CITY OF RANCHO SANTA MARGARITA

Mayor
Neil C. Blais

Mayor Pro Tempore
Gary Thompson

Council Members
L. Anthony Beall
Jerry Holloway
James M. Thor

City Manager
Steven E. Hayman

June 2, 2008

The Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

SUBJECT: Response to Grand Jury Report "No County for Old Boomers"

Dear Judge Wieben Stock,

This letter is submitted in response to the recent Grand Jury report "*No County for Old Boomers – When Orange County Baby Boomers Retire, Where Will They Live*." We appreciate the opportunity to provide the following responses to the four specific recommendations in this thought-provoking report. At the conclusion of this letter we also offer some additional recommendations we believe should be considered along with those articulated by the Grand Jury.

Recommendation 1. Include the current and projected affordable senior housing inventory by type, location and cost in the 2008 and future years' development of the Housing Element.

Response 1. State law requires every city and county in California to update the Housing Element of its General Plan periodically according to a state-mandated schedule. For jurisdictions in Orange County, the due date for the next Housing Element revision is June 30, 2008. While the Grand Jury report raises very important issues related to the future housing needs of senior citizens, the timing of the requested action is problematic for the current Housing Element cycle – the Grand Jury report arrives approximately one month before Housing Element updates are due. In addition, the data and analysis requested by the Grand Jury is not currently required under state Housing Element law. Most jurisdictions in Orange County completed the required analysis for the Housing

Element update many months ago, and compliance with this Grand Jury recommendation would require city staff and consultants to expend time and resources researching and revising the analysis that was finalized months ago. In our case, this would require extra expense that has not been budgeted, since the work is beyond the scope of our current Housing Element consultant contract and we do not have the staff resources available to conduct the recommended research and data compilation in-house. Therefore, while we support this Grand Jury recommendation for future Housing Element updates, we respectfully disagree that this work should be completed for the current element because it is not feasible due to the scheduling and budgetary reasons described above.

Recommendation 2. Include sufficient data in the Housing element to acknowledge the imminent growth in the county's aging population. This data is to include the current population and the growth trend of the aging baby boomer generation as well as the current median income and the income trend of the senior population.

Response 2. While we agree that this recommendation would provide valuable information for local government policy-makers and the housing industry, again the timing is problematic due to the state-mandated schedule for updating Housing Elements. We support the inclusion of such information in future Housing Element updates, and we will make a diligent attempt to provide the requested additional data in the current element to the extent schedule and staff resources allow, but we respectfully disagree that this additional analysis should be required in the current housing element cycle for the reasons described in Response 1, above.

Recommendation 3. Put all Housing Elements online on each city's website.

Response 3. We agree and support this recommendation. The Housing Element has been posted on the City website.

Recommendation 4. Confer with developers to establish the needs for affordable senior housing and to encourage investment in future projects.

Response 4. We agree and support this recommendation. City

staff routinely confers with developers regarding development opportunities, and we will continue to encourage the development of affordable senior housing pursuant to Housing Element policies.

Additional Recommendations for Consideration.

Under state law, some types of housing projects that are designed for the elderly or persons with disabilities are considered to be "group quarters" rather than "housing units" for purposes of the RHNA. Because of the role of state government in reviewing and "certifying" local housing elements, and the potential legal consequences for failure to obtain state certification, the RHNA and related analysis of a jurisdiction's housing development capacity can be highly controversial. *One significant implication of current housing law is that jurisdictions could actually be penalized for encouraging assisted living facilities or other senior housing developments through their land use plans and zoning ordinances since these housing types may not qualify for RHNA credit*. In light of the anticipated growth in the senior population, we believe this is an area of Housing Element law that may need to be reviewed and modified by the state legislature.

Thank you again for bringing this important topic to the attention of local governments in Orange County.

Sincerely,

Neil C. Blais
Mayor

Cc: City Council
Planning Commission
City Manager

Ann Avery Andres
Foreman, Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701