



**CITY OF FORT BRAGG  
COMMUNITY DEVELOPMENT DEPARTMENT  
416 N. FRANKLIN, FORT BRAGG, CA 95437  
PHONE 707/961-2827 FAX 707/961-2802**

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**MEMORANDUM**

**DATE: AUGUST 23, 2023**  
**TO: COMMUNITY DEVELOPMENT COMMITTEE**  
**FROM: JULIANA CHERRY, COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: INCLUSIONARY HOUSING REQUIREMENTS**

During July, staff [distributed information](#) about locally adopted inclusionary housing requirements.

During the meeting, the Community Development Commission refined their inquiry by asking whether the State of California's proportional requirements were lower than local standards and whether developers could obtain a waiver from local standards. Staff sought clarification from Mark Mandell, licensed attorney. The following is guidance from Mandell Municipal Counseling:

1. State law does not establish a specific standard for the percentage requirement for inclusionary housing ordinances. It does, however, discourage requirements higher than 15% by making them subject to HCD review. (see GC 65850.01, attached).
2. Ft. Bragg has a 20% inclusionary requirement for complexes with 5-10 units (rental or for-sale) and lower percentage requirements for larger developments (and technically no inclusionary requirement at all for rental housing in buildings with more than 10 units that does not seek a density/other bonus).
3. The City would not need to obtain a "waiver" to reduce its requirement (even to reduce it down to zero). State law does not mandate that you have an inclusionary requirement. It does mandate that you offer certain bonuses.
4. That said, your inclusionary requirement needs to be consistent with the housing element of your general plan, and your housing element needs to be approved by HCD for compliance with RHNA goals. So it is important not to change your inclusionary ordinance without keeping your housing element and RHNA requirements in mind.