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3 Regional Housing Constraints Analysis

Actual or potential constraints to the provision of housing affect the development of new housing and the maintenance of existing units for all income levels. State housing element law requires cities and counties to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the housing element to “address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583(c)(3)). The housing element must also analyze potential and actual constraints upon the development, maintenance, and improvement of housing for persons with disabilities.

Non-governmental constraints are not specific to each community and are described in this section at the regional level. Governmental constraints, which are specific to each local government, are described generally in this section. City-specific assessments of housing constraints for the cities participating in this regional Housing Element, including an in-depth analysis of governmental constraints, are provided in Appendices A through G.

3.1 Non-Governmental Constraints

The availability and cost of housing is strongly influenced by market forces over which local governments have little or no control. Nonetheless, state law requires that the housing element contain a general assessment of these constraints, which can serve as the basis for actions to offset their effects. The primary non-governmental constraints to the development of new housing are land costs, construction costs, and availability of financing. This section also addresses environmental constraints that might affect housing development.

3.1.1 Land Costs

The cost of land can be a major impediment to the production of affordable housing. Land costs are influenced by many variables, including land scarcity and developable density (both of which are indirectly controlled through governmental land use regulations), location, site constraints, and the availability of public utilities. For example, land prices in Visalia have an average sale price of \$86,000 per acre, nearly four times higher than the county average of \$22,799. Sites in major cities tend to be smaller and/or occupied by existing uses that generate revenue for property owners. As shown in Table 3-1 and Table 3-2, smaller sites (under 10 acres) in the region have a much higher cost-per-acre in both the cities and unincorporated area.

As shown in Table 3-1, listed land prices in the unincorporated county are lower than in incorporated cities. In the unincorporated county, 16 properties were listed for sale. Listings ranged from one acre priced at \$43,000 to 14,672 acres priced at \$14,525,933 (\$990 per acre). The average list price per acre in the unincorporated area was \$32,356.

Table 3-1 Listed Land Prices – Tulare County

Lot Size	Average Price per Acre (Listed)	
	Incorporated	Unincorporated
Less than 10 acres	\$242,383	\$53,453
10 or more acres	\$37,368	\$11,259
Average \$/acre	\$139,876	\$32,356

Source: Zillow, Inc., February 2023.

In contrast to listed land prices, based on aggregate property sales data from 2022, land sold for less in the incorporated cities than in unincorporated county. Table 3-2 considers land sale prices across the eight major cities and in the unincorporated county. Property sales ranged from 0.1 acres for \$215,000 (\$2,150,000 per acre) to 126.3 acres for \$1,250,000 (\$9,897 per acre). The average sale price per acre was \$146,449 in incorporated cities and \$209,732 in the unincorporated county.

Table 3-2 Sold Land Prices – Tulare County

Lot Size	Average Price per Acre (Sold)	
	Incorporated	Unincorporated
Less than 10 acres	\$242,383	\$400,959
10 or more acres	\$50,515	\$18,505
Average \$/acre	\$146,449	\$209,732

Source: AcreValue, 2023.

Most incorporated cities in Tulare County have a higher price per acre for listed land for sale than for recently sold land, indicating that land prices have increased (Table 3-3). The cities of Lindsay, Farmersville, Porterville, and Exeter have the highest average price per acre for listed land, while Woodlake and the unincorporated county have the lowest.

Table 3-3 Listed and Sold Land Prices

Jurisdiction	Average Price per Acre (Listed)	Average Price per Acre (Sold)
Dinuba	\$152,631.21	\$154,520.41
Exeter	\$222,479.67	\$140,933.85
Farmersville	\$360,611.90	\$133,237.38
Lindsay	\$360,611.90	\$133,237.38
Porterville	\$222,535.45	\$63,810.51
Tulare	\$170,643.08	\$148,449.58
Woodlake	\$80,168.92	\$42,178.51
Incorporated Tulare County	\$139,876.00	\$146,449.00
Unincorporated Tulare County	\$53,453.00	\$209,732.00

Source: Zillow, Inc., 2023. AcreValue, 2023.

3.1.2 Construction Costs

Construction costs can be divided into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, including wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

The cost of labor in Tulare County is comparatively low compared to other areas in California due to the relatively lower cost of living. Labor for government-subsidized housing construction is generally more costly than market-rate housing construction in the Central Valley, as wages are rooted in the required State Labor Standards based on prevailing wages in Northern and Southern California.

Table 3-4 shows the estimated cost of constructing a basic 2,000 square foot single-family home in Tulare County to be approximately \$337,540. The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, but does not include the price of land or development impact fees.

Table 3-4 Estimated Construction Cost

Item	Cost
Material	\$204,226
Labor	\$126,001
Equipment	\$7,313
Total	\$337,540

Source: Promatcher.com, 2023.

There is little that municipalities can do to mitigate the impacts of high construction costs related to materials and labor except by avoiding local amendments to uniform building codes that unnecessarily increase construction costs.

3.1.3 Availability of Financing

Financing for affordable housing projects and programs are available through federal, state, and local funding sources. Funding through these programs can help developers, local governments, and non-profit organizations offset the cost to build new affordable housing units, preserve or rehabilitate existing affordable housing, and fund programs that offer homebuyer assistance to low-income households.

Mortgage interest rates have a large influence on housing affordability. Higher interest rates increase a homebuyer’s monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer. As shown in Figure 3-1, in the past 10 years mortgage rates across the United States remained relatively steady (between 3.5 and 4.8 percent through 2019, then dropped below three percent between 2020 and 2021). During 2022, mortgage rates increased significantly, reaching a high of 7.1 percent for a 30-year fixed-rate mortgage at the end of 2022. In early 2023, mortgage rates declined slightly but remain high compared to trends over the past 10 years, making it difficult for households to purchase a home.

When interest rates rise, housing prices tend to decrease due to the increased cost of financing and decreased demand. Similarly, when interest rates decrease, housing prices typically begin to rise and demand increases. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market adjusts. Lower-income households often find it difficult to purchase a home during this period.

Figure 3-1 Historical Mortgage Rates in the United States (2013-2023)



Source: Freddie Mac Primary Mortgage Market Survey

Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates. To extend home buying opportunities to lower-income households, jurisdictions can offer interest rate write-downs. Additionally, government insured loan programs may be available to reduce mortgage down payment requirements.

Where financing is available, construction capital seems to be directed at those with large, established, and well-capitalized sponsors. Given recent trends of increasing interest rates, the availability of financing is likely to be more of a constraint on new housing construction during this Housing Element planning period than it has been previously.

3.1.4 Mortgage and Rehabilitation Financing

The most recent data available for the County of Tulare (2022) shows that 18,154 households applied for a home financing loan, which includes loans for home purchase, home improvement and refinancing. Table 3-5 shows that of the total applications received for home purchase, 54.1 percent of the loans originated, and 5.9 percent were denied.

Conventional loans are made by the private sector (banks, mortgage companies, etc.) and are not guaranteed or insured by the U.S. government. Conversely, government-backed loans, such as those issued by the Federal Housing Administration, Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency, are completely or partially insured by the U.S. government. Within the county, 12,849 of the applications received were for conventional loans and 5,305 were for government backed loans. Table 3-6 shows that 49 percent of the conventional loans originated, and 17.6 percent of the applications were denied. The table also shows that 43.4 percent of the government backed loans originated and 9.9 percent of the applications were denied.

County data in Table 3-7 shows that by race, residents who reported as white had the highest number of loans originated. Residents who reported as white also had the highest percentage of loans originated. By ethnicity, Hispanic/Latino residents comprised 38 percent of the total applications of loans received while non-Hispanic/Latino comprised 29 percent. As shown in Table 3-8, residents who reported as not Hispanic/Latino had a higher rate of loan origination and lower rate of loan denial compared to residents who reported as Hispanic/Latino. Of Hispanic/Latino residents who applied for loans, 53.3 percent of loans originated, and 18.1 percent were denied. Comparatively, of the non-Hispanic/Latino residents that applied, 56.2 percent of loans originated, and 15.5 percent were denied.

Table 3-5 Race and Loan Action

Loan Action	Home Purchase (% of total)	Home Improvement (% of Total)	Refinancing (% of Total)	Other (% of Total)	Total (% of Total)
Loan Originated	4,453 (54.1%)	470 (39.2%)	988 (42.7%)	2,690 (42%)	8,601 (47.4%)
Application Approved but not Accepted	141 (1.7%)	64 (5.3%)	83 (3.6%)	151 (2.7%)	439 (2.4%)
Application Denied	482 (5.9%)	492 (41.1%)	430 (18.6%)	1,375 (21.5%)	2,779 (15.3%)
Application Withdrawn	1,241 (15.1%)	96 (8%)	442 (19.1%)	1,104 (17.2%)	2,883 (15.9%)
Purchased Loan	1,777 (21.8%)	19 (1.6%)	133 (5.7%)	535 (8.4%)	2,464 (13.6%)
Other	144 (1.8%)	57 (4.8%)	240 (10.4%)	547 (8.5%)	988 (5.4%)
Total Loans	8,238	1,198	2,316	6,402	18,154

Source: FFIEC Home Mortgage Disclosure Act. 2022 Dataset

Table 3-6 Loan Action and Loan Type

Loan Type	Conventional Loan	Government Backed Loan
Loan Originated	6,300 (49%)	2,301 (43.4%)
Application Approved but not Accepted	324 (2.5%)	115 (2.2%)
Application Denied	2,255 (17.6%)	524 (9.9%)
Application Withdrawn	1,967 (15.3%)	916 (17.3%)
Other	2,003 (15.6%)	1,449 (27.3%)
Total Loans	12,849	5,305

Source: FFIEC Home Mortgage Disclosure Act. 2022 Dataset

Table 3-7 Race and Loan Action

Racial Group	Loan Originated	Application Approved but Not Accepted	Application Denied	Application Withdrawn	Purchased Loan	Other	Total
Two or More Races	11 (52.4%)	0	6 (28.6%)	2	1	1	21
American Indian or Alaska Native	90 (44.3%)	9	48 (23.6%)	39	1	16	203
Asian American	348 (49.9%)	21	134 (19.2%)	127	24	44	698
Black/African American	20 (50.4%)	4	49 (20.6%)	54	3	8	238
Native Hawaiian or Other Pacific Islander	13 (39.4%)	0	6 (18.2%)	6	0	8	33
White	5,463 (56.0%)	268	1,457 (14.9%)	1,747	306	522	9,763
Other	2,556 (35.5%)	137	1,079 (15%)	908	2,129	389	7,198

Source: FFIEC Home Mortgage Disclosure Act. 2022 Dataset

Table 3-8 Ethnicity and Loan Action

Ethnicity	Loan Originated	Application Approved but Not Accepted	Application Denied	Application Withdrawn	Purchased Loan	Other	Total
Hispanic/Latino	3,681 (53.3%)	172	1,249 (18.1%)	1,223	182	405	6,912
Not Hispanic/Latino	2,952 (56.2%)	18	816 (15.5%)	994	165	308	5,253
Joint Hispanic/Latino and not Hispanic/Latino	373 (57.6%)	18	97 (15.0%)	102	22	36	648
Ethnicity not Available	1,595 (30.6%)	97	617 (11.8%)	564	2,095	239	5,207

Source: FFIEC Home Mortgage Disclosure Act. 2022 Dataset

3.2 Governmental Constraints

City policies and regulations can impact the feasibility and cost of housing development. Policies and regulatory actions include land use controls, development standards, site improvement requirements, building codes, and development fees. The following section describes these governmental constraints.

3.2.1 Land Use Controls

Land use controls provided in the general plan and the zoning code influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development and provide both developers and the public with an understanding of how vacant land will develop in the future. Land use controls include the density of development that will occur within a particular zone, the compatibility of planned uses in each area, and the range and type of buildings and uses that will be

located throughout the city or the county. In appendices A through G, Chapters A3 through G3, the *Housing Constraints Analysis* for individual jurisdictions, provides a description of each jurisdiction’s land use controls.

General Plan

Each city and county in California must prepare a comprehensive, long-term general plan to guide growth and development. The land use element of the general plan must contain land use designations, which establish the basic allowed land uses and density of development for the different ranges and areas within the jurisdiction. Under state law, zoning districts must be consistent with the general plan land use designations. The general plan land uses must provide suitable locations and densities to accommodate each jurisdiction’s regional housing needs allocation (RHNA) and implement the policies of the housing element.

Zoning Code

Land use controls provided in the zoning code influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development. Land use controls establish the allowable density of development that will occur on a particular site, the compatibility of planned uses in a given area, and the range and type of buildings and uses in a jurisdiction.

Local governments regulate the type, location, and scale of residential development primarily through the zoning code. The zoning code implements the general plan by establishing development standards for each zoning district consistent with the land use designations of the general plan.

3.2.2 Residential Development Standards

Each jurisdiction’s zoning code contains development standards for each zoning district. These standards vary by jurisdiction, but typically include density, parking requirements, lot coverage, height limits, lot size requirements, setbacks, and open space requirements. The Housing Element must analyze whether development standards impede the ability to achieve maximum allowable densities.

Parking

Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot areas for residential development. Most of the participating jurisdictions require two parking spaces per single-family dwelling unit. Several, but not all jurisdictions have reduced parking standards for multifamily and senior housing.

Open Space and Park Requirements

Open space and park space requirements can decrease the affordability of housing by increasing developer fees and/or decreasing the amount of land available on a proposed site for constructing units. Most jurisdictions require that park space is set aside in new subdivisions or a fee in lieu of providing park space. If such requirements are too onerous or expensive to implement, they can constrain a developer’s ability to develop housing.

Density Bonus

A density bonus allows a parcel to accommodate additional residential units beyond the maximum for which the parcel is zoned. California density bonus law (Government Code Section 65915) establishes the following minimum affordability requirements to qualify for a density bonus:

- The project is eligible for a 20 percent density bonus if at least five percent of the units are affordable to very low-income households, or 10 percent of the units are affordable to low-income households; and
- The project is eligible to receive a five percent density bonus if 10 percent of for-purchase units are affordable to moderate-income households.

A project can receive additional density based on a sliding scale. A developer can receive the maximum density bonus of 50 percent when the project provides either 15 percent very low-income units, 24 percent low-income units, or 44 percent moderate-income units.

Density bonus law also requires cities and counties to grant a certain number of incentives depending on the percentage of affordable units developed. Incentives include reductions in zoning standards, reductions in development standards, reductions in design requirements, and other reductions in costs for developers. Projects that satisfy the minimum affordable criteria for a density bonus are entitled to one incentive from the local government. Depending on the amount of affordable housing provided, the number of incentives can increase to a maximum of three incentives from the local government. If a project uses less than 50 percent of the permitted density bonus, the local government must provide an additional incentive.

Additionally, density bonus law provides density bonuses to projects that donate land for residential use. The donated land must satisfy all the following requirements:

- The land must have general plan designations and zoning districts that allow for the construction of very low-income affordable units as a minimum of 10 percent of the units in the residential development;
- The land must be a minimum of one acre in size or large enough to allow development of at least 40 units; and
- The land must be served by public facilities and infrastructure.

Density bonus law also imposes statewide parking standards that a jurisdiction must grant upon request from a developer of an affordable housing project that qualifies for a density bonus. These parking standards are summarized in Table 3-9. These numbers are the total number of parking spaces including guest parking and handicapped parking. The developer may request these parking standards even if they do not request the density bonus.

Table 3-9 Statewide Density Bonus Parking Standards

Number of Bedrooms	Required On-Street Parking
0 to 1 bedroom	1 space
2 to 3 bedrooms	1.5 spaces
4 or more bedrooms	2.5 spaces

Source: Government Code Section 65915

Assembly Bill 1287 Additional Density Bonus for Very Low- to Moderate-Income Units

California Assembly Bill 1287, signed into law on June 21, 2023, requires that a city and/or county grant an additional density bonus. Additional density bonuses are to be administered when housing development conforms to specified requirements and provides 24 percent of the total units to lower-

income households, conforms to specified requirements and provides 15 percent of the total units to very low-income households, or conforms to specified requirements and provides 44 percent of the total units to moderate-income units.

State Density Bonus Law prohibits a local government from conditioning the submission, review, or approval of an application pursuant to the Density Bonus Law on the preparation of an additional report or study that is not otherwise required by state law, but provides that this provision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking rations, as specified.

Provision of a Variety of Housing Types

State Housing Element law (Government Code Section 65583(c)(1) and 65583.2(c)) requires that local governments analyze the availability of sites that will facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, manufactured housing, mobile homes, housing for farmworkers and employees, emergency shelters, transitional and supportive housing, single-room occupancy (SRO) units, group homes and residential care facilities, and accessory dwelling units (ADUs).

Manufactured Housing

Manufactured housing can serve as an alternative form of affordable housing in low-density areas where the development of higher-density multifamily residential units is not allowed or not feasible because of infrastructure constraints. California Government Code Sections 65852.3 and 65852.4 specify that a jurisdiction must allow manufactured homes on a foundation on all “lots zoned for conventional single family residential dwellings.” Permanently sited manufactured homes built to the United States Department of Housing and Urban Development (HUD) Code are subject to the same rules as site-built homes, except architectural requirements concerning the manufactured home’s roof overhang, roofing materials, and siding materials.

There are two conditions where local jurisdictions are allowed to make to the manufactured home siting provisions: 1) there is more than 10 years difference between the date of manufacture of the manufactured home and the date of the application for the issuance of an installation permit; or 2) if the site is listed on the National Register of Historic Places and regulated by a legislative body pursuant to Government Code Section 37361.

Each city-specific analysis provides descriptions of the allowances and restrictions on manufactured homes in each jurisdiction and whether the zoning codes in the jurisdictions comply with State law requirements for manufactured homes.

Accessory Dwelling Units

An ADU is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. An ADU must have cooking, eating, sleeping, and full sanitation facilities. ADUs can be an important source of affordable housing since they can be constructed relatively inexpensively and have no associated land costs. They can also provide supplemental income to the homeowner, which may support moderate- and lower-income homeowners.

To encourage ADUs, state law requires cities and counties to adopt an ordinance authorizing ADUs to be allowed ministerially (by-right) in any zoning district which allows either single family or multifamily

residential uses. Local governments are precluded from prohibiting ADUs in residentially zoned areas or zones which allow either single family or multifamily residential uses.

Multifamily Housing

Multifamily housing includes duplexes, apartments, condominiums, or townhomes, and is the primary source of affordable housing. Each city-specific analysis provides descriptions of the restrictions on multifamily housing units in each jurisdiction.

Group Homes/Residential Care Facilities

The Lanterman Developmental Disabilities Services Act (Lanterman Act) sets the rights and responsibilities of persons with developmental disabilities. A State-authorized, certified, or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a day basis must be considered a residential use that is permitted in all residential zones. Each city-specific analysis provides descriptions of the restrictions on group homes in each jurisdiction.

Emergency Shelters

Emergency shelters are defined as:

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

Senate Bill 2 (Government Code Section 65583) was enacted in 2008 to support the needs of the homeless residents by removing barriers to and increasing opportunities for development of emergency shelters. SB 2 requires every jurisdiction in California to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district, or establish an overlay zone. The zone(s) must provide sufficient opportunities for new emergency shelters to meet the homeless need identified in the analysis and must accommodate at least one year-round emergency shelter. SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards, as follows:

- The maximum number of beds or people permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters if emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

In 2019, AB 101 was passed requiring that a Low Barrier Navigation Center development be a use by right in mixed-use zones and nonresidential zones permitting multifamily uses. A Low Barrier Navigation Center is a low barrier, temporary, service-enriched shelter that helps homeless individuals and families obtain permanent housing. The City will need to amend its Zoning Code to explicitly allow the development of Low-Barrier Navigation Centers, by right, in residential use and mixed-use zones, as well as nonresidential zones permitting multifamily uses.

AB 2339 was passed in 2022 and went into effect January 1, 2023. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential use;
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals;
- Nonvacant and is suitable for use as a shelter in the current planning period.

Zoning designations identified to allow emergency shelters as a permitted use without a discretionary permit must also allow residential uses.

Each city-specific analysis describes each jurisdiction's compliance with state law requirements for emergency shelters.

Transitional and Supportive Housing

With the enactment of Senate Bill 2 (SB 2), state law requires cities and counties to treat transitional housing and supportive housing as a residential use and allow transitional and supportive housing in all zones that allow residential uses, subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Transitional housing can take several forms, including group quarters with beds, single family homes, and multifamily apartments; and typically offers case management and support services to help return people to independent living (often six months to two years). The State defines transitional housing as:

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Supportive housing links the provision of housing and social services for residents experiencing homelessness, people with disabilities, and a variety of other special needs populations. Similar to transitional housing, supportive housing can take several forms, including group quarters with beds, single family homes, and multifamily apartments. The State defines supportive housing as:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

The State defines the target population as:

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

AB 2162, which went into effect on January 1, 2019, requires that cities allow supportive housing with up to 50 units by-right in multi-family and mixed-use zones and precludes cities from imposing parking requirements on supportive housing developments located within 0.5-mile of a public transit stop.

Each city-specific analysis describes compliance with state law requirements for transitional and supportive housing in each jurisdiction.

Farmworker Housing/Employee Housing Act

The Employee Housing Act (Health & Safety Code Section 17021.6) requires that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use. For all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

Each city-specific analysis describes whether each jurisdiction complies with the Employee Housing Act.

Single Room Occupancy (SRO) Units

SROs are defined as a living or efficiency unit by California Health and Safety Code section 17958.1, intended or designed to be used as a primary residence by not more than two persons for a period of more than 30 consecutive days and having either individual bathrooms and kitchens or shared bathrooms and/or kitchens. SRO units can provide affordable private housing for lower-income individuals, seniors, and persons with disabilities. These units can also serve as an entry into the housing market for residents at risk of homelessness. Each city-specific analysis provides descriptions of the allowances and restrictions for SRO units in each jurisdiction.

On/Off Site Improvement Standards

On/off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water, sewer, drainage, curbs, and gutters, street signs, park dedications, utility easements, and landscaping. While these improvements are necessary to ensure public health and safety and that new housing meets the local jurisdiction’s development goals, the cost of these requirements can sometimes represent a significant share of the cost of producing new housing.

Each city-specific analysis describes specific site improvement standards for each jurisdiction. Although improvement requirements and development fees increase the cost of housing, jurisdictions have little

choice in establishing such requirements due to the limitations on property taxes and other revenue sources needed to fund public improvements.

3.2.3 Housing for Persons with Disabilities

In accordance with Senate Bill 520 (Chapter 671, Statutes of 2001), jurisdictions must analyze the potential and actual governmental constraints on the development of housing for persons with disabilities. Each city-specific analysis contains a detailed review of zoning laws, policies, and practices in each jurisdiction to ensure compliance with fair housing laws.

Definition of Family

- There are several State and Federal rules that govern the definition of “family”, including the Federal Fair Housing Amendments Act of 1988, the California Fair Housing and Employment Act, the California Supreme Court case *City of Santa Barbara v. Adamson* (1980), and the California Constitution privacy clauses. The laws surrounding the definition of family have several purposes: to protect people with disabilities, to protect non-traditional families, and to protect privacy. According to the California Department of Housing and Community Development (HCD) and Mental Housing Advocacy Services, there are three major points to consider when writing a definition of family: Jurisdictions may not distinguish between related and unrelated individuals.
- The definition may not impose a numerical limit on the number of persons in a family; and
- Land use restrictions for licensed group homes for six or fewer individuals must be the same as those for single families.

Reasonable Accommodation Procedures

The Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. It may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standards of the zoning code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances and must be decided on a case-by-case basis.

California Building Code

The 2022 California Building Code, Title 24 regulations provide for accessibility for persons with disabilities. The Housing Element must identify the version of the Building Code adopted in each jurisdiction and whether a jurisdiction has adopted any amendments to the Building Code that might diminish the ability to accommodate persons with disabilities.

Zoning and Land Use Policies

Restrictive land use policies and zoning provisions can constrain the development of housing for persons with disabilities. The Housing Element must analyze compliance with fair housing laws, provisions for group homes, and whether jurisdictions have adopted any minimum distance requirements or other zoning procedures or policies that would limit housing for persons with disabilities.

3.2.4 Planning and Development Fees

Jurisdictions collect various fees to cover the costs of processing permits and development impact fees. These include fees for planning and zoning approvals, subdivision map act approvals, environmental review, building permits, among others. Permitting fees and development impact fees are determined by each jurisdiction and posted in the Master Fee Schedule online. Permitting and development fees are periodically updated and approved by the City Council or County Board of Supervisors.

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Local governments charge various fees and assessments to cover the costs of processing permit applications and providing services and facilities, such as, parks, and infrastructure. Almost all these fees are assessed based on the magnitude of a project's impact or on the extent of the benefit that will be derived. Additional fees and/or time may be necessary for required environmental review, depending on the location and nature of a project. A 2019 National Impact Fees Survey, which surveyed 37 jurisdictions in California, reported an average impact fee of \$37,471 per single-family unit and \$21,703 per multifamily unit. Each city-specific analysis provides more information on planning and development fees by jurisdiction.

San Joaquin Valley Air Pollution Control District Fees

Tulare County is within the regulatory jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The air basin does not meet ambient air quality standards set at the state and federal levels and is within a "non-attainment" area for ozone, PM10 (state), and PM2.5.

Due to these conditions, the SJVAPCD has implemented an Indirect Source Review process to reduce the impacts of growth in emissions from all new land development. An Air Impact Assessment and potential mitigation fees are required for residential projects with 50 or more dwelling units and when discretionary approval is required. Fees are also exacted by the SJVAPCD to offset emissions created by typical operational sources. These fees can add to the cost of development. However, the cost can be reduced with mitigation measures. The SJVAPCD also offers a variety of grants and incentive programs to public agencies, residents, and businesses to help offset fees.

3.2.5 Inclusionary Housing Ordinance

Implemented by local jurisdictions, inclusionary housing ordinances require developers to reserve a certain percentage of units for very low- and low-income households to ensure new development incorporates affordable housing. Whether rented or sold, affordability requirements are based on the area median income (AMI) with very low-income defined as household earning up to 50 percent of the AMI and low-income households earning between 50 and 80 percent of the AMI. Actual rents cannot exceed 30 percent of the income for the associated income group. Each city-specific analysis provides more information on inclusionary housing ordinances by jurisdiction.

3.2.6 Permit Procedures and Processing Times

The processing of applications and permits for development can increase project time and costs. Processing times vary widely from a few weeks to several months depending on the type of permit required for development and if any discretionary review is required for approval. The time required to process a project varies greatly between projects and depends on the size and complexity of the proposal and the number of actions or approvals needed to complete the process. Each city-specific analysis describes the permit processing procedures and timing for each jurisdiction.

3.2.7 Short-Term Housing Rentals

Short-term housing rental ordinances regulate the number of residential units that can be converted to short-term vacation rentals in a jurisdiction. Jurisdictions are not required to adopt short-term housing rental ordinances; however, in areas with high demand for vacation rentals, jurisdictions often adopt such policies to ensure that the existing housing stock for sale or long-term rentals is not diminished and that housing options are maintained throughout the community. Each city-specific analysis provides more information on the potential need for monitoring short-term rental housing.

3.2.8 Code Enforcement

Building codes and enforcement can increase the cost of housing and impact the feasibility of rehabilitating older properties that must be upgraded to current code standards. In this manner, building codes and their enforcement can act as a constraint on the supply of housing and its affordability.

The California Building Standards Code, Title 24, serves as the basis for the design and construction of buildings in California. State law prohibits the imposition of additional building standards that are not necessitated by local geographic, climatic, or topographic conditions, and requires that local governments making changes or modifications in building standards must report such changes to the HCD and file an expressed finding that the change is needed. Each city-specific analysis provides more information on building codes and enforcement by jurisdiction.

3.3 Environmental Constraints

Typical environmental constraints to the development of housing in Tulare County include the preservation of scenic landscapes and prime agricultural land, environmental resources management, air quality measures, health and safety measures, and water conservation. In many cases, development of these areas is constrained by State and Federal laws (e.g., Federal Emergency Management Agency [FEMA] floodplain regulations, the Clean Water Act and the Endangered Species Act, and the State Fish and Wildlife Code and Alquist-Priolo Act). Each city-specific analysis provides an analysis of environmental constraints specific to each jurisdiction.

3.3.1 Floodplains

Official floodplain maps are maintained by FEMA. FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on a map for each community, known as the Flood Insurance Rate Map (FIRM).

Principal flooding problems exist in the western portion of the county, as identified by FEMA. In the north, northern Orosi and central Dinuba are considered river or stream flood hazard areas. Moving south along State Route (SR) 99 and SR 63 are notable flood hazard areas spanning from Dinuba south into Woodlake and Visalia. FEMA has also identified flood hazard areas around the Woodlake Wastewater Treatment Facility spanning southwest to Visalia. Additional flood hazard areas include Allensworth along SR 43, various areas along the Tule River, and along the Kern River located in the eastern portion of the county.

Development within a flood zone typically is required to be protected against flood damage. FEMA requires developers to obtain a flood zone elevation certificate when they apply for their permit. These certificates require elevating the developed area (i.e., house pad) above the known flood level of that

flood zone. The sites in the inventory must obtain a flood zone elevation certificate, which may increase the cost of a development but is necessary to protect against flood risks.

3.3.2 Seismic Zones

There are several active and potentially active faults within and adjacent to Tulare County. The Kern Canyon fault zone is located along sections of the Kern River spanning from the river's headwaters, located at the Kings Kern Divide south through Isabella Lake. Additional major fault zones adjacent to Tulare County include the San Andreas and Garlock faults. Tulare County is not considered to be under significant threat of a major earthquake despite its proximity to active fault zones.

Although all development must consider earthquake hazards, there is no specific threat or hazard from seismic ground shaking to residential development within the county, and all new construction will comply with current local and state building codes. Due to the minimal historical hazard of earthquakes in the county and the use of the most current building codes and construction techniques, earthquakes do not pose a significant constraint to residential development.

3.3.3 Wildland/Urban Fire Hazards

The California Department of Forestry and Fire Prevention (CALFIRE) has designated the eastern area of Tulare County near the foothills of the Sierra Nevada Mountains as a fire hazard severity zone ranging from moderate, high, and very high fire hazard risk.¹ The jurisdictions that are closest to these hazard areas include Woodlake, Exeter, Lindsay, Porterville, and unincorporated Tulare County.

Wildfire hazards in the city include vacant/fallow lands that have dry vegetation and/or agricultural debris storage (e.g., limbs, trimmings, etc.). These hazards are more common on non-irrigated lands, during drought years, and in dry seasons. Suburban, urban areas, or rocky barren areas have minimal surface fuels and therefore typically have the lowest fire hazard. All new residential development must meet California Fire Code provisions, which address topography, geology, climate, and development conditions to reduce risk of wildfire hazards.

3.3.4 Soil Contamination

Agricultural uses may contaminate potential residential sites due to the use of pesticides and other chemicals. Soil contamination may be a concern if a Phase One Environmental Site Assessment determines there is a potential for soil contamination and contamination is substantiated by a Phase Two study. Each jurisdiction ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing housing on these sites can involve costs to remediate contaminated soil or groundwater. The remediation cost would typically be on the developer to address the clean-up.

¹ CAL FIRE. Fire Hazard Severity Zone Viewer. April 1, 2024. <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>