 0 to 100.

The difference in the values of the Dissimilarity Index is based on the distribution of the White and Black populations within each of the census tracts. In City A with a Dissimilarity Index of 0, the proportion of Whites and Blacks in each census track is the same. In City B with a Dissimilarity Index of 100, all the Whites are in two census tracts and all the Blacks are in two census tracts. In City C with a Dissimilarity Index of 50, there is one census tract that is exclusively Black, one census tract that is exclusively White,

and two tracts where the proportion of Blacks to White is the same and is relative to the City’s proportion of the two groups.

**Table B-10  
Dissimilarity Index Example**

Census Tract	City A		City B		City C	
	White	Black	White	Black	White	Black
100	3,900	100	0	200	0	200
101	3,900	100	0	200	3,900	100
102	3,900	100	7,800	0	3,900	100
103	3,900	100	7,800	0	7,800	0
Total	15,600	400	15,600	400	15,600	400
Dissimilarity Index	0		100		50	

HUD suggests that a Dissimilarity Index value of less than 40 generally indicates low segregation, while values between 40 and 54 generally indicates moderate segregation, and values between 55 and 100 generally indicates a high level of segregation, as shown in Table B-11.

**Table B-11  
Levels of Segregation**

Dissimilarity Index Value	Level of Segregation
< 40	Low Segregation
40 - 54	Moderate Segregation
> 54	High Segregation

**2. Regional Dissimilarity Index**

The HUD Index of Dissimilarity data and access to opportunity indicators define a Region based on the United States Office of Management and Budget (OMB) identification of Metropolitan Statistical Areas (MSAs). The El Cento MSA encompasses the City of El Centro, all other incorporated cities located in Imperial County, and the unincorporated areas.

Table B-12 shows that within the Region a high segregation level existed in 2000 and 2010 among the white and black populations, Hispanic and black populations, and the Asian and black populations.



**Table B-12**  
**El Centro CA Metropolitan Statistical Area**  
**Index of Dissimilarity: 1990, 2000, and 2010**

<b>Racial/Ethnic Dissimilarity Index</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>
White-Black/Black-White	43.2	55.2	55
White-Hispanic/Hispanic-White	45.4	43.4	40.9
White-Asian/Asian-White	38.1	40.3	28
Black-Hispanic/Hispanic-Black	39.4	57.1	56
Black-Asian/Asian-Black	51.3	65.7	58.4
Hispanic-Asian/Asian-Hispanic	32.2	35.5	33.2

Source: Brown University Diversity & Disparities Project

### 3. City of Brawley Dissimilarity Index

Brown University has constructed Dissimilarity Indices for the nation's cities for the same time period and using the same data sources as HUD. In 2000 and 2010, there is a low level of segregation among the four population group pairings. A moderate level of segregation existed in the two time periods among the black and Asian populations and the Asian and Hispanic populations. The trends since 1990 show a decreasing level of segregation among the white and black populations and the white and Hispanic populations. Refer to Table B-13.

**Table B-13**  
**City of Brawley**  
**Index of Dissimilarity: 1990, 2000, and 2010**

<b>Racial/Ethnic Dissimilarity Index</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>
White-Black/Black-White	56.5	36.5	36.1
White-Hispanic/Hispanic-White	50.6	48.6	42.2
White-Asian/Asian-White	20	8	5.1
Black-Hispanic/Hispanic-Black	5.9	12.7	7.2
Black-Asian/Asian-Black	47.6	32.7	36.5
Hispanic-Asian/Asian-Hispanic	41.6	41.2	41.1

Source: Brown University Diversity & Disparities Project

It is anticipated that the 2015-2019 ACS data would also demonstrate a low level of segregation because the change in the racial/ethnic composition of the City since 2010 has not been significant.

Table B-14 shows the percentage distributions of the population by race and ethnicity in 2010 and 2015-2019.

**Table B-14**  
**City of Brawley**  
**Population by Race and Ethnicity: 2010 and 2015-2019**

<b>Race/Ethnicity</b>	<b>2010</b>	<b>2015-2019</b>
Non-Hispanic White	14.9%	12.2%
Non-Hispanic Black	1.5%	1.2%
Hispanic	81.5%	83.7%
Asian	0.9%	0.4%
Other	1.1%	2.5%
Total	100.0%	100.0%

Source: U.S. Census 2010 and American Community 5-Year Estimates 2015-2019

#### 4. Households with a Disabled Member

Table B-15 shows the number in each census tract of households with a disabled member. The table also shows the number of households living in each census tract. Columns 3 and 4 show that the census tract percentage distributions of households with a disabled member and all households correspond fairly closely. For example, 29.0% of all households with a disabled member live in census tract 104. This percentage is similar to the 25.1% of all households in the City living in that same census tract. The data demonstrate that there is no concentration in terms of where households with a disabled member live in the City.

The vast majority of disabled persons live in separate living quarters (a housing unit) not in a group quarters setting (nursing home). There are two Adult Residential Facilities (ARF) located in Brawley according to the California Department of Social Services/Community Care Licensing Division. An ARF is a residential home for adults 18 to 59 with mental health care needs or who have physical or developmental disabilities and require or prefer assistance with care and supervision. The two ARFs have a capacity of 10 persons.

Skilled nursing facilities provide a wide range of health and personal care services. Some people stay at a nursing home for a short time after being in the hospital. After they recover, they go home. However, most nursing home residents live there permanently because they have ongoing physical or mental conditions that require constant care and supervision. There is one 99-bed SNF located in census tract 106.

**Table B-15  
City of Brawley  
Segregation/Integration Analysis of Households with a Disabled Member**

<b>Census Tract</b>	<b>Households w/ Disabled Member</b>	<b>All Households</b>	<b>Census Tract Percentage<sup>1</sup></b>	<b>Citywide Percentage<sup>2</sup></b>
104	769	1,729	25.1%	29.0%
105	789	1,948	28.3%	29.7%
106	642	2,030	29.5%	24.2%
107	455	1,172	17.0%	17.1%
<b>Total</b>	<b>2,655</b>	<b>6,879</b>	<b>100.0%</b>	

<sup>1</sup>Census tract total households as a percentage of all households within City (1,729/6,879)

<sup>2</sup>Households with disabled member as % of all households with disabled member (769/2655)

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B22010, Receipt of Food Stamps/SNAP in the Past 12 Months by Disability Status for Households

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total household count of 6,879 is slightly less, but almost the same, as the city-wide total of 6,887.

**5. Households with Children**

Table B-16 shows the number of households with children in each census tract. The table also shows the total number of households living in each census tract. Column 5 shows the percentage distribution of households with children by census tract. They correspond fairly closely with the percentages of all households. For example, 28.3% of all households with children live in census tract 105. That percentage is similar to the 31.1% of all households in the City living in that same census tract. The data demonstrate that there is no concentration in terms of where households with a disabled member living in the City.

**Table B-16**  
**City of Brawley**  
**Segregation/Integration Analysis of Households with Children**

<b>Census Tract</b>	<b>Households w/ Children</b>	<b>All Households</b>	<b>Census Tract Percentage<sup>1</sup></b>	<b>Citywide Percentage<sup>2</sup></b>
104	610	1,729	25.1%	23.1%
105	821	1,948	28.3%	31.1%
106	644	2,030	29.5%	24.4%
107	566	1,172	17.0%	21.4%
Total	2,641	6,879	100.0%	

<sup>1</sup>Census tract total households as a percentage of all households within City (1,729/6879)

<sup>2</sup>Households with children as % of all households with children (610/2,641)

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table DP02 Selected Social Characteristics

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total household count of 6,879 is slightly less, but almost the same, as the city-wide total of 6,887.

**F. RACIALLY/ETHNICALLY CONCENTRATED AREAS OF POVERTY**

**1. Background**

To assist communities in identifying racially or ethnically-concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: R/ECAPs must have a non-White population of 50% or more. Regarding the poverty threshold, a neighborhood can be an R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. Census tracts with this extreme poverty that satisfy the racial/ethnic concentration threshold are deemed by HUD to be R/ECAPs.

**2. Analysis**

HUD explains the importance of the R/ECAP analysis in the following terms:

A large body of research has consistently found that the problems associated with segregation are greatly exacerbated when combined with concentrated poverty. Neighborhoods of concentrated poverty may isolate residents from the resources and networks needed. Concentrated poverty has also been found to have a long-term effect on outcomes for children growing up in these neighborhoods related to a variety of indicators, including crime, health and education and future employment and lifetime earnings. An R/ECAP analysis is consistent with addressing concerns raised in the legislative history of the Fair Housing Act. The 1968 Kerner Commission on Civil Disorders acknowledged that “segregation and poverty” create “a destructive environment.”

Table B-17 shows that Census Tract 104 – which has a population of 7,303 - meets the thresholds of poverty and minority population percentage – to be identified as an R/ECAP.

**Table B-17**  
**City of Brawley**  
**Racially/Ethnically Concentrated**  
**Areas of Poverty: 2015-2019**

Census Tract	Total Population	Poverty Rate	Percent Minority
104	7,303	47.4%	96.8%
105	7,404	30.6%	84.6%
106	6,818	23.6%	76.3%
107	4,409	32.7%	96.5%

Source: 2018 American Community Survey 5-Year Estimates, Table B17020 Poverty Status in the past 12 Months by Age and Table B03002 Hispanic or Latino by Race

Note: ACS data is only available for entire Census Tracts regardless of the city boundary and include areas beyond the city limits. As a result, the total household count of 25,934 is slightly less, but almost the same, as the city-wide total of 25,984.

The 2021 opportunity mapping identifies three block groups within Census Tract 104 as Moderate Resource. As Table A-18 shows, a neighborhood resource category is not assigned to block groups 1 and 3 which have a combined population of 2,245 people.

**Table B-18**  
**City of Brawley**  
**Census Tract 104**

Block Group	Population	Neighborhood Resource Category
1	1,523	N/A
2	1,285	Moderate
3	722	N/A
4	2,002	Moderate
5	1,771	Moderate
Total	7,303	

Source: TCAC/HCD Opportunity Mapping, 2021

The opportunity mapping tool uses “filtering” to identify those areas in each region that are both racially segregated and high-poverty. According to the opportunity mapping methodology:

Applying a racial segregation and high-poverty filter also aligns with the federal Affirmatively Further Fair Housing (AFFH) designation of Racially/Ethnically Concentrated Areas of Poverty (RECAPs). However, the federal RECAP standard—which categorizes all areas where more than half the population people of color as areas of racial or ethnic concentration — does not effectively reflect the level of racial and ethnic diversity in many parts of California.

More specifically, the opportunity mapping methodology accounts for two basic thresholds:

- The filter identifies tracts and rural block groups where at least 30 percent of the population is living below the poverty line.
- The filter also relies on the location quotient of residential racial segregation (LQ) and not a specific percentage standard.

Due to data unreliability at the “block group level” in the poverty indicator, the “High Poverty and Segregation” category is designated *at the tract level in rural areas*.

Thus, the opportunity mapping tool does not identify Census Tract 104 in the “high segregation and poverty” resource category. On balance, the TCAC/HCD and HUD data demonstrate that place-based strategies – such as poverty reducing strategies – are not necessarily appropriate only in Census Tract 104 to the exclusion of income poor residents living in the other three census tracts.

Brawley is a geographically compact community and strategies and actions to AFFH should benefit all persons, regardless of which neighborhood they live in.

In addition, an above moderate income housing development is under construction in Census Tract 104. The Palm River residential development consists of 133 single-family dwellings.

## **G. DISPARITIES IN REGIONAL ACCESS TO OPPORTUNITY**

### **1. HUD Access to Opportunity Data**

HUD used a two-stage process for developing the data needed to analyze disparities in access to opportunity. The first stage involves quantifying the degree to which a neighborhood offers features commonly viewed as important opportunity indicators. In the second stage, HUD compares these rankings across people in particular racial and economic subgroups to characterize disparities in access to opportunities. To focus the analysis, HUD developed methods to quantify a selected number of the important opportunity indicators in every neighborhood in a CDBG entitlement community. These dimensions were selected because existing research suggests they have a bearing on a range of individual outcomes.

Invariably, these opportunity indicators do not capture all that is encompassed in an individual’s or a family’s access to opportunity. In quantifying opportunity indicators, HUD is quantifying features of neighborhoods for the purpose of assessing whether significant disparities exist in the access or exposure of particular groups to these quality of life factors. While these important dimensions are identified by research as important to quality of life, the measures are not without limitations. HUD constrained the scope of HUD-provided data to those that are closely linked to neighborhood geographies and could be measured consistently at small area levels across the country. For example, HUD’s measure of school performance only reflects elementary school proficiency. It does not capture academic achievement for higher grades of schooling, which is important to a community’s well-being, but may not be as geographically tied to individual neighborhoods as elementary schools.

## 2. Description of Opportunity Indicators

### a. Low Poverty Index

The low poverty index captures poverty in a given neighborhood. The index is based on the poverty rate and the census tract level. Values are inverted and percentile ranked nationally. The resulting values range from 0 to 100. The higher the score, the less exposure to poverty in a neighborhood.

### b. School Proficiency Index

The school proficiency index uses school-level data on the performance of 4th grade students on state exams as a means to identify the neighborhoods having high-or low performing elementary schools.. The school proficiency index measures the percent of 4th grade students proficient in reading and math on state test scores for up to three schools within 1.5 miles of a census tract's block-group's centroid. The source of the HUD school data is the Great Schools Rating. Values are percentile ranked and range from 0 to 100. The higher the score, the higher the school system quality is in a neighborhood.

### c. Jobs Proximity Index

The Jobs Proximity Index quantifies the accessibility of a given neighborhood as a function of its distance to all job locations in a Core Based Statistical Area (CBSA), with the larger employment centers weighted more heavily. In effect, the index measures the physical distances between place of residence and location of jobs. The job locations are positively weighted by the size of the employment and inversely weighted by the labor supply residing in that location. Values are percentile ranked at the CBSA level with values ranging from 0 to 100. The higher the index value, the better the access to employment opportunities for the residents in a neighborhood.

### d. Labor Market Engagement Index

The Labor Market Engagement Index is based on three factors: unemployment rate, labor force participation rate and educational attainment (the percent of the population with a bachelor's degree or higher). Values are percentile ranked nationally and range from 0 to 100 with the higher the score the higher the labor force participation and human capital in a neighborhood.

### e. Low Transportation Cost Index

This index is based on estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the region (i.e. CBSA). Transportation costs are expressed as a percent of income for renters. Values range from 0 to 100. Higher values mean lower transportation costs in that neighborhood. Transportation costs may be low for a variety of reasons, including greater access public transportation and the density of homes, services, and jobs in the neighborhood and surrounding community.

### f. Transit Trips Index

This index is based on estimates of transit trips taken by a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the Region. Annual transit trips are modeled for renters. Index values range from 0 to 100. Higher scores indicate that residents in the neighborhood/census tract are more likely to utilize public transit. The index controls for income such that a higher index value will often reflect better access to public transit.

g. Environmental Health Index

The environmental health index summarizes potential exposure to harmful toxins at the neighborhood level (census tracts). This index combines standardized EPA estimates of air quality carcinogenic, respiratory and neurological hazards. Values range from 0 to 100. The higher the value, the better is the environmental quality of a neighborhood.

**3. Analysis of Regional Access to Opportunity**

HUD produced data for the Imperial County Region which in January 2020 had a population of 189,000. Table B-19 shows the population totals for each city and the unincorporated area. Brawley’s population of 27,349 persons comprises 1.5% of Imperial County’s total population.

**Table B-19  
Imperial County Population by City and Unincorporated Area: 2020**

<b>City</b>	<b>Population</b>	<b>Percentage Distribution</b>
Brawley	27,349	14.5%
Calexico	40,896	21.7%
Calipatria	6,843	3.6%
El Centro	45,657	24.2%
Holtville	6,359	3.4%
Imperial	19,907	10.5%
Westmorland	2,346	1.2%
Incorporated	149,357	79.1%
Unincorporated	39,420	20.9%
<b>Total</b>	<b>188,777</b>	<b>100.0%</b>

Source: State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020*. Sacramento, California, May 2020.

Table B-20 provides the score for each of the seven indicators for the regional population and the population with incomes below the poverty line by race and ethnicity. It is important to remember that the higher the score the more access to opportunity – a score of 65 compared to 50 demonstrates, for example, better access to public transit,

The values of the indices are best understood as an “interval” level of measurement, similar to a thermometer. It can be said that 90 degrees is hotter than 45 degrees but not twice as hot. A “ratio” level of measurement which has a true zero such as pounds is needed so it can be said that 90 pounds is twice the weight of 45 pounds.

a. Low Poverty Exposure

None of the population groups reach a score of 50. This includes the populations both above and below the federal poverty line. As expected all racial/ethnic populations with incomes below the poverty line are more exposed to poverty than the regional population as a whole.

In Brawley, only one of four census tracts has a poverty rate exceeding 30%.



**b. School Proficiency**

Also as expected all racial and ethnic populations below the federal poverty line live in neighborhoods with poorer performing schools compared to the regional population. In fact, the neighborhoods where income-poor Native Americans and Asian/Pacific Islanders households live have particularly low scores.

Great Schools is the data source used by HUD to rate school performance. Great Schools rates the schools a scale of 1 (lowest) to 10 (highest). Great Schools has rankings for five elementary schools:

- One school ranked a 7
- One school ranked a 6
- Two schools ranked a 5
- One school ranked a 4

It appears that Brawley's elementary schools are ranked higher than others located within the Imperial County Region.

**c. Labor Market Engagement**

None of the scores exceed 27. Again, the population below the federal poverty line has lower scores than the regional population. None of the scores are 50 or higher. The regional Native American and Asian or Pacific Islander populations have very low scores.

**d. Transit/Low Transportation Cost**

For both indices, the scores of the population below the federal poverty line are generally higher than the regional population. The scores probably demonstrate closer proximity and use of public transit.

**e. Jobs Proximity**

The scores of the population below the federal poverty line are generally higher than the regional population. The scores may demonstrate closer proximity and use of public transit.

**f. Environmental Health**

None of the Environmental Health scores reach 40. Essentially, all population groups experience adverse environmental health conditions.

**Table B-20**  
**Regional) Access to Opportunity Index Scores**

<b>El Centro Region</b>	<b>Low Poverty Index</b>	<b>School Proficiency Index</b>	<b>Labor Market Index</b>	<b>Transit Index</b>	<b>Low Transportation Cost Index</b>	<b>Jobs Proximity Index</b>	<b>Environmental Health Index</b>
<b>Total Population</b>							
White, Non-Hispanic	39.39	36.51	20.32	29.59	14.36	51.81	23.63
Black, Non-Hispanic	29.18	46.34	6.43	38.15	11.38	25.11	37.59
Hispanic	29.31	26.34	15.53	28.73	16.38	43.76	15.53
Asian or Pacific Islander, Non-Hispanic	45.75	34.32	26.53	29.13	14.35	46.96	15.99
Native American, Non-Hispanic	14.21	8.80	4.98	27.81	14.62	66.99	34.27
<b>Population below federal poverty line</b>							
White, Non-Hispanic	21.58	30.16	10.57	34.37	16.99	48.38	27.88
Black, Non-Hispanic	16.96	22.55	10.99	37.05	22.86	63.60	13.45
Hispanic	21.83	24.36	11.82	31.69	18.38	44.00	14.08
Asian or Pacific Islander, Non-Hispanic	16.01	17.46	10.41	38.95	27.22	60.26	10.87
Native American, Non-Hispanic	12.61	6.53	6.05	24.79	14.87	64.86	31.77

Note 1: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

Note 2: Refer to the Data Documentation for details ([www.hudexchange.info](http://www.hudexchange.info)).

**H. TCAC/HCD REGIONAL ACCESS TO OPPORTUNITY ANALYSIS**

The TCAC/HCD Opportunity Mapping Tool designates neighborhoods – meaning census tracts –into one of the following six resource categories:

- Highest
- High
- Moderate
- Low
- High Segregation & Poverty

Tract-level indices were summed to the jurisdictional-level by SCAG using area-weighted interpolation. Using 2013-2017 American Community Survey population data, SCAG determined the share of each jurisdiction’s population in each of these five categories.

Table B-21 shows the number of people living in each of the five neighborhood resource categories while Table B-22 shows the percentage.

In Brawley, about two-thirds of the population lives in either a moderate or high resource neighborhood.

Brawley’s population living in the moderate resource neighborhoods comprises 41.5% of all of the Imperial County Region population living in this neighborhood category.

Brawley’s population living in the high resource neighborhoods comprises 42.3% of all of the Imperial County Region population living in this neighborhood category.

The lower income housing sites are located in either a moderate or high resource neighborhood.

**Table B-21  
Imperial County Region  
Neighborhood Resource Categories by City (Number)**

<b>City</b>	<b>High Segregation &amp; Poverty</b>	<b>Low Resource</b>	<b>Moderate Resource</b>	<b>High Resource</b>	<b>Highest Resource</b>	<b>Total</b>
Brawley	0	6,707	7,945	4,555	0	19,207
Calexico	0	26,293	0	0	0	26,293
Calipatria	0	50	0	0	0	50
El Centro	4,565	17,820	11,160	4,939	1,791	40,275
Holtville	0	0	0	1,281	0	1,281
Imperial	0	0	1	0	2,627	2,628
Westmorland	0	0	18	0	0	18
<b>Total</b>	<b>4,565</b>	<b>50,870</b>	<b>19,124</b>	<b>10,775</b>	<b>4,418</b>	<b>89,752</b>
<b>Percent</b>	<b>5.1%</b>	<b>56.7%</b>	<b>21.3%</b>	<b>12.0%</b>	<b>4.9%</b>	<b>89,752</b>

Note: Calipatria missing data for 54 persons

Source: Southern California Association of Governments, Final RHNA Methodology Data Appendix, Population within TCAC Resource Areas, page 44, March 5, 2020

**Table B-22  
Imperial County Region  
Neighborhood Resource Categories by City (Percent)**

<b>City</b>	<b>High Segregation &amp; Poverty</b>	<b>Low Resource</b>	<b>Lowest Resource (Seg/Pov+Low Resource)</b>	<b>Moderate Resource</b>	<b>High Resource</b>	<b>Highest Resource</b>
Brawley	0.0%	34.9%	34.9%	41.4%	23.7%	0.0%
Calexico	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
Calipatria	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
El Centro	11.3%	44.2%	55.6%	27.7%	12.3%	4.4%
Holtville	0.0%	0.0%	0.0%	0.0%	200.0%	0.0%
Imperial	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Westmorland	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%

Source: Southern California Association of Governments, Final RHNA Methodology Data Appendix, Population within TCAC Resource Areas, page 44, March 5, 2020

**I. DISPROPORTIONATE HOUSING NEEDS**

**1. Background**

For purposes of the *Assessment of Fair Housing* -

Disproportionate housing needs refers to a condition in which there are *significant disparities* in the proportion of members of a *protected class* experiencing a *category of housing need* when compared to the proportion of members of any other *relevant groups or the total population* experiencing that category of housing need in the applicable geographic area. For purposes of this definition, categories of housing need are based on such factors as cost burden, severe cost burden, overcrowding, and substandard housing conditions.... 24 CFR 5.154 [Emphasis added]

The categories of housing need, therefore, include:

- Cost Burden
- Severe Cost Burden
- Overcrowding
- Substandard Housing Conditions

“Disproportionate,” according to the *Assessment of Fair Housing* federal rules, means that there are significant disparities - within a protected class - of the percentage of people or households experiencing a housing need.

No threshold measures are given by HUD to enable jurisdictions to determine what is “significant.”

**2. Indicators of Disproportionate Housing Needs**

Data are unavailable on the cost burdens and substandard housing conditions experienced by the different protected classes (e.g., race, disability, familial status). Data are available on overcrowding by race and ethnicity.

a. Extremely Low Income by Race and Ethnicity

Table B-23 shows that the percentages of extremely low income Black households is considerably higher than the White households. This may very well mean that Black households experience disproportionate housing needs relating to cost burden and severe cost burden when compared to tall other households.

b. Extremely Low Income Households by Tenure

Very few of the owner households have extremely low incomes. Roughly 40% of renter households have extremely low incomes. Fair housing protected groups that live in renter-occupied housing are more likely than owners to experience disproportionate housing needs.

c. Very Low Income Cost Burdens by Income

Table B-24 describes the number of very low income renter and owner households that experience cost burden and severe cost burden. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

Among very low *renters*, 79% are cost burdened and about 57% are severely cost burdened. The data also demonstrate that about 81% of all very low income *owners* are cost burdened and about 53% are severely cost burdened.

d. Overcrowding by Race and Ethnicity

About 12% of Brawley’s households are overcrowded. Hispanic households comprise 68% of all the City’s households and 83% of the overcrowded households. Consequently, the Hispanic households have disproportionate housing needs.

**Table B-23  
City of Brawley  
Extremely Low Income Households by Race/Ethnicity: 2012-2016**

<b>Race and Ethnicity</b>	<b>Total Households</b>	<b>Extremely Low Households</b>	<b>Percent Extremely Low Income Households</b>
White, Non-Hispanic	1,409	225	16.0%
Black, Non-Hispanic	60	40	66.7%
Asian and Other, Non-Hispanic	110	0	0.0%
Hispanic	5,505	1,930	35.1%
Total	7,084	2,195	31.0%
Renter-occupied	3,295	1,325	40.2%
Owner-occupied	3,785	325	8.6%
Total	7,080	1,650	23.3%

Source: Southern California Association of Governments, *Pre-Certified Local Housing Data, August 2020*, based on CHAS Data 2012-2016

**Table B-24  
City of Brawley  
Very Low Income (<50% AMI)  
Cost Burden and Severe Cost Burden  
By Tenure: 2013-2017**

<b>Tenure</b>	<b>Total Low Income (&lt;50% AMI)</b>	<b>Number Cost Burdened</b>	<b>Percent Cost Burdened</b>	<b>Number Severely Cost Burdened</b>	<b>Percent Severely Cost Burdened</b>
Renters	1,715	1,355	79.0%	980	57.1%
Owners	650	525	80.8%	345	53.1%
Total	2,365	1,880	79.5%	1,325	56.0%

Note: Low/moderate income means less than 80% of the area median income  
 Cost burden = 30% or more of income spent on housing costs  
 Severe cost burden = 50% or more spent on housing costs

Source: Comprehensive Housing Affordability Strategy (“CHAS”) Data, based on 2013-2017 American Community Survey and 2010 Census

**Table B-25  
City of Brawley  
Disproportionate Housing Needs Analysis  
Overcrowding by Race and Ethnicity**

<b>Race/Ethnicity</b>	<b>Number of Households</b>	<b>Number Overcrowded</b>	<b>Percent Overcrowded</b>
Hispanic	5,217	737	14.1%
Some Other Race Alone	538	115	21.4%
Black/African American	112	0	0.0%
Asian	46	0	0.0%
White Alone, Not Hispanic or Latino	1,374	32	2.3%
Two or More Races	308	0	0.0%
American Indian/Alaska Native	59	0	0.0%
Native Hawaiian/Pacific Islander	0	0	0.0%
Total	7,654	884	11.5%

Source: U.S. Census Bureau; American Community Survey, 2015-2019 5-Year Estimates, Table B25014 B-I, Occupants Per Room

**J. DISPLACEMENT RISK**

There is no risk of displacing low income or minority populations due to the development of residential and non-residential projects. None of the sites identified as accommodating the RHNA allocation will cause the removal of existing structures,

## K. FAIR HOUSING ENFORCEMENT, OUTREACH AND RESOURCES ANALYSIS

The AFFH rule defines “fair housing enforcement and fair housing outreach capacity” to mean “the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights.” 24 C.F.R. § 5.152

The City is required to identify local and regional fair housing or civil rights agencies and organizations that provide fair housing information, outreach, and enforcement, and to describe their capacity to assist in fair housing analysis and investigation.

## L. FAIR HOUSING ENFORCEMENT

### 1. Background

HUD’s *Fair Housing Planning Guide* includes a suggested AI outline that identifies fair housing enforcement as a potential impediment to fair housing choice. HUD’s *AFFH Guidebook* states the following regarding the lack of private fair housing outreach and enforcement:

The term “local private fair housing outreach and enforcement” refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to underreporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement.

Source: U.S. Department of Housing and Urban Development, *AFFH Guidebook*, December 13, 2015, page 212

### 2. Analysis

The enforcement of fair housing laws is accomplished by HUD, the California Department of Fair Employment and Housing (DFEH) and the Inland Fair Housing & Mediation Board.

The City of El Centro contracts with a fair housing provider who provides residents with fair housing services. Inland Fair Housing and Mediation Board's (IFBMB) scope of services addresses HUD's Fair Housing Performance Standards for Acceptance of Consolidated Plan Certifications and compliance with Community Development Block Grant requirements. The program provides fair housing education, outreach, mediation, investigation, enforcement, and counseling. IFHMB's mediation and counseling help bring complaints and disagreements to a satisfactory conclusion in a swift and expeditious manner.

These services are offered through:

- Assisting housing industry groups with the implementation of HUD's “partnerships” for dissemination of information on fair housing
- Educating individuals on first-time homebuyer programs and other equal housing purchase opportunities

- Working with housing industry groups and other professionals to guarantee the right of all people to choose freely where they want and can afford to live
- Providing a comprehensive program of training, education, advertising, and outreach to affirmatively further fair housing opportunities
- Promoting fair housing practices in the community to create a better understanding of the rights and obligations of tenants, landlords, buyers, and sellers under the law.
- Coordinating and encouraging lending institutions and realtors to improve outreach and loan counseling to households where prior discriminatory practices have occurred
- Counsel and/or mediate with individuals alleging discrimination
- Investigating alleged discrimination complaints
- Developing working agreements with HUD and DFEH and discrimination case outcomes

Education includes free workshops to both landlords and tenants, property management companies, apartment owners' associations, and realtors. Education is also provided to various city-based programs, such as Head Start. Workshops and educational outreach are available to limited English proficient individuals and ESL classes.

The full range of Inland's scope of services includes the following components:

- Fair Housing – Outreach Activities
- Fair Housing – Enforcement
- Fair Housing – Education
- Landlord/Tenant Counseling
- Mobile Home Mediation

### **3. Conclusion**

Fair housing enforcement services are not provided directly to Brawley residents. These services are provided by HUD and the California Department of Fair Housing and Employment (DFEH),

The City of Brawley, when funds become available, will contract with Inland to conduct:

- Fair housing training to City staff
- Fair housing workshop for the benefit of tenants
- Fair housing workshop for the benefit of apartment managers

Staff training was recently completed on March 30, 2021. One city staff person participated in a fair housing webinar hosted by the Inland Fair Housing & Mediation Board.

### **M. FAIR HOUSING ISSUES AND CONTRIBUTING FACTORS**

The research and analysis demonstrates that the following are not fair housing issues:

- Integration and segregation patterns and trends
- Racially or ethnically concentrated areas of poverty
- Disparities in access to opportunity
- Displacement risk.

Cost burdens and severe cost burdens adversely impact all population groups.

Disproportionate housing needs are experienced by Hispanic (overcrowding).



Hispanics are disproportionately impacted by overcrowding. In comparison to other populations, Hispanics may have large families and live in multigenerational households.

A recent analysis of overcrowded housing among Latino households included the following recommendations:

Municipalities should address explicitly Latino housing needs in their housing action plan, especially the availability of affordable housing

Latino housing needs should be identified and represented in municipal housing strategic action plans. Primary among these needs is affordable housing. The availability of affordable housing is a critical concern for many suburban communities and ought to be addressed collaboratively as a regional issue. The cost of housing has implications for all residents—not just Latinos—yet research in this area specific to Latinos is necessary to identify how their needs may be distinct. One example of Latino housing needs is the demand for large housing units. Census data suggests that Latinos are more likely than non-Latinos to live in multi-generational households, so the availability of large, affordable housing units is critical.

A potentially important opportunity for local governments to take Latino housing concerns into account is when planning documents are drawn up for new developments.

Source: Latinos United, by Benjamin J. Roth, *Bajo el Mismo Techo: The Latino Community in Suburban Chicago: An Analysis of Overcrowded Housing*, page 21

## N. FAIR HOUSING PRIORITIES, GOALS AND STRATEGIES

The fair housing priorities, goals and strategies are set forth in the context of the following:

- Findings and conclusions drawn from the research and analysis conducted to prepare the *Assessment of Fair Housing*.
- Findings and conclusions drawn from completion of the *Assessment of Housing Needs* (Appendix A), especially in regard to cost burdens, severe cost burdens, overcrowding and the special needs of the elderly, families with children, female householders, and large families.
- City's share of the regional housing need (1,426 housing units)
- Fair housing services available from the Inland Fair Housing & Mediation Board.

### 1. Priorities

- Addressing the disproportionate housing needs experienced by Hispanic households.
- Addressing the housing needs of fair housing protected groups by the development of a diversity of housing types.
- Increasing the community's awareness of fair housing (renters, on-site property managers, City staff, City commissions)

**2. Goals**

- Continue to seek ways to enhance the City’s ability to affirmatively further fair housing.
- Create new affordable housing that addresses a diversity of lower income housing needs.
- Reduce poverty by increasing incomes so that cost burdens and overcrowding are reduced, particularly for the population living in the neighborhoods with the lowest resources.

**3. Strategies and Actions**

- Improve access to opportunity by developing and implementing a poverty reduction strategy in all of Brawley’s neighborhoods.
- Partner with Campesinos Unidos and the Imperial Valley Housing Authority to inform neighborhood residents of the poverty reducing policies of the American Rescue Plan.
- Partner with economic development groups to ensure neighborhood residents are aware of and participate in the earned income tax credit program.

## A. GOVERNMENT CODE REQUIREMENTS

In Government Code Section 65580(f) the California legislature finds and declares that -

Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals ....

Guidance on how to complete the sites inventory and analysis is provided by HCD in the following Guidebook:

California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, 44 pages

According to HCD's *Guidebook*:

The purpose of the housing element's site inventory is to identify and analyze specific land (sites) that is available and suitable for residential development in order to determine the jurisdiction's capacity to accommodate residential development and reconcile that capacity with the jurisdiction's Regional Housing Need Allocation (RHNA). The site inventory enables the jurisdiction to determine whether there are sufficient adequate sites to accommodate the RHNA by income category. A site inventory and analysis will determine whether program actions must be adopted to "make sites available" with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Sites are suitable for residential development if zoned appropriately and available for residential use during the planning period. If the inventory demonstrates that there are insufficient sites to accommodate the RHNA for each income category, the inventory must identify sites for rezoning to be included in a housing element program to identify and make available additional sites to accommodate those housing needs early within the planning period.

The land inventory must identify sites that –

- Can be developed for housing within the 8-year planning period of 2021 to 2029
- Sufficient to provide for a jurisdiction's share of the regional housing need for each income level – lower, moderate and above moderate

## B. CRITERIA THAT DETERMINE "ADEQUATE" HOUSING SITES

Brawley' share of the RHNA is 1,426 housing units: 609 lower income, 202 moderate income, and 615 above moderate income housing units.

Several criteria must be satisfied by a site to be deemed "adequate" to accommodate the Brawley's share of the RHNA. For example, sites should be neither too small nor too large and they should be zoned at densities that are appropriate to accommodate the RHNA by income group.

### 1. Types of Sites

A "site" is a parcel or group of parcels that can accommodate a portion of the City's RHNA. There are many types of sites including:

- Vacant sites zoned for residential use (e.g., R-1 zoned lots)
- Vacant sites zoned for nonresidential use that allow residential development
- Residentially zoned sites that are capable of being developed at a higher density (non-vacant sites, including underutilized sites)
- Sites owned or leased by a city, county, or city and county
- Sites zoned for nonresidential use that can be redeveloped for residential use including a program to rezone the site to permit residential use
- Pending, approved, or permitted development

None of the sites identified in the land inventory are owned or leased by a public agency (e.g., Imperial Valley Housing Authority).

## **2. Sites to Affirmatively Further Fair Housing Government Code section 65583.2(a)**

Pursuant to AB 686, for housing elements due on or after January 1, 2021, sites must be identified “throughout a community” in a manner that affirmatively furthers fair housing opportunities (Government Code Section 65583(c)(10)).

The Government Code provides no meaningful guidance to either HCD or jurisdictions regarding the practical meaning of “throughout a community.”

Additionally, HCD has stated that the sites identified to accommodate the lower-income need should not be concentrated in low-resourced areas (e.g., lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty.

No guidance has been provided to jurisdictions on what “concentration” really means.

HCD identifies one resource that jurisdictions may use to identify “low” resource areas and “areas of segregation and concentration”. That resource is the California Tax Credit Allocation Committee/California Department of Housing and Community Development Opportunity Maps.

According to the *Guidebook*:

When determining sites to include in the inventory to meet the lower income housing need, HCD recommends that a local government first identify development potential in high opportunity neighborhoods. This will assist the local government in meeting its requirements to affirmatively further fair housing and ensure developments are more competitive for development financing.

Within any given TCAC/HCD “region, however,” only 20% of the census tracts are each designated as “highest” and “high” resource. That means that 60% of the census tracts are identified as either moderate or low resource or high segregation and poverty. Therefore, the probability of every city having “highest” and “high” resource neighborhoods is very limited.

In fact, many cities – especially cities small in both population and geographic extent – are comprised entirely of census tracts rated high segregation and poverty and low resource. Applications for Low Income Housing Tax Credits for projects located in high segregation and poverty neighborhoods are often awarded funds in part because the sites are able to garner all the site amenities points (15).

Furthermore, the TCAC/HCD Opportunity Mapping is intended to only define opportunity for large family affordable housing developments. The opportunity mapping should not be interpreted as

identifying any level of resource or opportunity in regard to senior housing, supportive housing, transitional housing, SRO housing, or any other housing type not serving low income, large families. In Brawley, the above described issues do not exist. All of the lower income housing sites are located in either moderate or high resource neighborhoods.

**3. Size of Sites**

To be deemed adequate to accommodate housing for lower income households, the size of sites should be neither too small nor too large.

a. “Small” Sites Are Inadequate

A parcel smaller than one half acre is considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on these sites is realistic or feasible.

None of the sites included in the City’s sites inventory are smaller than one half acre.

b. “Large” Sites Are Inadequate

Parcels larger than 10 acres, according to HCD, are considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on such sites was successful during the prior planning period, or there is other evidence that the site is realistic and feasible for lower income housing.

None of the sites included in the City’s sites inventory are larger than 10 acres.

**4. No Net Loss Law**

The “no net loss” law encourages cities to identify in the land inventory sites with a total housing unit capacity that exceeds the RHNA allocation for each income group. HCD provides the following guidance:

To comply with the No Net Loss Law, as jurisdictions make decisions regarding zoning and land use, or development occurs, jurisdictions must assess their ability to accommodate new housing in each income category on the remaining sites in their housing element site inventories. A jurisdiction must add additional sites to its inventory if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category.

To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, it is recommended the jurisdiction create a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA. Jurisdictions can also create a buffer by projecting site capacity at less than the maximum density to allow for some reductions in density at a project level.

Source: California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, page 22

## 5. Non-Vacant Sites

When a city relies on non-vacant sites, the first step is to demonstrate the existing uses “do not constitute an impediment to additional residential development.” An analysis also must be completed of the City’s track record in facilitating development and market conditions that will encourage new housing development.

None of the sites included in Brawley’s land inventory are non-vacant.

### C. SITES TO AFFIRMATIVELY FURTHER FAIR HOUSING

AB 686 requires a jurisdiction’s site inventory “...shall be used to identify sites throughout the community, consistent with...” its duty to affirmatively further fair housing. Sites must be identified and evaluated relative to the full scope of the assessment of fair housing (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, etc.).

Importantly, the analysis ought not be limited to the identification of sites for lower income households. Rather, it should incorporate the jurisdiction's projected housing development at all income levels and assess the extent to which that development will either further entrench or help to ameliorate existing patterns of segregation and/or exclusion of members of protected categories.

Where the analysis of the inventory indicates that the community has insufficient sites appropriately zoned and located to accommodate its lower income RHNA in a manner that affirmatively furthers fair housing, the housing element must include a program to address this inconsistency, such as making additional sites available to accommodate its lower income RHNA in a manner that affirmatively furthers fair housing.

To evaluate the site inventory’s consistency with the obligation to affirmatively furthering fair housing, the site inventory analysis *should* address:

- Improved Conditions: A discussion of how the sites are identified in a manner that better integrates the community with a consideration for the historical patterns and trends, number of existing households, the magnitude (e.g., number of units) of the RHNA by income group and impacts on patterns of socio-economic and racial concentrations.
- Exacerbated Conditions: Similar to above, an explanation of identified sites relative to the impact on existing patterns of segregation and number of households relative to the magnitude (e.g., number of units) of the RHNA by income group.
- Isolation of the RHNA: An evaluation of whether the RHNA by income group is concentrated in areas of the community.
- Local Data and Knowledge: A consideration of current, planned and past developments, investment, policies, practices, demographic trends, public comment and other factors.

### D. SITES TO ACCOMMODATE THE ABOVE MODERATE INCOME RHNA OF 615 HOUSING UNITS

The total RHNA allocation is 1,426 housing units of which 615 are above moderate income housing units. In 2021, a 4-person above moderate income family had an annual income of \$84,851 or more.

Attachment A identifies eight sites that have a combined capacity of 1,912 housing units:

Seven individual projects provide for the development of 763 single family dwellings. One Specific Plan Site is zoned R-1 and has a capacity of 1,149 housing units.

A map identifying the location of the eight sites is included in Attachment A.

**E. SITES TO ACCOMMODATE THE MODERATE INCOME RHNA OF 202 HOUSING UNITS**

The total RHNA allocation is 1,426 housing units of which 202 are moderate income housing units. In 2021, a 4-person moderate income family had an annual income of no more \$84,850.

Four entitled sites and two zoned sites accommodate the moderate income housing need.

Entitled Sites

- Florentine Springhouse            54 condos
- Tangerine Gardens North        35 condos
- Tangerine Gardens South        105 condos
- Los Suenos                            30 condos
- Main Street Residential         13 multifamily units  
237 housing units

Zoned Site

- La Paloma                            511 townhomes

Appendix B contains information on the six sites and a map of the sites.

**F. SITES TO ACCOMMODATE THE LOWER INCOME RHNA OF 609 HOUSING UNITS**

The total RHNA allocation is 1,426 housing units of which 609 are lower income housing units. In 2021, a 4-person lower income family had an annual income of no more \$55,900.

**1. Factors Facilitating the Production of Affordable Housing**

Three factors combine to facilitate the production of affordable housing:

- Density
- Project Size
- Parcel Size

Density, project size and parcel size work in tandem to facilitate the production of affordable housing.

Two affordable housing developers were asked to provide input on appropriate densities and project sizes for affordable housing developments. The two developers Chelsea Development Corporation and AMG Land both indicated that a density of 20 dwelling units per acre is not an absolute necessity to facilitate the development of affordable housing.

Chelsea Development Corporation has developed an affordable housing project in Brawley at a density of 15 dwelling units per acre. The project was a 60-unit, two-story apartment development on a four acre site.

The two developers also pointed out that project size is an important factor. The optimum project sizes are in the range of 40 to 80 housing units. Chelsea has developed several projects in Imperial Valley that range from 60 to 80 apartment units. AMG stated that in “tertiary communities” like Brawley the average size project would be 40 to 60 apartment units.

In 2020, the average size of the 387 Low Income Housing Tax Credit projects was 67 housing units.

One developer stated the company limits apartment buildings to 3-stories in order to avoid putting in elevators.

One developer offered the following as important considerations:

- The size of the lot makes a huge difference as to the product placed on the lot to yield 60 to 80 apartments.
- 3-story buildings are efficient and require no elevators.
- The code should say up to 20 du/acre or provide a range of densities (MF-1: 12 du/acre to 20 du/acre or MF-2: 20 du/acre to 30 du/acre)
- 15 du/acre on 4 acres will generate a two-story walkup with say 12 units per building. (60 apartments)
- 20 du/acre on 4 acres will generate a two-story walkup with 16 units per building. (80 apartments)
- 30 du/acre on 4 acres will generate a three-story walkup with one large building. (we would build 2-60 unit phases)

Both developers suggested that the densities should be expressed as a minimum to a maximum such as:

- 17,0 to 20,0 dus/ac
- 20.1 to 24,0 dus/ac

The City plans to establish a residential district permitting 20.1 to 24.0 dwelling units when the General Plan is updated in 2024-2025.

**2. Default Densities Accommodate the Lower Income RHNA**

According to HCD, the statute allows jurisdictions to use higher density as a proxy for lower income affordability, as long as certain statutory requirements are met. Parcels must be zoned to allow sufficient density to accommodate the economies of scale needed to produce affordable housing. To make this determination, the statute allows the jurisdiction to demonstrate that the zoning allows a specific density set forth in the statute (default density).

In Brawley, the default density must allow for at least 20 dwelling units per acre.

“At least” means the density range allowed on the parcel by the zone has to include the default density.

The following two developments are zoned at a minimum density of 20 dwelling units per acre.

- Eastern Ridge Apartments 20 du/ac 93 units
- Brawley Senior Apartments 22.95 du/ac 56 units  
149 units