

RHNA Appeals Procedures

SCAG RHNA Workshop

February 3, 2020



DRAFT RHNA METHODOLOGY AND HCD REVIEW

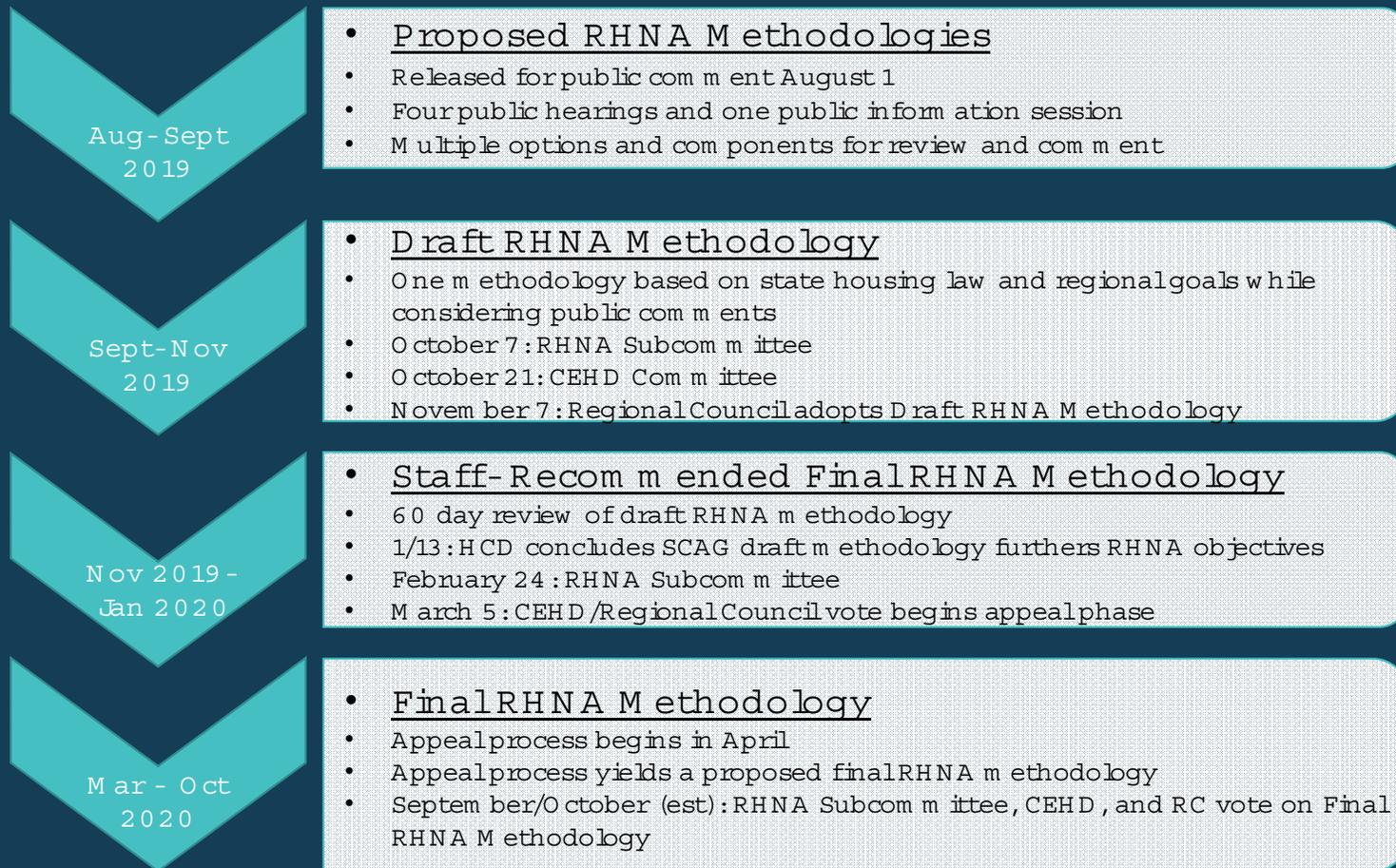


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The RHNA Methodology Process



Objectives of RHNA *and HCD comments on SCAG's draft methodology*



"HCD has completed its review of the methodology and finds that the draft SCAG RHNA methodology furthers the five statutory objectives of RHNA."

- 1) To increase the housing supply and mix of housing types, tenure and affordability within each region in an equitable manner
- 2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns



Objectives of RHNA and HCD comments on SCAG's draft methodology



- 3) Promoting an improved intraregional relationship between jobs and housing
- 4) Allocating a lower proportion of housing need in income categories in jurisdictions that have a disproportionately high share in comparison to the county distribution
- 5) Affirmatively furthering fair housing (AFFH)

"This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit and resources linked to long term improvements of life outcomes."

"In particular, HCD applauds the use of objective factors specifically linked to the statutory objectives in the existing need methodology"



Draft RHNA Methodology – Recap of Key Factors

50% of existing need

50% of existing need

For disadvantaged communities (DACs), any amount above 2020-2045 Connect SoCal household growth reallocated to non-DACs in the same county

Existing need	Projected need	Income categories
Transit accessibility (HQTA population 2045)	Household growth 2020-2030	150% social equity adjustment minimum
Job accessibility	Future vacancy need	0-30% additional adjustment for areas with lowest or highest resource concentration
Residual distribution within the county	Replacement need	

Q & A



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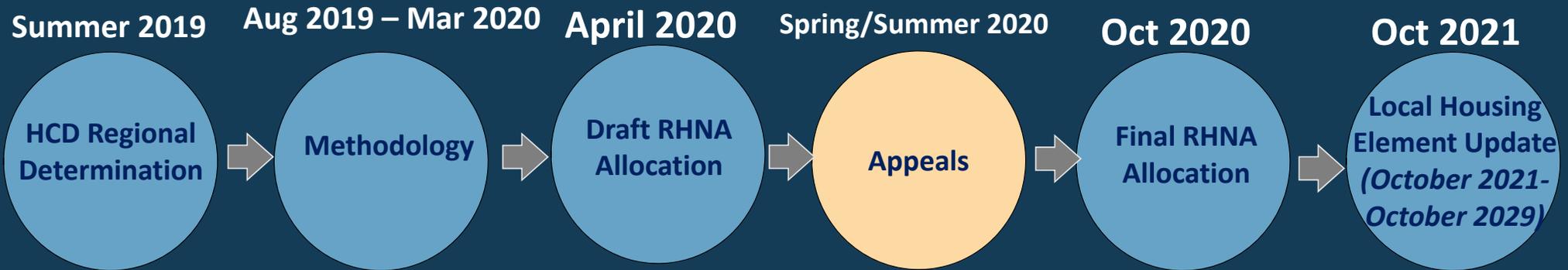
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RHNA APPEALS PROCEDURES



RHNA Process Timeline



Changes to the 6th Cycle RHNA Appeals Procedures



	5 th cycle	6 th cycle
Appeals procedures	Two separate processes - revision request and appeals processes	Only one appeal process
Who can appeal	<ul style="list-style-type: none"> • Jurisdiction 	<ul style="list-style-type: none"> • Jurisdiction • Other jurisdictions • HCD
Bases for appeal	Cannot be based on : <ul style="list-style-type: none"> • Local ordinances 	Cannot be based on : <ul style="list-style-type: none"> • Local ordinances • Underproduction of housing based on last RHNA • Stable population growth

RHNA Appeals Timeline



Who Can File an Appeal?



- Jurisdiction
- Other jurisdictions
- California Department of Housing and Community Development (HCD)



Bases for Appeal



From Government Code Section 65584.05 (b) :

1. Local planning factors and information on affirmatively furthering fair housing (AFFH)
2. Application of final methodology
3. Change in circumstance

Must include statement why the revision is necessary to further the objectives of RHNA law

- See Government Code Section 65584

Government Code Section 65584: Objectives of RHNA

- 1) To increase the housing supply and mix of housing types, tenure and affordability within each region in an equitable manner
- 2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns



Government Code Section 65584: Objectives of RHNA

- 3) Promoting an improved intraregional relationship between jobs and housing
- 4) Allocating a lower proportion of housing need in income categories in jurisdictions that have a disproportionately high share in comparison to the county distribution
- 5) Affirmatively furthering fair housing



Bases for Appeal: Local Planning Factors and AFFH



1. Planning opportunities and constraints, including:
 - Existing and projected jobs and housing relationship
 - Water/sewer service based on decisions by provider other than the jurisdiction
 - Open space protected by federal or State programs
 - Rate of overcrowding
 - Presence of a four-year college or university
-  **New!** Affirmatively furthering fair housing
 - Full listing in Government Code Section 65584.04 (b) and (e)

Bases for Appeal: Methodology and Change in Circumstance



2 . Application of methodology

3 . Change in circumstance

- Can only be used by jurisdiction where change occurred

Bases for Appeal



- Appeals cannot be based on :
 - Any local ordinance, policy, voter-approved measure, or standard limiting residential development
-  • Prior underproduction of housing from the previous RHNA
-  • Stable population numbers

Appeals Comment Period



- 45-day comment period after appeals filing due date
- Mid-May to end of June 2020
- Notification and posting of filed appeals
- Local jurisdictions and HCD can comment on filed appeals

Appeals Public Hearing



- July 2020 (30 day period)
- All filed appeals will be reviewed and determined by the RHNA Appeals Board (RHNA Subcommittee)
- Appeals Board will review all information submitted by applicant and staff recommendation
- Applicant will have opportunity to present their appeal

Appeals



- Successful appeals must be reallocated back to the region
- If fewer than 93,928 units are granted, they will be reallocated back proportionally to all jurisdictions
- If more than 93,928 units are granted, SCAG will apply a methodology similar to final methodology existing need formula (pending adoption) above that amount
 - Proportional to county origination
 - 50% based on transit access
 - 50% based on job access
 - Disadvantaged jurisdictions exempt from reallocation above ~94,000

Final RHNA Allocation



- All appeals will be included in the proposed final RHNA allocation
- Public Hearing to adopt final RHNA allocation
 - October 2020

Next Steps



February 24, 2020

RHNA

Subcommittee

- Final RHNA methodology
- Appeals procedures

March 5, 2020

CEHD

- Final RHNA methodology
- Appeals procedures

Regional Council

- Final RHNA methodology
- Appeals procedures

April 2, 2020

Regional Council

- Release of draft RHNA allocation

Early April, 2020

Start of RHNA appeal filing period

POST-APPEAL REALLOCATION



Post-appeal reallocation of regional housing need



- Regional Determination is 1,341,827 total units
- Regionally, this is greater than 20% the current housing stock*
- HCD's determination did not provide a range. Units from successful appeals would have to go somewhere else.
- Post-appeal redistribution must still further RHNA's statutory objectives
 - HCD can appeal
 - HCD can comment on appeals
 - HCD reviews the Final Allocation Plan (post-appeals)

Q & A



Final Notes



- Workshop-related materials including Draft RHNA Appeals Procedures have been posted at RHNA web page at www.scag.ca.gov/rhna since January 30, 2020.
- Comments on the Draft Appeals Procedures may be submitted by Monday, February 10, 5:00 p.m. to housing@scag.ca.gov for considerations in developing a staff-recommended Appeals Procedures for RHNA Subcommittee Action on February 24.
- PowerPoint and video recording of the Workshop will be posted at RHNA web page.

For more information

www.scag.ca.gov/rhna

Email: housing@scag.ca.gov

