



Technical Assistance
for Local Planning
HOUSING



ASSOCIATION
OF BAY AREA
GOVERNMENTS

About a Housing Element: Frequently Asked Questions

What is the Housing Element?

The Housing Element is one of many chapters of a city or county General Plan, which is that jurisdiction's blueprint for the future. A Housing Element is how local jurisdictions plan to meet the housing needs of everyone in the community. At its core a Housing Element is an opportunity to have a community conversation about how to address local housing challenges and find solutions. The Housing Element must be updated every eight years and is the only element of the General Plan subject to certification by the California Department Housing and Community Development (HCD).

What happens if the city or town or county does not have an approved Housing Element?

The city could face legal challenges to its land use requirements and decisions, which would impact how city resources are used. It could also face fines and make the city or county ineligible for many state grant programs, which fund affordable housing and transportation improvements. In other cities, judges have suspended the local ability to issue building permits until the Housing Element is certified.

How is a city's housing need determined?

The State of California determines the number of homes that are needed for the Bay Area, consistent with state law. The Association of Bay Area Governments then distributes a share to each local government in the nine Bay Areas counties. Each jurisdiction is assigned a portion of the regional need at various income levels based on factors such as future population, access to jobs and other factors. This assignment is known as the Regional Housing Need Allocation (RHNA), and is intended to promote the following objectives:

- Increase the housing supply and the mix of housing types in an equitable manner
- Promote infill development that encourages alternatives to solo driving and reduces greenhouse gas emissions
- Balance jobs and housing
- Discourage housing development patterns that segment communities
- Affirmatively further fair housing

Each jurisdiction must ensure there is enough land with appropriate zoning to accommodate its RHNA allocation in its Housing Element.

What was the process in assigning the RHNA Allocation?

RHNA starts with the Regional Housing Needs Determination (RHND) provided by California's HCD, which is the total number of housing units the Bay Area needs over the eight-year period, by income group. The heart of ABAG's work on RHNA is developing the methodology to allocate a portion of housing needs to each city, town, and county in the region. ABAG convened a [Housing Methodology Committee](#) made up of local elected officials and staff and stakeholders, which met for nearly a year before recommending a [proposed RHNA methodology](#). The ABAG Regional Planning Committee and Executive Board approved the proposed methodology in October 2020, followed by a [public comment period](#). After considering the public comments, the RPC and Executive Board approved the draft RHNA methodology in January 2021.

In May 2021, following [HCD's findings](#) that the draft RHNA methodology furthers the RHNA objectives, ABAG adopted a final methodology and draft allocations for every local government in the Bay Area. Bay Area jurisdictions and HCD had an opportunity to appeal a jurisdiction's draft RHNA allocation by July 9, 2021. Any appeals that are upheld could affect the allocations for all jurisdictions. Following the appeals process, ABAG will adopt final RHNA allocations by the end of 2021.

See the report entitled [Draft Regional Housing Needs Allocation \(RHNA\) Plan: San Francisco Bay Area, 2023-2031](#) for a detailed overview of the final RHNA methodology and draft allocations.

What is the Housing Need in Mill Valley?

With a projected growth of over 441,000 households for the Bay Area by 2030, [City/Town/County] was assigned the housing need allocation shown below.

City of Mill Valley 2023-2031 Draft RHNA Allocation	
VERY LOW INCOME (<50% of Area Median Income)	262
LOW INCOME (50-80% of Area Median Income)	151
MODERATE INCOME (80-120% of Area Median Income)	126
ABOVE MODERATE INCOME (>120% of Area Median Income)	326
TOTAL ALLOCATION	865

Can the RHNA allocation be challenged?

The City of Mill Valley did appeal its RHNA allocation. ABAG will rule on appeals and will issue the final RHNA allocations by the end of 2021.

Has anyone ever successfully challenged their RHNA allocation?

Cities have already had several opportunities to offer comments and make corrections to the data and assumptions affecting their RHNA. Now that the methodology has been adopted, appeals can only be granted based on limited criteria, e.g., findings that the methodology does not meet the State guidelines outlined in the Government Code referenced above. Recently, 95% of appeals from Southern California jurisdictions were denied based on these guidelines. In the prior housing element cycle in 2013, ABAG upheld 3 RHNA appeals affecting only 674 units.

What does City of Mill Valley control in the process?

A lot! While the minimum target number of units is final, except for appeals, our community has broad discretion where they go and what they look like. Equally importantly the city/town defines its own housing goals and priorities as long as they don't violate any laws.

When will the housing be built?

That is up to property owners and the market.

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

What does affordable housing mean?

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

The tables below define affordability levels by county; these are the State Income Limits for 2021 by county as calculated by the state.

Income Limits: Marin, San Francisco and San Mateo Counties

Income Category	Percent of median income	Annual income (1-person household)	Annual income (3-person household)	Annual income (4-person household)
Extremely low-income	30%	\$38,400	\$49,350	\$54,800
Very low-income	50%	\$63,950	\$82,250	\$91,350
Low income	80%	\$102,450	\$131,750	\$146,350
Median income	100%	\$104,700	\$134,650	\$149,600
Moderate income	120%	\$125,650	\$161,550	\$179,500

Source: <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2021.pdf>