



*“ Jobs, Homes & Individual Rights ”*

September 21, 2009

Ms. Lynn Jacobs, Director  
California Department of Housing & Community Development  
1800 Third Street, Suite 430  
Sacramento, California 95814

Ms. Cathy Creswell, Deputy Director  
California Department of Housing & Community Development  
1800 Third Street, Suite 430  
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Subject: Humboldt County Housing Element update

Dear Lynn & Cathy:

Thank you for meeting with us today. We have serious concerns regarding Humboldt County's Housing Element adopted by the Board of Supervisors August 28, 2009.

First, we want to reiterate our earlier “Thank You” for coming to Eureka April 20, 2009 and conducting a well-attended and much appreciated Housing Element Workshop. Numerous times during the ensuing public meetings and discussions regarding the update of the County's Housing Element, people who attended were able to reference the information presented by you, Cathy, and by Paul. We are leaving you three copies of the DVD of that workshop in hopes it might be useful for other jurisdictions. We would be glad to revise the existing DVDs to be more generic in case it would better suit your needs for use with other counties and cities.

There are several efforts currently underway which are focused on addressing the County's disregard for Federal and State laws and guidelines. They include, but are not limited to:

- 1 In the County's outside auditor's report dated March 19, 2009, he points to multiple years of violations of certain generally accepted accounting principles, and material weaknesses in the County's records. These include some violations pertaining to Community Development Block Grants issued to the County over the years. See Attachment “C” for further details.
- 2 The County's 2008/2009 Grand Jury's findings and recommendations, wherein they recommend the current Grand Jury follow up with certain problems surrounding the County's Community Development Services Department.

- 3 A request dated September 8, 2009 was sent to the County's CDS Director, to sign an Affidavit swearing under oath that the County's Housing Element, including the Land Inventory was prepared in good faith and to the best of his knowledge, is free from material errors and omissions, and that it complies with State regulations and guidelines. As of this date, Mr. Girard has not been willing to sign such a document. See Attachment "D".
  - 4 Certain recommendations made to the Board of Supervisors by the Community Development Services Director are not supported by the County Administrative Officer. (The County Administrative Officer tendered her resignation on August 24, 2009 effective December 20, 2009.)
  - 5 A coalition of several Humboldt County organizations (Northern California Association of Home Builders; Humboldt Association of Realtors; HELP; and Humboldt Builders Exchange, Inc) are expressing their concerns on the Humboldt Future website at: <http://humboldtfuture.com/> regarding the County's General Plan Update process, including that of the Housing Element.
  - 6 Attorney William Bertain expresses the concerns of many, in his August 25, 2009 letter to the Board of Supervisors. He points to the County's attempts to merge certain parcels smaller than 600 acres. This, and other strategies embedded in the Land Use Element would, if adopted, take certain land owners property rights away, and reduce opportunities for building affordable housing on many parcels. See Attachment "E".
  - 7 Several Public Records Act requests to the County have resulted in non-responsive responses. HELP received a response from the County to its February 6, 2009 letter, requesting documentation related to certain loans executed by an entity the County manages. The County's March 20, 2009 letter, denies access to the documents stating: ".....the information is similar to the contents of **personnel or medical files**....."
- To the contrary, the information requested was consistent with California law under Gov Code 6250 et seq. and should be provided.
- 8 The County's certification of the Housing Element's Supplemental EIR totally ignores even the basic premise of CEQA. See Attachment "F", "G", and "H".
  - 9 As you are aware, HCAOG has not complied with the State RHNA laws. They initiated the 2-year process during the Spring of 2009. This, of course, means the County's Land Inventory can not comply with State law until the Spring of 2011. Instead of following the 2-year State-mandated program, the HCAOG board, including the County Board of Supervisors, are attempting to compress that process down into a 6-month program.

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- 10       HELP put together a group of volunteer private citizens to assist the County update its Land Inventory -- known as the FOL (Find Our Lots) team. Thousands of hours have been devoted to that effort over the past 16 months. In spite of the detailed analysis reviewing over 8,000 parcels, the County's land inventory remains grossly overstated. See Attachments "A", "F", "G", and "H".

Because of the seriousness of the aforementioned violations, a U.S. District Attorney has made it known that any Block Grant funds which have come to the County from the Federal Government, are potential candidates for an investigation.

Similar concerns have been expressed by a member of the California Department of Justice Fraudulent Claims Department.

We recognize how busy you both are. We have summarized only the major issues in this cover letter. Further details can be examined in the attachments to this letter:

Attachment A	Violations of State laws and HCD Guidelines in the Humboldt County Housing Element adopted 8-28-09
Attachment B	FOL (Find Our Lots) team's Potential Multi-Family Sites submitted to the County a year ago on 9-25-08
Attachment C	Excerpts from County's Outside Auditor's Report
Attachment D	Affidavit submitted to CSD director Kirk Girard
Attachment E	Attorney William Bertain's 8-25-09 letter to Board of Supervisors
Attachment F	HELP's 8-18-09 to Board of Supervisors <ul style="list-style-type: none"><li>➤ 2003 Housing Element Program Statusing</li><li>➤ Abbott &amp; Kindermann &amp; HELP letters re draft SEIR</li><li>➤ HCD Constraints on Permitting Process Guidelines</li><li>➤ County's illegal treatment of Applicants</li><li>➤ HDR Peer Review of County's Infrastructure Report</li><li>➤ HCD Guidelines re: Infrastructure</li><li>➤ Former County planner, Kevin Caldwell's 3-15-09 Memorandum</li></ul>
Attachment G	HELP's 8-24-09 letter to Board of Supervisors
Attachment H	HELP's 8-28-09 letter to Board of Supervisors

There are some very dedicated and hard working employees at the County, who would like to do a good job. HELP continues to work with them in hopes the "powers that be" will eventually see fit to follow the law.

We would welcome the opportunity to spend time with Paul McDougall at his convenience going over the attachments in more detail.

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As mentioned to you in our April 2, 2008 letter, we were stunned to hear Mr. Girard say, "HCD doesn't always get it right." It is apparent this remains his thinking. When confronted with the areas where the County does not comply with State law and HCD guidelines, County planners refer to those violations as just "technicalities".

Several times during public meetings, County staff, as well as some of the Planning Commissioners and Board of Supervisors, have noted that it is HCD who will determine if the Housing Element, Land Inventory, and Supplemental EIR are in compliance with State Law and HCD guidelines.

Given the current State and Federal debt and budget crisis, HCD must make every effort possible, especially now, to assure the State taxpayers that the cities and counties receiving grant and loan money are complying with State and Federal laws.

It is very clear the County's Housing Element and SEIR are far from complying with State laws. As you know, HELP and others have for many years tried to persuade the County to follow the law in these areas, and for years the County has continued to ignore the law and HCD guidelines. This has resulted in fewer and fewer opportunities to provide affordable housing for all levels of income in Humboldt County.

Again, thank you so much for taking the time to meet with us. Please let us know anytime, if there's anything we can do to assist you.

We need your help. Please insist Humboldt County follows the law.

Sincerely,

Kay Backer, representing  
Humboldt Economic & Land Plan

PS HELP urges HCD to require a sworn statement by city and county officials requesting grant or loan money, that the information provided on their applications are truthful to the best of their knowledge.

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