

The General Plan: California Laws for How Counties Treat Expansion and Growth

*Moderator: Jordan Perry**

*Panelists: Nicholas Jensen,** Monica Heger,*** & Ashley Marie Suarez*****

Austin McNichols: Welcome back, everyone. Or welcome, if you haven't been with us yet today. Our next panel is going to be: "The General Plan: California Laws for how Counties Treat Expansion and Growth." Let's give it up for our panel and our moderator, Jordan Perry.

Jordan Perry: Awesome. Thank you all so much. I'm really excited to be up here with an incredible group of panelists. They're going to introduce themselves, but how we're going to structure this is they'll be doing individual presentations, we'll do a couple overarching questions, and then we'll open it up for a Q&A.

Let's have each panelist introduce themselves and where you're based and kind of the work that you do.

Monica Heger: Hi everyone. My name's Monica Heger. I'm an attorney in the Attorney General's Office in the Bureau of Environmental Justice, and I'm based in Sacramento and have been with the office for three and a half years.

Nicholas Jensen: Hey, everyone. I'm Nick. I am an attorney with California Rural Legal Assistance. I'm based out of Modesto. I've been there for about four and a half years now.

Ashley Marie Suarez: Hello, everyone. I'm Ashley Marie Suarez, pronouns she/her/ella. I am a policy advocate with Leadership Counsel for Justice and Accountability based out of the Merced region.

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Jordan: Awesome. So, we're going to turn to Monica first, who will talk with us a little bit about her work.

Monica: Great. So, I'm going to talk to you about first two main topics, a state law that requires environmental justice (EJ) policies and general plans, and then also go over a recent case that our office was involved with.

But first, I just want to give a quick overview of the Bureau of Environmental Justice. We're housed within the Attorney General's office. We were formed in 2018. We have about eight attorneys right now, and our mission is to address disproportionate pollution burdens on communities throughout the state of California. This bulleted list is just some of the areas that we work in and some of our priorities.

My focus is going to be on SB 1000, but I just wanted to briefly mention two other state laws that deal with [Disadvantaged Unincorporated Communities] (DUCs) in general plans. The first is SB 244, which requires local governments to analyze DUCs and analyze infrastructure needs in DUCs in their land use element of the general plan. And then the second is housing element law, which my two co-panelists are going to talk about in more detail.

SB 1000 has essentially two main requirements. Cities and counties must first identify all the disadvantaged communities in their planning area. And under SB 1000, a disadvantaged community—the definition is a bit broader than a DUC. So, it includes DUCs, but it also includes unincorporated communities that have high pollution burdens. And then the second key requirement of SB 1000 is that local governments must adopt policies that address the environmental, health, and social burdens of those communities.

There are essentially eight mandatory topic areas that these policies must cover, listed here. Then these are some example policies from actual environmental justice elements that have been adopted by cities and counties. And I just wanted to highlight some of these that show how these policies can address some of the infrastructure deficiencies in DUCs, especially.

This first one focuses on green infrastructure. This can be really helpful to help prevent flooding, to help with water filtration, and also to reduce heat island impacts. And then the second one deals with food deserts and access to healthy food, and this policy is designed to incentivize local government or incentivize corner stores to stock more produce and other healthy foods.

And then a policy that deals with water supply needs in communities. And this one focuses on small water systems and domestic wells, and these types of water supplies are often most relied upon in DUCs and often have the worst water quality. And then a policy that focuses on equitable tree canopy, which can help with air pollution and also heat island impacts.

Our work in SB 1000 falls under three main buckets. The EJ Bureau submits comment letters to local governments when we have identified a draft EJ element that maybe has some deficiencies. Their policies may not be very

strong. They may not address all the needs of that community. So we submit a comment letter to try to encourage them to adopt stronger policies.

Then sometimes our comment letters focus on the need for community engagement. That's not a specific requirement of SB 1000, but environmental justice really relies upon actually listening to the needs of the community. And so, for instance, we submitted a comment letter to Riverside County, which had published a draft EJ element but had not done any community engagement in coming up with that EJ element. And our comment letter encouraged them to sort of slow down their process, go back to the drawing board and do some community outreach and incorporate the community's input into their EJ element.

We have also issued best practices guidance, and this is designed to be both a tool for local governments to give them examples of policies that other local governments have adopted that work in their communities, and it's also designed for community advocates themselves to take to local governments and advocate for better policies and better process.

Then, in very rare instances, we litigate. We've only brought one case against the City of Huntington Park, which is a community in LA, and that was because they totally failed to adopt any environmental justice policies.

Now I'd like to switch gears and talk about a recent case that our office was involved in, involving a disadvantaged unincorporated community called Matheny Tract, located just outside the city of Tulare. This case has nothing to do with SB 1000 but is a good illustration of how a city's general plan policies can impact disadvantaged unincorporated communities.

So what we're looking at in this slide is the city of Tulare's zoning map. Then the outline in black is Matheny Tract. So, you can see it's just outside of city limits. And then the areas in light and dark purple, those are the light and heavy industrial zones in the city of Tulare. And then that light blue area just east of Matheny Tract, that's actually the city's wastewater treatment plant. So it's about a mile away from the residents of Matheny Tract, but Matheny Tract residents are not served by the city's wastewater treatment plant. So the community here is bearing a significant portion of the city's environmental burdens but not getting any of the benefits.

And this is just another photo illustrating some of the heavy industrial uses that are right next to this community. There's trucking companies, there's cold storage warehouses, the truck route goes right next to it. And so they just have a lot of impacts in their community. And this community has been really strong advocates for many, many years for protections from industrial development, and they were represented by the Leadership Counsel for Justice and Accountability. And together, our office with Leadership Counsel was able to bring a lawsuit against the City of Tulare.

The City of Tulare's general plan actually had some policies that would provide protections from industrial development. These policies required that

when an industrial use with a lot of diesel trucks was going to be built near residents, they would have to do a health risk assessment, and if the health risks were found to be above a certain threshold, the project applicant would have to take measures to reduce the air pollution from their project.

This policy is a good policy, but the problem is that the city was not implementing it. In fact, they passed a zoning ordinance that essentially rendered this policy inapplicable to all of the industrial development that would be developed right next to Matheny Tract. The community and our office sued the City for failure to enforce its own general plan policy, and fortunately, the judge agreed with us that this was not okay. This is a photo of some of the community members outside of the courthouse after getting that really good verdict.

That's just sort of a quick overview of some of the work we do and how general plan policies can really have an impact on unincorporated communities. And I will turn it over to Nick.

Nicholas: Great. Thanks, Monica. So, like I said, my name's Nick. I'm an attorney with California Rural Legal Assistance in the Modesto office. First let me give you a little bit more background about what we do.

I'm part of our Unincorporated Community Justice program. We focus specifically on disadvantaged unincorporated communities and all of the impacts that they suffer environmentally. We take a very holistic look at what environmental justice means. We're talking both about the natural environment as well as the built environment.

Part of that built environment is actually housing, as I think we all are familiar with. Some of the work that we've done in Stanislaus County over the past few years, and it really has been a few years, has been working on that Stanislaus County housing element. I just wanted to share a little bit about the housing element specifically, give us some background on that, and just kind of use a couple sort of case studies from our advocacy there to show how the housing element can impact disadvantaged unincorporated communities. So that's the plan. And there's a lot of information, so I'm going to try to go kind of fast, and so we'll see how that goes.

The housing element is in the law under California Government Code Section 65580, and it was established back in 1969. The purpose is basically to make sure jurisdictions are establishing policies and creating physical space through zoning to allow residents at all income levels to have equal access and equal opportunity to have good quality housing. It was created because the state was recognizing that a lot of jurisdictions are trying to make sure that they can create market-level housing, like housing that only the wealthy can afford, and they weren't providing enough space and making sure that there was affordable housing developed as well. So, this is supposed to create affordable housing.

It's a civil rights law. And what's really cool about this—well, what in theory could be really cool about this—is that it's one of the few components of a general plan, one of the few elements of a general plan, that actually has legal

teeth associated with it. What that means is the State of California, or HCD specifically, the Department of Housing and Community Development, has to review and approve housing elements. They actually have some say in whether or not the county is complying with state law in the housing element that they create. It's a tool that we can try to use to help out unincorporated communities with the issues that they have.

So, basically, how does it work? Every eight years, they have to do another update. The first step in doing this update is the state sets out an allocation of how many housing units each jurisdiction has to accommodate at different income levels. What that means is the state is telling each county or city that they have to accommodate a certain number of housing units at both market level and at low-income housing level.

For the purposes of the housing element, creating space for low-income housing is about providing space for multifamily housing. So, it's zoning for housing at higher densities because that's used as a proxy for affordability. That's not always a perfect assumption, but it generally tracks with what we tend to see.

And so basically once they've had that allocation associated with each jurisdiction, the jurisdiction then is tasked with creating this housing element, and it has a few components that we try to track and that we've found have been sort of the key, sort of, pain points, I guess you could say, in the process.

Number one, they have to do an assessment of existing housing needs, as well as a fair housing assessment to identify what fair housing obstacles there are to making sure everybody has access to and opportunity to have good housing opportunities.

Number two, they have to do a sites inventory. This is interesting. They have to make sure that there's zoning that they have space for, and that there's zoning for enough affordable housing in addition to market-level housing within the county, like physical space for the affordable housing they need to accommodate.

Then number three, they have to come up with a housing plan, and this is an assortment of different policies and programs that are supposed to help the most vulnerable populations address their housing needs.

All of these things are required by the law. So, they have to then submit it to the State of California for approval. And in doing all of this, kind of the fourth really big component is that they're also required by law to seek public participation from all economic segments of the population. That means they can't just reach out to the richest people; they have to reach out to everybody. And they should especially be making sure to reach out to these disadvantaged unincorporated communities, disadvantaged communities, and communities that don't often have a voice in these types of processes. The state is looking for them to do all of these things. So that's a quick overview of the housing element and what goes into it and how it works.

The one other element of this that is really interesting that was a more recent development in the law is that in 2018, California passed AB 686, which enshrines this duty to affirmatively further fair housing. So, the duty to affirmatively further fair housing requires jurisdictions to take meaningful actions to end historic patterns of segregation and discrimination. This both means they can't increase the level of segregation, and they also have to take active steps to reduce the current level of segregation. This is really interesting.

In terms of reducing segregation, that's talking about making sure communities are more integrated. So, where you have disadvantaged unincorporated communities, the lack of resources is sort of intense and disproportionately distributed there. You want to see the integration of communities by making sure that there's affordable housing opportunities in the areas of more affluence, and also making sure that you're bringing resources into areas that don't have as many resources. So, they have to take active steps. We love seeing AB 686 because, in theory, we can use this as a tool to make sure that the county, for example, Stanislaus County, is really going as far as it can to address the needs of the folks that need it the most.

And so that brings me to the case that we have at hand: Stanislaus County housing element. They've been doing this for a few years. It was actually due at the end of 2023. They started trying to do it. The regional housing needs assessment was done in 2022. Then they submitted their first draft to HCD in 2023, which was then rejected, and the next three drafts were all also rejected for not complying with state law. Over the last few years, they continued to try to make improvements, and we continued to submit comments. So that's our role as we've been submitting comments. Letting them know, "Here are all the problems with the housing element that y'all created, and here's how you can make it better." And so that's been a long, few years long process.

This is a picture of Stanislaus County at sort of a high level, just to give you all a sense. I know not everyone's familiar with Central California geography. So specifically, our focus within Stanislaus County is on a lot of the most disadvantaged unincorporated communities. In general, and as Professor Pannu was mentioning earlier, a lot of these communities are located around West and South Modesto, and that's because of the pattern of segregation that developed over the years where the city continued to expand up to the north and east, and they continued to exclude these predominantly Latino lower-income neighborhoods in the south and west. This map shows, in both West Modesto and South Modesto, a map of sort of all the little islands and pockets that still exist in these areas.

These are islands and pockets to this day, and some of them have started to receive more infrastructure and more investments, but it's been a very long, slow process. And two areas in particular are identified under the housing element as racially or ethnically concentrated areas of poverty. This is the most segregated areas in the county.

Those communities, ones I want to highlight today, are Rouse-Colorado, which is that island that you see in the left. It's next to the Rouse-Colorado. It's the island that you see in the left picture, and that is actually the community that Professor Brunier was referencing earlier that had the sewer go around it. It's literally surrounded by the city, and they refused to extend sewer. This year, actually, they're finally starting to put in some sewer mains and laterals, literally, first time. They got some funding under ARPA.

Then the other community is in South Modesto is Bret Harte. This is a community that's mostly also surrounded by the city of Modesto, and it's really out there on that southwestern outskirt. And so those are two communities that we have focused on. Those were both parties to that *CCCI* settlement that Professor Pannu mentioned as well. And so those are communities we've continued to work with and continue to try to make sure they have the investments that they need.

This is just an overview of kind of all the things wrong in general with the housing element, but I could really spend hours talking about that. I've spent many hours writing about it.

I'm going to use the case studies to focus on just these two examples and how the advocacy looked in the context of Bret Harte and Rouse-Colorado.

So first I want to talk about Bret Harte. This is a map of Bret Harte. One of the biggest issues that we identified in general with the housing element is that they distributed low-income housing and high-income housing in a way that will further increase the level of segregation, directly in violation of AFFH.

The best example of that was how in Bret Harte, they allocated 481 of the 972 total low-income units in the entire county. They put 481 of them via zoning in the community of Bret Harte, which is one of the RECAPs. It's one of the most disadvantaged areas. That's nearly half of the lower income housing allocation they have. They're trying to put it in Bret Harte, largely in that set of those large purple parcels over to the far western end.

That is an area where they only have one school, they have very limited transportation access, and they still mostly lack sidewalks. It's an area far away from pretty much anything. You couldn't really walk to it even if you had sidewalks, and you don't have sidewalks. It's really secluded, so our concern was that this was going to significantly increase the level of segregation in this community by just putting more folks who need extra resources in an area with no resources. So, the strategies we tried to use to address this included a couple of different things.

Number one, in our comments, we expressed that this was a violation of AFFH. Unfortunately, that didn't really go as far as we would've wanted it to go. The issue that we kept running into was that—and we had a lot of back and forth with the county on this—but what they claimed was that in a lot of the higher resource areas of the county where they could try to potentially allocate more of the low-income housing, there is no access to water and wastewater

infrastructure. This is because, in a lot of cases, those are parcels where people are able to pay for that on their own. So, they're able to have their own wells; they're able to have their own nice little systems. And so, they haven't developed the water and wastewater infrastructure necessary to be able to put some of this more affordable housing in some of these higher resource areas.

It got very technical, and I think that's something interesting. That's a lesson learned—that you really got to be able to get into the weeds if you're going to try to challenge the distribution of where they're choosing to put affordable and non-affordable housing in the county.

Ultimately, the other piece of the strategy that we implemented, of course, was that we tried to center the needs of the community by going out to the community and actually doing some education. We don't have a current group of our own in Bret Harte, but we were able to connect with some of the trusted messengers working in that area. So, we were able to have this information, and the county had done no outreach to this community at all. There was none. Through the whole process, through all the years, they had not once tried to actually have a meeting in the community of Bret Harte.

We were able to have that meeting, and what was interesting was, you know, we looked at this as an issue of distribution of a resource: affordable housing. But to them, even though we had identified this concern, they were like, "Well, actually, some more affordable housing in our community would be nice." But, the big issue for them was the lack of infrastructure around it. The lack of sidewalks, the lack of things that...they're like, "Where are these kids going to go to school? There are going to be 481 households, all of whom may have kids. How are we supposed to fit those into our school?"

So, at this point, the county has adopted the housing element, but we're now in the process of looking at how it's going to be implemented, and some of the policies that we're able to get them to include, like policies to help make sure that they're investing in infrastructure in these disadvantaged unincorporated communities.

That's another lesson learned, is that the process doesn't just end when the housing element gets adopted. We have to keep working, hopefully with the county, to get them to get these resources into these communities on an ongoing basis from now on.

And so that's Bret Hart, and I'm going to maybe try to race through this one. This is my last one.

So, Rouse-Colorado. As I mentioned, this is the community that is just now getting sewers. This is a community that has lacked resources for a very long time, and they still don't have sidewalks, because communities like to do sewers before sidewalks because they want to do what's underground before what's on top of the ground.

The biggest issue here: From an early stage, the county didn't do a very good job capturing all the different local history and local knowledge, which is

one of the things they're required to do under the housing element. So, there were some factors they didn't include, such as the fact they're right next to Rouse-Colorado. The city of Modesto is currently thinking about trying to install stadium-related facilities, as well as this information which they did include, but didn't contextualize about how Rouse-Colorado actually has the highest displacement risk in the entire northern Central Valley. It's the neighborhood with the worst displacement risk.

So, displacement, of course, is a factor of house level—the level of the housing burden combined with the likelihood of gentrification, as well as the likelihood of people being pushed out of their homes for various reasons. We identified this community from early on as a community that really needs some extra help with displacement. And so, through community meetings, we had to create the space to have community meetings where the county would come out because they refused to hold those meetings themselves. But, we were able to have the county come out, and in the end, we actually got the county to adopt an anti-displacement strategy, which is really cool, except the strategy is to develop anti-displacement measures now during the implementation period. It's sort of pushing the ball down the road. But it is a step in the right direction.

So, once again, it's just another example of the importance of centering community perspectives to create change in the county, and also the fact that this is an ongoing struggle, so we're going to have to continue advocating for them to do what they need to do to help these communities.

That's pretty much it. Anti-displacement strategy implementation is one of our next steps. Also, working with them on doing better public participation in general. And finally, we're actually now sitting on the Equity Advisory Committee because now they're doing their SB 1000. So, that'll be something we can talk to Monica about.

Ashley Marie: Now it's my turn. Hi everyone, I'm Ashley Marie Suarez with Leadership Counsel. I'm a policy advocate with a focus on housing and land use, specifically in the areas of Merced and Madera Counties.

Just to give you a little background as to what we do, Leadership Counsel for Justice and Accountability is a nonprofit with a mission to work alongside the most rural and disadvantaged communities that are frequently left behind, with the goal to really advocate for sound policy and eradicate injustices relating to various policy areas. Our goal is to really secure equal access to opportunity, regardless of wealth, race, income, or place.

So, what do I do? I work alongside colleagues, such as the only other person that I work with in the Merced office, an outreach associate who helps me really get into the community and build trust and relationships with the folks that we're going to be talking to on a routine basis. We knock on doors. We really try to get to the root of what the main concerns and issues that the community really deals with on a day-to-day basis that impact their quality of life. We learn from the

experiences of these folks that live in these communities that are missing a lot of resources.

We invite them to meetings that we host. Most of the time, it is more than once a month because the work that we do is just...there are so many opportunities for us to really involve the community and get their opinions involved. We invite them to community meetings where we discuss various topics like housing, transportation, land use, dairy and agriculture, water, wastewater—shout out to Nataly here—air quality, climate, and energy.

Like I mentioned, my focus is on housing and land use, but I'm not the only one facilitating these meetings. I have a team of colleagues who are experts in their policy areas who really share what opportunities exist at the state and at the local level for community members to advocate for the things that they want to see in their neighborhoods and their communities.

Getting into what exactly I do besides hosting meetings: I do lot of the research at the local and state level, and also sometimes at the federal level, to share with the community what opportunities exist for them based on the community concerns and their interests and priorities. Because sometimes there's a really long list of things that are happening in their community that really need attention. But sometimes there are opportunities that come up, so we prioritize those and tackle those first before focusing on these other more long-term campaigns.

Prior to starting any sort of campaign, I think the biggest thing that I do, and that my team does, is we try to understand where the community is at. What do they know? What is their day-to-day experience? And it's really important to listen to the community and understand the history of the community. We need to pay attention to legacies of discrimination and segregation and redlining, because understanding and recognizing these patterns—especially in investment decisions made by local decision makers—is really what is going to set the tone as to what strategies we're going to take and what upcoming opportunities there are for us to advocate alongside these community members.

It really clues you in as to, like I mentioned, the tone of the decision makers who are responsible for the development of plans alongside staff. Sometimes you think it's just in the hands of decision makers, but who you really want to build those relationships with is staff as well, because they're the ones handling all of the plans. And then they're presenting their recommendations to decision makers, and sometimes decision makers aren't super knowledgeable on all the state laws. I mean, they have a life, right? And so it's really important that we introduce and build these relationships between community members and the folks that are really making the decisions and calling the shots.

Something that we like to do as well is use the tool of power mapping to really understand the dynamics that are at hand for us to move a campaign forward. Once the community identifies what these concerns are, what the interests are, what its priorities are, especially as opportunities arise, I check the

local agendas, specifically city councils for the incorporated cities, and then for the unincorporated county areas, that means looking at the board of supervisors, planning commissions for both cities and counties, and then sometimes even committee agendas, where these things kind of go under the radar and aren't really—the final decision isn't made at these larger public meetings, but they're set by folks that are on the committee.

I identify these opportunities for community members to really take leadership and make comments and share their stories and push for changes in policy language or in the ways that the city or the county are going to take steps and involve the community in these decision-making actions. The goal of checking the agendas, like I mentioned, is to identify those opportunities, prepare community members ahead of time, and then show up with them because sometimes there's that fear of "I don't know what to say, don't know how to convey it, what are the logistics behind all of these things, and what is the end goal?" Deciding that together as a community and having one unified message is super important for all of these campaigns.

In the event that local government is presenting a policy that will potentially impact community, even if it's not specifically in that area, but it encompasses a large area, we let community members know, and we use tools like communications to bring more attention to this topic. Because believe it or not, not everybody keeps track of local city council and county board of supervisors' agendas. They're not really aware of what opportunities exist for them to tell their stories and really move things along.

We most recently actually—this is in the city of Merced, but my point still stands—are advocating for a repeat housing code violators program that really addresses the needs of the community for habitability issues. We were able to move that along by doing TV interviews and having community members write op-eds and submit comment letters regarding the lack of health and safety code that the City of Merced was not really complying with. So, what we're doing now with county communities is trying to ramp up the communications and use legal strategies to be able to uplift the voices of the folks that have been left behind with disinvestment practices as well as just poor planning.

Props to Nick for providing a lot of information on the basics of the housing element. It really just boils down to making sure that the counties identify what the issues are, and then directly through goals, programs, and policies address those gaps.

Specifically getting into Merced County, I just want to acknowledge the housing element for that county is two years late. Let's just think about how late that is. So, the housing element cycle for the sixth cycle started in 2024 and ends in 2032. They're two years late, meaning now their implementation period, where they have to have this plan adopted and start making these things happen, is now significantly shorter. The County is cutting into the implementation period time, meaning that now this is making a lot of people frustrated.

First and foremost, I do want to acknowledge that Merced County was on the list of one of fifteen counties that, the Governor is now targeting for being significantly late and showing a pattern of not wanting to comply with state law and delaying the progress in addressing the needs of the community. So, what do those consequences really look like?

When plans are substantially out of compliance and are this late and show a pattern of not wanting to listen to community, not tapping into local data and knowledge, and not including programs and policies that will affirmatively further for housing, they're going to deal with consequences. And that's the good thing about the Housing Element is, like Nick said, there's a bite here. There's the Housing Accountability Unit, which is a substandard of the Housing Community Development Agency, who is clued in either before or after implementation, to really hold these jurisdictions accountable to make sure that whatever they included in their plan actually gets done.

For example, like I mentioned, Merced County received a notice of violation letter in March of 2026 outlining that they had multiple opportunities to meet the housing element and affirmatively further fair housing law, that they had technical assistance provided by HCD to meet state requirements, and yet they're still demonstrating a lack of willingness to address community gaps that they identified but did not address.

So, what exactly is the holdup? Instead of revising and improving programs and policies that were included in their fifth cycle housing element, they decided to just copy-paste it without really changing anything that will result in beneficial community impact. At this point, the county has failed to tap into the community to really understand where they need to meet the community at. The dependency on state and regional data is not enough, just because of the lack of studies and the lack of information that is available on the impacts that the community faces on a day-to-day basis.

No two communities are the same, so I do want to acknowledge that for both Merced County and Madera County, they are relying on the same consultant to provide this plan. It's so disheartening to see that the specific needs of the communities are not really addressed because you can tell that this is just so high level. The programs and policies that they're developing are not specific to the communities, the geographics, the population of these unincorporated communities, and that is definitely something that we're pushing on.

The county must also improve its analysis to ensure that the programs and the policies do address the identified gaps that the housing needs assessment, constraint factors that were identified are addressed.

Some of the things that we are continuing to push for in Merced County include addressing issues like lack of water and sewer infrastructure and capacity so that they can facilitate and develop residential housing in these areas, and the impacts of dairy expansions, especially on air quality, water and wastewater, and land use. Especially because community members constantly, you know, they

have windows, but ...the flies come in, the smell, the stench of the dairies. In Merced County, one of the biggest dairy expansions brought, is it 8,000 cows to a community? And it's so small. This is already a community that has limited infrastructure for pedestrian mobility. They don't have a lot of public lighting, they don't have a lot of sidewalks, and they're choosing to create programs and policies that aren't really addressing these gaps and have these gaps in mind.

Another one is the lack of housing stock due to real estate businesses purchasing homes for rental property reasons. It's really caused an issue for community members who have a dream of becoming a homeowner. Especially in the Central Valley, where home prices shouldn't be that high, it's driving up the cost.

Lastly, the delay of repair for homes that are impacted by the Planada flood of 2023 is definitely something that we're continuing to push for because, although the county has made a couple of workshops to get a feel for what the community is really experiencing and what are the unresolved issues to date, there still hasn't been a lot of progress that has been made. Most notably, the county—aware of the flood that affected over 80 percent of the Planada residents—was awarded \$20 million in flood recovery efforts. They began hosting these workshops not that long ago where they were saying, "Okay, we have this leftover money, what should we do with it?" But they didn't address or acknowledge the fact that there are a lot of households that lost tens of thousands of dollars in personal belongings and business equipment that today still have mold and water damage in their home, and rehabilitation has not been completed. That is leftover money that they're trying to redirect to transportation. And while it also is a need, the flood impacts are still very much real and existing today, and the county is failing to acknowledge that.

So, we actually recommended in the housing element that they establish a flood recovery oversight committee comprised of residents that are still dealing with these things so they can be kept in the loop as to how the rest of the funding will be dispersed and if there are going to be additional public input opportunities. And what they said was, "Well, we already have a program that addresses that," but they did not want to, again, solicit more public input, and they wanted to proceed in the way that the county wants to proceed, unfortunately.

Madera County is a little bit different. They're on a different timeline because their plan has already been adopted. HCD did find them in compliance with state law, regardless of the fact that there are still some issues that were unaddressed by that, you know, impacted community, and it was adopted in October of 2025. As of now, the county is on the route of implementing this plan, but when we emailed them and asked, "You know, these are top priorities for residents. We really appreciate that it's included in the plan. Where are you with the progress?" They basically said, "We'll let you know when there is progress."

Now, a lot of these programs and policies should have already started to be implemented. They should have already started seeking funding, working with partners, established some of the plans, and started working on some studies. And to date, we have not really received the level of transparency that is required by the housing element.

So, some of the suggestions that we had, because of the things that residents are experiencing, include a buffer zone for communities that live right next to almond orchards. And almond orchards are shaken up, right? To make sure that they can be harvested. But they're sprayed with pesticides and insecticides, and then it's very dusty there. So imagine living right next to it. You can't have your window open and can't have your door open because it impacts the air quality. It impacts the amount of water, the water quality as well, and it shakes up the foundation of the home. So now you have cracks in your walls and holes for pests and rodents to get in.

A lot of these things were lived experiences from community members that they shared with the County, and instead the County said, "Oh, well, we'll do a study." We'll let you know if we determine that a buffer zone needs to be put in place. So this is kind of the experience that we've been dealing with as a policy advocacy group that does research and really does try to integrate community experiences into the policies that will benefit community.

So that leads me to what else the community was asking for. Communities are definitely asking for more public input to make sure that the policies that get adopted really reflect the needs of the community: Creating community advisory committees for the oversight of program implementation, flood recovery efforts that are meaningful and beneficial to the community, and more investment in infrastructure for existing communities before making sprawl development decisions.

And so, what now? We're going to continue hosting community meetings. We're going to continue strategizing for needs to be met outside of the general plan, outside of the housing element, and as well as the annual progress report that comes tied to these state laws to ensure that there is progress moving forward.

Some of the tools that we're going to consider using are continuing to build the base of the community members to share their stories and build this narrative around the needs of the community, and also build partnerships to show up in spaces together, because with numbers, we really do have power. Then also tapping into communications, encouraging community members to write opinion pieces, be involved in our social media by participating in our Reels on Instagram, testimonials, doing audios, making public comments. Really recording videos of these issues to bring more attention and awareness to it, as well as doing TV interviews. Then legal-wise, we definitely tap into doing a legal analysis, sometimes, often, resulting in demand letters or even litigation.

And so that's a little bit about what I do. Thank you.

Jordan: Awesome. Thank you all so much for sharing about your incredible work. I learned so much from this, and I'm really excited to ask you some more questions and learn even more.

So, to start, you all really touched on the importance of public participation. I wanted to ask: Can you discuss the issues with coordination or lack thereof between cities and counties with planning and execution of general plan elements, especially the public participation around those? And then, what you do to really ensure that it's happening and that it has teeth and that's not just a procedural pass over? How do you all deal with that in your work?

Monica: Yeah, so I can talk about this from the SB 1000 perspective. So, SB 1000 actually does not have any public participation requirements, which makes it really difficult. And so the way that our office has approached that is we recommend that cities and counties do public outreach and community engagement, and we think that that is just an integral part of what environmental justice means. Under state law, how environmental justice is defined does include listening to the community and taking their opinions into consideration.

I think in almost every comment letter that we've done on SB 1000, we have talked about community engagement and really pushed that as being an important part of cities' and counties' processes. But it is difficult because SB 1000 does not have any teeth on that aspect.

Nicholas: It's interesting, you know, thinking about SB 1000. We're in an interesting spot in Stanislaus County where currently the county is working on their SB 1000 requirements, and the city just held an SB 1000 meeting earlier this—or the city of Modesto, I should say—and they don't seem to be talking to each other at all, and it affects the same communities, the same disadvantaged unincorporated communities, particularly within the sphere of influence. So there's just not a lot of collaboration, and there's not requirements really around that collaboration.

So, I guess our strategy is to be as annoying as possible and get them to actually come out to these meetings and just make the space ourselves. We have communities that we work with. We try to create those spaces. And basically, when we invite them, if they say no, they have to give us at least a reason why. And it's going to look really bad, so they better come out.

So that's the kind of strategy that we try to use, and it's just really interesting how it transforms the conversation when the community's involved. You know, they can ignore us because they're like, "Oh, you're some lawyer. What do you know?" But when the community says what they need, there's a lot of power to that, especially when the county actually has to come out in person to see what it's like in the community that the community's talking about.

Ashley Marie: To piggyback off of what Nick is saying, some of the biggest issues that we experienced with the housing element process was that the workshops to solicit public input on the housing element were hosted at the county building in the city of Merced, not in any of the unincorporated

communities where it's difficult for folks that don't have personal transportation to be able to access these spaces. There's language barriers. There's issues with the times that these meetings are being hosted, especially because they're trying to do it at 10 o'clock in the morning on a random Tuesday, and folks have work.

And a lot of these communities, the folks have jobs in the fields. You know, this is not an accessible time, space, location. So one of the biggest issues that we also noticed was that when we would invite county staff to community meetings hosted in these areas, specifically Planada and Delhi, they would make these excuses as to why they couldn't come, or they would try to hijack these meetings and these spaces to really tell them what the community wanted instead of listening. Those were some of the biggest issues.

Also, thinking back to an issue that we tried to address within the housing element, particularly in a fringe community of South Merced that's an unincorporated area, because for some reason the city decided to make this really terrible district line that has this weird distinction between what is South Merced City and South Merced unincorporated, but it's right next to the city, and there are these dead-end streets that you have to exit onto the city, but don't have any of the city amenities and resources. So particularly for folks that live in these spaces that don't have access to water and sewer services, sidewalks, or public lighting, we did try to advocate for these things within the housing element.

Most notably, we tried to have meetings with both city officials and county officials at our office to try to start these conversations, and what we kept running into was pointing of the finger. "Oh, well, it's a county jurisdiction, so why doesn't the county pay for water and sewer service extension?" "Oh, but it's city and water and sewer services, so why doesn't the city pay for it?" And there was this kind of lack of responsibility and accountability for making sure that at the end of the day, the focus is on the community that needs the resources, and what steps will be taken to address that issue.

We're still dealing with that issue now. No one wanted to really move this forward. They blamed the lack of state funding to be able to move forward with extending water and sewer services. And so, like Nick said, we just have to be annoying and persistent, right? And keep telling them, "Hey, this state funding is available. Why aren't you applying to extend sidewalks or public lighting? Here are these other opportunities."

And actually, it's really funny that we have this question. I just met with the city attorney of Merced yesterday to advocate for some things that county unincorporated folks could benefit from, and his response was, "Well, this isn't something that the government can solve. It seems like a community issue." So that's the kind of tone that we're getting from local government, that these are things that can be addressed through local government, but they're deciding not to take that matter into their own hands.

That's kind of the issue with coordination, right? And trying to move things along. And so, yeah, that's just a little bit about what I get to notice on a day-to-day.

Jordan: I'll ask you one more question, and then we'll open it up for Q&A. There are so many great things we could ask.

But for a little bit of a bigger picture question, Ashley Marie, I thought you said this really well, that we really need to be acknowledging the histories and legacies of racism and everything that kind of makes these communities as disadvantaged as they are. So I just wanted to open up the floor a little bit for you each to talk about how you think about, you know, as there's new developments every day, having to keep track of agendas and city council meetings and things that are happening right now. How do you think about talking about the histories with both the communities you work with and just really keeping that present in your work?

Ashley Marie: Yeah. So I can share a little bit about what I do. As I track agenda items at both the city council level, county level, committee level, I really do pay attention to what agenda items are listed there and what the decisions are, what the discussion also includes.

I have a spreadsheet that I actually use to track the outcomes of those decisions, and we use that to really supplement the arguments, our comment letters, the things that we include in our public comment to say, "Hey, it was a pattern then that resulted in this kind of poor planning, and it's a pattern now that we're seeing the lack of disinvestment in these communities. Here is an example of where you got to sit in the community, you came to the space, you acknowledged what was missing, and yet you're deciding to invest in these more wealthy, affluent areas that are predominantly white instead of focusing on these areas that are racially and ethnically concentrated areas of poverty when you had the opportunity to make this decision."

And of course, sometimes they say, "Oh, well, that wasn't our intention," or, "Maybe it was just oversight," but when we're constantly bringing it up, it kind of gets hard to ignore that pattern. So that spreadsheet has just been a helpful tool, and one way that I've been able to kind of keep that conversation active.

Nicholas: I love that. That's a great idea. I love the spreadsheet idea. I'm going to steal that for sure.

I guess, just to add to that from my experience, just in terms of thinking about community history. I think building your understanding of community history and being able to advocate on behalf of communities is about building that trust that the community will tell you their stories. And so it takes time.

It also takes investment and I think showing up and also doing your research and just doing everything that you can to get to know the communities that you're working with, and then turn that around to develop that relationship over time. You'll start to unearth that history that you can then, with that knowledge comes that power that you can wield to show the county or the whatever entity why they

need to be making these changes. Because there's this history that you're bringing to the surface and bringing to light and working with the community to do that. So that's all I'd add.

Monica: Yeah, I can give a specific example. I mentioned the case that we had against the City of Tulare and the community, the Matheny Tract. That community was formed in the late 1940s, and it formed because folks were prohibited because of racially restrictive covenants and discriminatory housing practice from living within city limits.

So since the 1940s, it has been predominantly people of color living there that have been excluded from the city, but bearing all of the city's environmental burden. Right next to all of the city's industrial development, right next to the wastewater treatment plant, but not having a sewage system from the city itself. It's a really compelling story.

And going back to the community engagement aspect of it, that community has been so active in both the county and the city, and we could not have brought that case if this community itself had not been so active, and if Leadership Counsel had not been so involved.

Our office really relies heavily on folks like Nick and Ashley Marie, who are on the ground with communities to be able to bring cases like that. It was because of their community engagement, they went to almost every single city council meeting, so they built this huge record of comment letters and public testimony that became the record that was before the court. And that just was a really powerful story and really helped to get them the justice that they deserved.

Jordan: Awesome. Well, thank you. I think that one of the other things that I'm really interested to hear from you, Nick, in particular—you talked about the resource, the idea of bringing in affordable housing and how people wanted that. But also, that it comes with a lot more additional infrastructure and what that looks like.

Can you guys just talk a little bit about in unincorporated communities, this kind of cascade effect that as you get more, as more people move or things change, needing more and more resources, and how you're planning ahead? It sounds like you have to be thinking a couple steps ahead in a lot of these issues and how you both do that in your work and how you talk about that with communities.

Nicholas: Yeah, that's a really interesting question. I guess where my thoughts are going, I think it has to do with the partnership that we have with the communities, because there's a component that we're working on as lawyers. Well, we're here to think about the strategy, but at the same time, the community are the experts on the issues that they're experiencing, and they're the final say on what solutions are going to be the best for them. And so I think it's a dynamic process in trying to figure out like where to go with that.

Yeah, I'm sure we all share similar experiences, but we can come in with a strategy and try to think ten steps ahead, but ultimately, we need to be checking

in with the community to figure out what they really want and really need, and it could just go in a totally different direction.

And that's what's cool, and also, there's an ocean of different things that could come up in our work. And every community has different needs, and so you got to be really tuned in and be willing to listen with an open mind and be willing to explore creative options, because you can try to plan ten steps ahead, but it's always going to be a new adventure.

Ashley Marie: Yeah, and just to expand a little bit on that, one example that I have is in Fairmead, although we don't particularly door knock in that community, we do partner with Fairmead Community and Friends, which is a board of folks that do a lot of great community work. They host harvest festivals, they pass out food, and they advocate for their community.

Most recently, they worked with Madera County to get a Fairmead action plan that had a lot of the community solutions that they had in mind adopted into the plan. So now we're working on making sure that the way that the county is going to implement those things really does align with what Fairmead Community and Friends want.

And so when I was like, "You know, housing element also is working at the same time. We really need to focus on implementation." And they have a really good relationship with Madera County, so we really wanted their opinion on what next steps they wanted to take.

I did suggest putting some pressure on social media, kind of letting the public know that Madera County wasn't really taking the steps and being transparent as to where they were with the progress of implementing a lot of the community's priorities. And Fairmead Community and Friends was like, "Actually, we really want to hold off on airing that stuff out on social media. We really want to preserve the relationship that we have with Madera County," because they actually do value that group's input a lot.

Although there are various other unincorporated communities that Madera County doesn't have the best relationship with, in that case, Fairmead Community and Friends is the one that's calling the shots. We are presenting these opportunities to them, but they're really guiding what direction we're going into. They're identifying the solutions. They're the ones also building that relationship with Madera County and making sure that their voice is heard throughout all of these next steps.

So it's really interesting that, in that kind of sense, it's more like a partnership, because they are definitely taking steps on their own. We're not really anybody's keeper, right? We're not gatekeeping opportunities. Sometimes they're informing us of opportunities, and they're really inviting us into their space to be able to get to experience the needs of the community, to identify that, to craft solutions that are going to also address other unincorporated communities that are dealing with similar issues but don't have that big of an impact or an influence on Madera County as well.

Monica: This question is a little out of my wheelhouse, so I think I will just echo my co-panelists and say that, yeah, it's extremely important to listen to the community because it's one thing, as an attorney, to be looking at the law, looking at the facts and saying, "Oh, this is what would be best." But it's always the community that can tell you what is best for their community.

Audience Member: I was curious, what are some considerations that have come up with the communities that you guys work in that are in unincorporated areas of the county when it comes to deciding whether to just form their own city? Is that kind of a nuclear option where it's, like, a worst-case scenario? Or is it actually something that people do talk about? And I recognize this is going to depend on the community's specific needs and issues, but I'm just curious if that does ever come up. Like, "Let's just form our own city."

Ashley Marie: I wish it was that easy, right? So when you do think about unincorporated communities, you have to think about the lack of infrastructure that is there, and as well as the amount of money that is at their disposal, right?

In, for example, South Merced: an unincorporated area, so it's still county, but right next to the City of Merced. They lack a lot of infrastructure. And so folks often, instead of having the conversation about forming their own city, we ask the question of, "Do you want to be annexed into an existing city?" And oftentimes what we hear is, "No, that comes with increasing property taxes. Now I have to pay for XYZ. This also means that now, city laws might now apply to my property that's maybe of different zoning or of different sizes."

And so, it kind of freaks people out, and we want to avoid cornering them into this corner of wanting to be annexed because we are not here to tell folks what it is that they want. The best that we can do is inform them of the potential impacts and potential protections that they might have, but ultimately the decision is up to them.

I haven't, in my experience, spoken to a community that is willing to form their own city. I bet that would be cool, just learning the laws behind that and the policies. But in my experience, it's been very difficult for folks to be able to get access to infrastructure or be annexed because, like Fairmead and La Viña, these are communities that are in the middle of nowhere, surrounded by agriculture. They're not necessarily communities that are bordering city limits. These are out of the way and don't have a lot of access to even their corresponding city's infrastructure. For example, in Fairmead, they're actually connected to Chowchilla's water system, from my understanding. And so they're just so far out of the way that it's just a little difficult for them to be able to form these communities.

And then on top of that, you also have to consider because they're surrounded by agriculture, a lot of these owners don't want to really give up their land and have it zoned and developed upward or outward because that's their livelihood. And so those are just a couple of different factors that I've come across.

Nicholas: Yeah, that was a great summary, and the only other thing I guess I would add to that and kind of point out is there's a cyclical nature to the lack of resources, and basically in order to become a city, you have to have a certain tax base, and you have to have access to certain infrastructure. And the thing is, in these unincorporated areas, without enough funds, they don't have the things to be able to even think about being able to try to do that, and then there's also no way for them to get there.

It forms kind of this cycle of disinvestment, and that's where we try to come in and break that cycle by uplifting the community voices and bringing their voices, giving them an opportunity to voice these needs to the decision makers to hopefully make some changes that really should have been, that they should have access to these things already.

Monica: Yeah. And in Matheny Tract, there is talk about annexation into the City of Tulare.

I think there's definitely mixed feelings amongst the residents there about whether they think that is a good idea, because on the one hand, it would give them access to additional city services and more of a say in city government. But on the other hand, it comes with potentially some other downsides that I think the city is proposing to not only annex Matheny Tract, but additional land that they would then zone for more industry, so...

Audience Member: Thank you for being here. I was wondering how much, if at all, you look outside of the state of California at what unincorporated areas in other states do to bring resources to those kinds of communities, and if there's—I know you mentioned the housing element and SB 1000 has more teeth than maybe other kinds of mechanisms—but are there any laws in other states that you kind of see as a good model that we might want to advocate for bringing to California?

Monica: We have looked at other environmental justice laws in other states. I think New Jersey has an interesting one that relates to land use. It's not specific to unincorporated communities. Our work is solely focused on California, but we have looked at other example laws.

Ashley Marie: I will be very transparent. Because of the amount of work that we do, it's very difficult to be inspired by other states that don't have a lot of protections like California does. And so it's very extremely difficult in state protections that might, you know—because I'm not really focused on state policy, it's more of local policy—but in respect to housing justice policy, I have noticed that in other states there are things that have been working for those communities but may not be super applicable to the communities that we work with.

So I sometimes keep an eye out, but it's not the main focus of my work, so I don't have too much experience or knowledge on those.

Nicholas: Yeah, same here, but I love the idea.

Jordan: Awesome. Thank you so much for such an incredible panel. I know I learned so much. I've been hearing about housing elements for a really long time, and I really appreciate you two breaking them down.