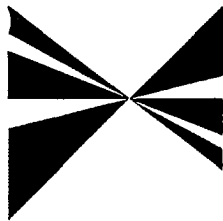


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Margaret Clark, Rosemead

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**No. 1
MEETING OF THE**

**REGIONAL HOUSING NEEDS
ASSESSMENT SUBCOMMITTEE**

***Wednesday, February 23, 2011
10:00 a.m. – 1:00 p.m.***

**SCAG Main Office
818 W. 7th Street, 12th Floor
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Los Angeles, CA 90017
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If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Ed Rodriguez at (213) 236-1863 or via email rodrigu@scag.ca.gov

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. If you require such assistance, please contact SCAG at (213) 236-1928 at least 72 hours in advance of the meeting to enable SCAG to make reasonable arrangements. To request documents related to this document in an alternative format, please contact (213) 236-1928.

**Regional Housing Needs Assessment Subcommittee
Member List – February 2011**

- San Bernardino County: Hon. Bill Jahn, Big Bear Lake, District 11 (Alternate); **Chair**
Hon. Ginger Coleman, Apple Valley, District 65 (Primary)
- Los Angeles County: Hon. Margaret Finlay, Duarte, District 35 (Primary)
Hon. Steven Hofbauer, Palmdale, District 43 (Alternate)
- Orange County: Hon. Sukhee Kang, Irvine, District 14 (Primary)
Hon. Ron Garcia, Brea, OCCOG (Alternate)
- Riverside County: Hon. Darcy Kuenzie, Menifee, WRCOG (Primary)
Hon. Randon Lane, Murrieta, WRCOG (Alternate)
- Ventura County: Hon. Bryan MacDonald, Oxnard, District 45 (Primary)
Hon. Carl Morehouse, Ventura, District 47 (Alternate)
- Imperial County: Hon. Cheryl Viegas-Walker, El Centro, District 1 (Primary)
Hon. Jack Terrazas, Imperial County (Alternate)

REGIONAL HOUSING NEEDS ASSESSMENT

SUBCOMMITTEE AGENDA

FEBRUARY 23, 2011

The Regional Housing Needs Assessment (RHNA) Subcommittee may consider and act upon any of the items listed on the agenda regardless of whether they are listed as information or action items.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

(Hon. Bill Jahn, Chair)

PUBLIC COMMENT PERIOD – Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Subcommittee, must fill out and present a speaker’s card to the Assistant prior to speaking. Comments will be limited to three minutes. The Chair may limit the total time for all comments to twenty minutes.

REVIEW AND PRIORITIZE AGENDA ITEMS

CONSENT CALENDAR

Time Page No.

Approval Items/Receive and File

- | | |
|--|----|
| 1. <u>Transmittal of Regional Housing Needs Assessment (RHNA) Statute</u> | 1 |
| 2. <u>RHNA 101 Primer</u> | 11 |
| 3. <u>Transmittal of Regional Housing Needs Assessment (RHNA) Task Force Recommendations</u> | 17 |

ACTION ITEMS

- | | | | |
|--|-------------------|-----------------|-----------|
| 4. <u>Proposed RHNA Subcommittee Charter</u>
<i>(Joann Africa, Chief Legal Counsel)</i> | Attachment | 25 mins. | 26 |
|--|-------------------|-----------------|-----------|

Recommended Action: Review the proposed RHNA Subcommittee Charter, provide direction to staff, and recommend CEHD approval.

- | | | | |
|--|-------------------|-----------------|--|
| 5. <u>Draft RHNA Work Plan and Schedule</u>
<i>(Doug Williford, Deputy Executive Director, Planning & Programs)</i> | Attachment | 50 mins. | |
|--|-------------------|-----------------|--|

will be distributed at the meeting

Recommended Action: Review and recommend the RHNA Work Plan and Schedule and recommend to CEHD that staff notify HCD and Caltrans of the RTP/SCS adoption date.

REGIONAL HOUSING NEEDS ASSESSMENT SUBCOMMITTEE AGENDA FEBRUARY 23, 2011

INFORMATION ITEM

6. Integrated Growth Forecast Foundation
(Frank Wen, Manager, Research, Analysis & Information Services)
- Report will 40 mins.
be sent
under
separate
cover

CHAIR'S REPORT

STAFF REPORT

(Mark C. Butala, SCAG Staff)

FUTURE AGENDA ITEMS

Any Subcommittee member or staff desiring to place items on a future agenda may make such a request.

ANNOUNCEMENTS

ADJOURNMENT

The next regular meeting of the Regional Housing Needs Assessment (RHNA) Subcommittee meeting will be determined after the first meeting.

REPORT

DATE: February 23, 2011
TO: RHNA Subcommittee
FROM: Ma'Ayn Johnson, Senior Regional Planner, 213-236-1975, johnson@scag.ca.gov
SUBJECT: Transmittal of Regional Housing Needs Assessment (RHNA) Statute

EXECUTIVE DIRECTOR'S APPROVAL:  For:
Jason K. Hunter

RECOMMENDED ACTION:
For Information Only – No Action Required.

EXECUTIVE SUMMARY:
Government Code Sections 65584 through 65584.05, also known as RHNA statute, are the California state laws that govern the RHNA process.

STRATEGIC PLAN:
This item supports SCAG's Strategic Plan; Goal 1: Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; Objective a: Create and facilitate a collaborative and cooperative environment to produce forward thinking regional plans.

BACKGROUND:
The RHNA process is codified in Government Code Sections 65584 through 65584.05. Below is an outline of key sections:

Section	Issue
65584.01, 65584.02	Determining total regional housing need
65584.03	Subregional delegation
65584.04	RHNA methodology
65584.04(d)	"AB 2158 factors"
65584.05	Release of draft RHNA allocation
65584.05 (d)	Revision requests
65584.05 (e)	Appeals procedure
65584.05(f)-(h)	Release of final RHNA allocation

REPORT

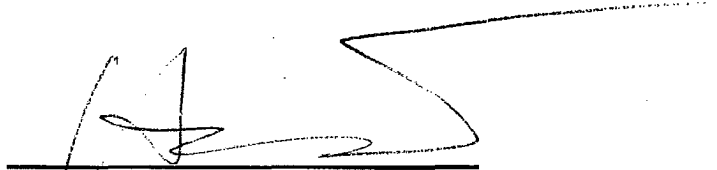
FISCAL IMPACT:

Work associated with this item is included in the current FY 10-11 Overall Work Program (11-800.0160.03:RHNA).

ATTACHMENT:

Transmittal of Government Code sections 65584-65584.05

Reviewed by:



Department Director

Reviewed by:



Chief Financial Officer

California Govt. Code Sections 65584-65584.05 (“RHNA” Statutes)

§ 65584. Existing and projected regional housing needs; share of city or county needs; determination; objectives; household income levels; exemption from environmental regulations

(a)(1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

(3) Promoting an improved intraregional relationship between jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.

(e) For purposes of this section, “household income levels” are as determined by the department as of the most recent decennial census pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

§ 65584.01. Existing and projected regional housing needs; manner of determination

(a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional population forecast for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(c)(1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(D) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.

(E) Other characteristics of the composition of the projected population.

(F) The relationship between jobs and housing, including any imbalance between jobs and housing.

(2) The department may accept or reject the information provided by the council of governments or modify its own

assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (F), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.

(d)(1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (c). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (b), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (c). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (c), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (c).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

§ 65584.02. Existing and projected regional housing needs; alternative manner of determination

(a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

(1) In a region in which at least one subregion has accepted delegated authority pursuant to Section 65584.03, the region's housing need shall be determined at least 26 months prior to the housing element update deadline pursuant to Section 65588. In a region in which no subregion has accepted delegation pursuant to Section 65584.03, the region's housing need shall be determined at least 24 months prior to the housing element deadline.

(2) At least six months prior to the department's determination of regional housing need pursuant to paragraph (1), a council of governments may request the use of population and household forecast assumptions used in the regional transportation plan. This request shall include all of the following:

(A) Proposed data and assumptions for factors contributing to housing need beyond household growth identified in the forecast. These factors shall include allowance for vacant or replacement units, and may include other adjustment factors.

(B) A proposed planning period that is not longer than the period of time covered by the regional transportation improvement plan or plans of the region pursuant to Section 14527, but a period not less than five years, and not longer than six years.

(C) A comparison between the population and household assumptions used for the Regional Transportation Plan with population and household estimates and projections of the Department of Finance.

(b) The department shall consult with the council of governments regarding requests submitted pursuant to paragraph (2) of subdivision (a). The department may seek advice and consult with the Demographic Research Unit of the Department of Finance, the State Department of Transportation, a representative of a contiguous council of governments, and any other party as deemed necessary. The department may request that the council of governments revise data, assumptions, or methodology to be used for the determination of regional housing need, or may reject the request submitted pursuant to paragraph (2) of subdivision (a). Subsequent to consultation with the council of governments, the department will respond in writing to requests submitted pursuant to paragraph (1) of subdivision (a).

(c) If the council of governments does not submit a request pursuant to subdivision (a), or if the department rejects the request of the council of governments, the determination for the region shall be made pursuant to Sections 65584 and 65584.01.

§ 65584.03. Subregional entity for allocation of existing and projected housing needs; notification of formation; determination; failure to complete allocation

(a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04. The purpose of establishing a subregion shall be to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties.

(b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion.

(c) At least 25 months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.

(d) Each delegate subregion shall fully allocate its share of the regional housing need to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.

§ 65584.04. Methodology for distributing existing and projected regional housing need to cities and counties; development; survey of member jurisdictions; public participation; factors; adoption following public comment period; coordination with regional transportation plan

(a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b)(1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of

governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i)(1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

§ 65584.05. Draft allocation of regional housing needs; distribution; request for revisions and modification; appeal; public hearings; proposed final allocation and adoption of final plan; authority of council of governments

(a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, based on the methodology adopted pursuant to Section 65584.04. The draft allocation shall include the underlying data and methodology on which the allocation is based. It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 60 days following receipt of the draft allocation, a local government may request from the council of governments or the delegate subregion, as applicable, a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation.

(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.

(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based upon either or both of the following criteria:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04, or a significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted pursuant to that subdivision.

(2) The council of governments or delegate subregion, as applicable, failed to determine its share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04.

(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The local government shall be notified within 10

days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal shall be in writing and shall include information and other evidence explaining how its action is consistent with this article. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

(f) The council of governments or delegate subregion, as applicable, shall issue a proposed final allocation within 45 days after the completion of the 60-day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation.

(g) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the revision request process and the appeals process specified in this section. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.

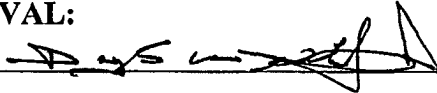
(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 60 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(i) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

REPORT

DATE: February 23, 2011
TO: RHNA Subcommittee
FROM: Joseph Carreras, Program Manager II, 213-236-1856, carreras@scag.ca.gov
SUBJECT: RHNA 101 Primer

EXECUTIVE DIRECTOR'S APPROVAL:

 For: Karen Klante

RECOMMENDED ACTION:
For Information Only – No Action Required.

EXECUTIVE SUMMARY:
The Regional Housing Needs Assessment (RHNA) allocation is a determination of a jurisdiction's housing needs over an 8-year period and is developed by SCAG for the SCAG region. Jurisdictions are required to demonstrate to the California Department of Housing and Community Development (HCD) in their Housing Element update in their General Plan a sites and zoning analysis of their individual RHNA allocation.

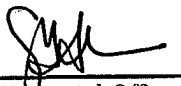
STRATEGIC PLAN:
This item supports SCAG's Strategic Plan; Goal 1: Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; Objective a: Create and facilitate a collaborative and cooperative environment to produce forward thinking regional plans.

BACKGROUND:
The RHNA 101 Primer provides a background on the purpose of the RHNA process, along with an overview of housing element compliance and non-compliance. In addition, the primer outlines major issues that will need to be addressed by the process.

FISCAL IMPACT:
Work associated with this item is included in the current FY 10-11 Overall Work Program (11-800.0160.03:RHNA).

ATTACHMENT:
A RHNA 101 Primer

Reviewed by: 
Department Director

Reviewed by: 
Chief Financial Officer

A RHNA 101 Primer

1. What is the Regional Housing Needs Assessment (RHNA) and how does it relate to the housing element of a local jurisdiction's General Plan?

Every general plan must contain a housing element that makes "adequate provision for the existing and projected housing needs of all economic segments of the community." Unlike the other elements, the housing element must be revised and updated every eight years after 2010 due to SB 375. Despite the wording, a community is not obligated to actually provide housing to all in need. The RHNA is a "distribution of housing development capacity" that each city and county must zone for in a planning period. It is not a "construction need allocation," and is integral to the development of a Sustainable Community Strategy. The housing element is a planning document, requiring the community to plan for meeting its "fair share" of regional housing market need.

The scheduled 2012 RHNA will set local housing and land use capacity goals to support future growth, including transit oriented, mixed use and infill development. These local goals are in turn aggregated into a region wide Sustainable Community Strategy (SCS) to fairly allocate Green House Gas (GHG) emission reduction targets across the region. SB 375 calls for a RHNA to be consistent with an SCS, and a Regional Transportation Plan (RTP) must be coordinated with an SCS and RHNA over eight years even though the transportation plan is updated every four years.

2. What has changed since the last RHNA cycle?

The previous RHNA was prepared under SB 12 urgency legislation. The next RHNA will fully incorporate reform provisions contained in the 2004 Assembly Bill (AB) 2158 (Lowenthal) and the recently passed SB 375 provisions. Housing element updates are now synchronized with the RTP adoption and the RHNA must be consistent with the RTP/SCS and its development pattern.

In contrast to the last RHNA, the next RHNA will be incorporating a wider range of responsibilities for subregions that elect to take on subregional delegation. These responsibilities will cover public outreach, public hearings, local surveys, local input, RHNA methodology development, including supporting social equity policies as well as administration of the revision and appeals process. The last RHNA delegation agreements between subregional entities and the Regional Council of Governments (SCAG) were prepared pursuant to Senate Bill (SB) 12 (Lowenthal) and covered only the revision and appeals process due to an urgency to meet statutory deadlines. However, as was the case during the last RHNA process, the responsibilities related to subregion delegation and the scope of services performed are voluntarily assumed by communities acting together as a subregional entity for RHNA housing need allocation purposes.

The RHNA methodology must still address anticipated housing needs for all income groups related to population and employment growth and reduce the concentration of lower income households. But it now needs to incorporate sufficient land use capacity to support improved mobility and job housing balance, including complementary transportation efficiency adjustments that reduce GHG and tailpipe emissions.

3. What are the major issues that need to be dealt with as we start the next RHNA process?

Major planning challenges include but are not limited to: building a RHNA that is consistent with the SCS and other SB 375 requirement; reconciling any differences between DOF/HCD population and housing projections with the regional integrated growth forecast; the late availability and incorporation of new 2010 Census and Annual Community Surveys (ACS) information; determining RHNA land use capacity by income category to meet GHG reduction targets and state housing planning objectives, adopting an updated RHNA methodology, including social equity and other policies consistent with recent RHNA task force recommendations, and synchronizing and aligning the new SCS planning process with the RHNA process so that localities have adequate time to update their housing elements by the next statutory deadline.

4. What are the key milestones and schedule for the next RHNA?

RTP/SCS and RHNA/HE schedule are projected to be coordinated with each other. Consequently, there are a number of fixed RHNA dates or time frames that must be aligned and synchronized with the RTP/SCS. The RHNA and SCS schedule and alignment of key milestone are still unresolved. A key issue is the late availability and incorporation of 2010 Census and ACS data into the methodology and growth forecast. Here are 13 key milestones.

- Determine a draft RHNA schedule and **seek HCD approval of the use of the RTP/SCS growth forecast for RHNA purposes** – 32 months from the Housing Element (HE) due date – February 2011

- **Notify Caltrans and HCD of the final RTP/SCS adoption date** – by April 2011 for an April 2012 adoption – 30 months from the projected HE due date
- **Local survey done 6 months before the draft RHNA methodology** or 30 months from HE due date – April 2011

- **Subregional entity formed for RHNA delegation** - 28 months from HE due date – (June 2011)
- **HCD Consultation on Regional Housing Target** – at least 26 months from HE due date (August 2011)

- **Draft RHNA Methodology** done at least 24 months from HE due date – (October 2011)
- **RTP/SCS** must be done 18 months from HE due date – (April 2012)
- **Final RHNA** must be done at least 12 months from HE due date – (October 2012)
- **Housing Element Due date** must be 18 months from RTP/SCS adoption – October 2013)
- **RHNA planning period: Jan. 1, 2011 to September 30, 2021** – 10.75 years
- **Housing Element planning period: October 1, 2013 to September 30, 2021** – 8 years

- **Jurisdictions that fail to adopt a Housing Element update within 120 days of the statutory deadline** revert to a 4 year rather than an 8 year planning period

- **Any re-zoning of sites identified in a housing element** must be completed within 3 years of either the date of adoption or 90 days after the receipt of HCD's comments on the draft, whichever is earlier.

5. What are the land inventory requirements for meeting Regional Housing Needs Assessment (RHNA) fair share goals and addressing Sustainable Community Strategy (SCS) requirements to show that your housing element update can accommodate all economic segments of the population?

State HCD has determined default density standards and notes that cities under 25,000 in population can use a land inventory residential density standard of at least 20 units an acre or more to accommodate lower income households in their housing element update, while communities with a population greater than 25,000 must use a default density of at least 30 units per acre. The adequate sites and land inventory review standards are posted by HCD on their website: <http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf>.

Because there are a number of concerns about how these land inventory standards are being applied by HCD in their review of local housing element updates, the Department is in the process of forming a Working Group to make recommendations on ways to improve the HCD review process and address SB 375 implementation issues, in particular meeting SCS housing planning requirements. This HCD advisory committee is called the HOUSING ELEMENT/SB 375 WORKING GROUP 2011.

6. What are the incentives for housing element compliance and penalties for non-compliance?

HCD has published a notice listing the "incentives" for housing element compliance - http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf. HCD also reviews local housing element updates for "substantial compliance" with state law.

Basically, eligibility and priority consideration for state bond funds or federal funds which HCD administers are affected by a locality's housing element compliance status. If HCD has found that your local housing element substantially complies with state law, you may become eligible for Housing Related Park funds or receive priority point in TOD funding awards. A locality in compliance in some instances receives preferential treatment and in others, it qualifies for funding. Click on the link for information about other HCD program incentives. If a locality has a housing element reviewed by State HCD as "In" substantial compliance, the presumption is that the housing element meets the requirements in state law.

When a local government fails to adopt an updated Housing Element by the deadline, or adopts an element that does not comply with the law, the city or county is regarded as noncompliant and is subject to penalties. If the General Plan or any element is not in compliance with the law, a petitioner - be it an environmentalist, low income housing advocate or builder - can request a hearing or a trial. If a court finds that the General Plan or any of its mandatory elements do not substantially comply with the law then the court in its order of judgment may specify one or more actions such as the two examples noted below:

- Suspend authority of the entity to issue building permits or any other related permits for residential housing;

Carreras
January 2011

- Suspend the authority of the entity to grant zoning changes, variances, or both

In sum, having a housing element in compliance gives local governments a preference for discretionary bond and housing funds administered by State HCD. It also offers legal protections in case of a lawsuit over the adequacy of the General Plan or in meeting any required re-zoning requirements to meet RHNA goals. The law also provides attorney's fees to groups if they prevail in a lawsuit challenging noncompliance. Communities concerned about "penalties" for non compliance are always urged to discuss this matter with their City Attorney.

7. What are the main reasons why local jurisdictions fail to gain State HCD certification showing that their local housing element update "substantially" complies with state housing law?

The top 3 reasons Housing Elements fail to gain HCD certification are often reported as:

1. Inadequate land inventory/zoning to meet land use capacity and affordability standards set by HCD (the parcel specific inventory and zoning/ density requirement) - this is both a major source of expense and friction between HCD and communities and why HCD started up its Housing Element/ SB 375 working group as a way to achieve statewide reforms in this area
2. Failure to comply with new laws (SB 2 transitional housing needs and new requirement to determine Extremely Low Income Housing Need are often mentioned) or existing laws (establishing a housing cap or other limits on new housing that do not provide sufficient land use capacity to accommodate a fair share of regional needs)
3. Lack of programmatic commitment (annual progress reports are now required to be filed with HCD each year by April 1st) and/ or failure to submit a housing element update on time

8. What happens if a local jurisdiction is late in submitting its housing element update to HCD, or does not fully address its site and zoning requirements to address its fair share of regional housing need?

Under SB 375 localities that are more than 120 days late in adopting their housing element update may revert to a 4 year housing element cycle and communities with 8 year housing elements that have not completed their rezoning within 3 years plus any approved extensions to address RHNA land use planning targets may be subject to two new sanctions related to approving certain affordable housing projects and compelling rezoning:

1. "Builder's Remedy" – A developer of housing in which at least 49% of the units are affordable to very low, low and moderate income households can develop on any of the sites proposed for rezoning, as if the site had been rezoned.
2. Action to compel rezoning – Any interested party can bring an action to compel the city to complete the rezoning within 60 days, and seek sanctions for failure to do so.

AB 1233 (Jones) – Requires that any portion of a local government's share of a regional housing need that is not addressed by its site inventory and zoning during one planning period must be carried forward to the next round of fair-share housing allocations. A city or county would be required to zone land to provide for the fair-share that gets carried forward.

9. What is the housing element compliance status of local jurisdictions in the region and how does the State track whether RHNA housing targets are being addressed?

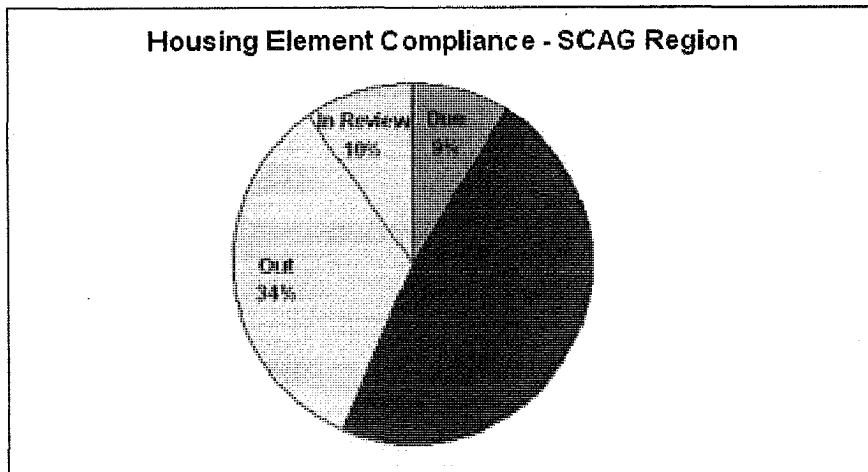
About 1/3 of all jurisdictions in the SCAG region are “Out” of housing element compliance according to latest report from HCD. The housing element review status and advice on building a housing element in compliance with state law is posted on State HCD’s website:

<http://housing.hcd.ca.gov/hpd/hrc/plan/he/>

Communities are also required annually to report to HCD by April 1st of each year progress in implementing housing goals by RHNA income level and the remaining target left to be addressed during the planning period. Communities face sanctions and possible litigation if they do not comply.

**Housing Element Compliance
SCAG Region - 11/23/10**

County	Due	In	Out	In Review	Total
Imperial	0	8	0	0	8
Los Angeles	11	37	32	9	89
Orange	3	23	8	3	36
Riverside	1	11	11	2	25
San Bernardino	1	10	9	6	26
Ventura	1	3	7	0	11
Total	17	92	65	19	193

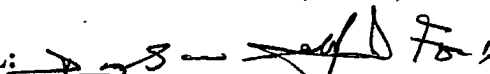


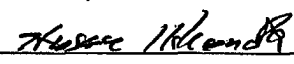
Source: State HCD Website

More information on Housing Southern Californians and RHNA may be found on SCAG’s webpage’s: <http://www.scag.ca.gov/Housing/rhna/index.htm>

Carreras
January 2011

REPORT

DATE: February 23, 2011
TO: RHNA Subcommittee
FROM: Ma'Ayn Johnson, Senior Regional Planner, 213-236-1975, johnson@scag.ca.gov
SUBJECT: Transmittal of Regional Housing Needs Assessment (RHNA) Task Force Recommendations
EXECUTIVE DIRECTOR'S APPROVAL:  For:



RECOMMENDED ACTION:

For Information Only – No Action Required.

EXECUTIVE SUMMARY:

In August 2008, the SCAG President appointed a RHNA Reform Task Force to address ways in which to reform the RHNA process. The Task Force recommended four strategies for seeking RHNA Reform, which were recommended by the Community, Economic & Human Development Committee (CEHD) and approved by the Regional Council. The four (4) strategies are related to funding, scheduling, improvements to process and methodology, and subregional delegation.

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan; Goal 1: Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; Objective a: Create and facilitate a collaborative and cooperative environment to produce forward thinking regional plans.

BACKGROUND:

In August 2008, the Regional Council approved procuring a consultant to work with the RHNA Reform Task Force and discuss ways in which to reform the RHNA process. A consultant was procured to evaluate the discussions. The RHNA Task Force recommended four (4) strategies to CEHD, which in turn recommended the strategies to the Regional Council. In March 2009, the Regional Council approved the strategies, which are:

1. Funding
2. RHNA Scheduling with the 2012 RTP/SCS Cycle
3. Improvements of SCAG's Process and Methodology
4. Subregional Delegation

As part of the consultant's work, a final report was prepared that provides an overview of the approved strategies and next steps to achieve these goals. The report is attached, and posted on the SCAG RHNA website, www.scag.ca.gov/housing/rhna.

REPORT

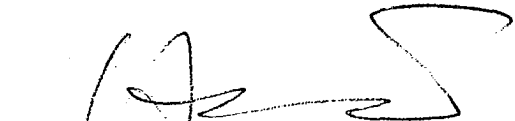
FISCAL IMPACT:

Work associated with this item is included in the current FY 10-11 Overall Work Program (11-800.0160.03: RHNA).

ATTACHMENT:


Transmittal of the RHNA Reform Task Force Recommendations, March 2009

Reviewed by:



Department Director

Reviewed by:



Chief Financial Officer

REPORT

ATTACHMENT

DATE: March 5, 2009
TO: Regional Council
FROM: Ma'Ayn Johnson, Associate Regional Planner, johnson@scag.ca.gov, 213-236-1975
SUBJECT: Regional Housing Needs Assessment (RHNA) Reform Task Force Recommendations

EXECUTIVE DIRECTOR'S APPROVAL: 

RECOMMENDED ACTION:

Approve the proposed strategies for RHNA reform.

BACKGROUND:

The RHNA Reform Task Force was created at the request of SCAG President Richard Dixon. The purpose of the Task Force was to review guiding principles of the RHNA process and to explore different ways to address its issues. The consultant firm Madrid & Associates was tasked to work with SCAG staff to support the Task Force and develop proposed strategies, along with identifying stakeholders and their positions on RHNA reform. The Task Force has held three meetings, respectively on October 28, November 17, and December 5, 2008.

During the course of these meetings, the Task Force has discussed various approaches for RHNA Reform and recommended four strategies, which were also recommended by the Community, Economic, and Human Development Committee in February 2009. The four strategies recommended by the RHNA Reform Task Force and CEHD for the Regional Council's discussion and approval are:

- Funding
- RHNA Scheduling with the 2012 RTP/SCS Cycle
- Improvements of SCAG's Process and Methodology
- Subregional Delegation

During its February 5, 2009 meeting, the Community, Economic, and Human Development Committee recommended these strategies for approval from the Regional Council. As part of its discussion, the Committee discussed their viewpoints towards the RHNA process and methodology. Among issues discussed were the proper roles of the state, local jurisdictions, SCAG, and subregions, a need for greater transparency, and what types of reforms could be pursued in the current political environment.

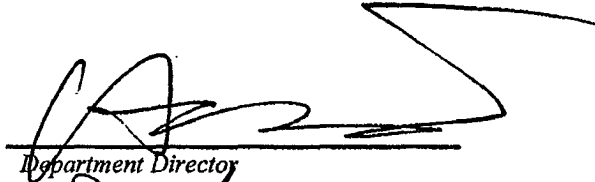
A list of RHNA Reform Task Force members, along with a flowchart of the process behind the 4th RHNA cycle are attached, as requested by CEHD.

REPORT

FISCAL IMPACT:

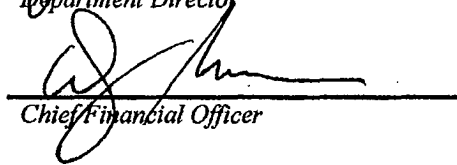
Costs associated with the consultant work for RHNA Reform has been approved by the Regional Council using the General Fund.

Reviewed by:



Department Director

Reviewed by:



Chief Financial Officer



DATE: December 2008
TO: RHNA Reform Task Force
FROM: Mike Madrid, Madrid and Associates
RE: RHNA Reform Task Force Recommendations

BACKGROUND:

The RHNA Reform Task Force has had three meetings, held respectively on October 28, 2008, November 17, 2008, and December 5, 2008. During the course of these meetings, the Task Force has discussed various strategies for RHNA reform. Based on prior discussions, the key issues that have been considered to be part in terms of possible reform are, in no particular order:

1. Funding

One of the largest burdens of the RHNA process for SCAG is the lack of funding. SCAG did not receive any funding from the State for the last RHNA cycle. Instead of charging its jurisdictions a fee, SCAG chose to use its General Fund to finance the process. During the last cycle, subregions agreeing to delegation were given some funding from SCAG but the amount given was intended to only cover subregional revision requests and appeals and not the entire RHNA process.

2. 2012 RTP/ SCS and RHNA Coordination, Timing, and Funding Schedule

Compliance with SB 375 and its accompanying current RHNA schedule would require SCAG to adopt its next RHNA in 2012. On the one hand, this situation improves the likelihood of securing funding for the RHNA process since it is now immediately intertwined with SB 375. However, a major constraint is that a 2012 RHNA would accelerate SCAG's RHNA update since the current planning cycle runs until 2014. This would place an additional burden on local jurisdictions that do not have significant resources to complete another Housing Element on an accelerated schedule. Moreover, a 2012 RHNA would exclude the 2010 census as much of the RHNA allocation process will be completed by the time of the 2010 census release. This could result in reducing the credibility of the existing needs projections and future fair share calculations because it would be based on the 2000 Census rather than the most recent data.

3. Improvements of SCAG's Process and Methodology

The RHNA process contains multiple layers that could be addressed as part of RHNA Reform.

- **Increased Subregional Involvement**
In prior RHNA cycles, the subregions did not become a major stakeholder in the process until after the draft RHNA allocation was released and only when offered subregional delegation. Subregions could instead participate more during the development of the methodology and perform a set of services as outlined by involved parties. This improvement could result in more local influence on the process. However, more subregional involvement is almost impossible without funding set aside for subregional work
- **Standardize Local Input**
In addition to the minimum requirement of 14 public workshops to gather local input, SCAG also conducted local surveys to ensure thorough data collection. However, for some jurisdictions, data reporting was particularly burdensome due to limited staff and resources, resulting in wide-ranging data. Creating a formal policy for local surveys will standardize data collection and place local input in a subregional context.
- **Streamline the Process**
Current state housing law allows for multiple revisions and appeals from jurisdictions, creating a lengthy RHNA process. SB 12 permitted for a streamlined process that eliminated some lengthy elements of current law but still allowed 1 year for jurisdictions to complete their Housing Elements. Streamlining the current RHNA process could save jurisdictions time, staffing, and resources due to a less time-stretched process.

In addition, as SCAG undertakes the next RHNA, it may be helpful to work more closely with HCD to assess how we can improve the RHNA and Housing Element processes.

Regarding methodology, the Regional Council has a wide range of discretion on how RHNA methodology is determined and applied. Although some methodology factors, such as the AB 2158 factors, are codified in state law, much of the methodology can be determined and applied through internal policy decisions. Examples of such are:

- **Countywide versus Regional Median Income**
During the last RHNA cycle, the Regional Council and policy committees approved to use the countywide median income as a benchmark for determining local fair share rather than a regional median income. Although state law required the use of the countywide median income, previous housing law allowed for council of government discretion and the Association of Bay Area Governments (ABAG) in northern California was approved to use a regional median income for their most recent cycle.

- **Ideal Vacancy Rates and Replacement Rates**
There is no clear cut standard for the normal vacancy rate and require assumptions that differ among various agencies. For the 4th RHNA cycle, the Community Economic and Human Development Committee (CEHD) approved the recommendation by the RHNA Subcommittee to assign more housing to high housing cost jurisdictions relative to lower cost jurisdictions based on vacancy rate differentials. The recommendation was to use the regional vacancy rate of 3.5%, broken down by renter and owner-status, across all jurisdictions to adjust the future vacant unit need. Other adjustments to establish vacancy needs and credits were evaluated and discussed but not adopted.

4. Subregional Delegation

During the last RHNA cycle, subregions who accepted delegation were given some funding from SCAG to handle subregional revision requests, appeals and determination of the final subregional allocation. Delegation did not cover the entire RHNA process. Financial support for subregions would encourage more subregions to accept delegation and have more direct influence on the process. A stable resource for funding for a set of specific services conducted by subregions would allow more local flexibility in determining the final RHNA allocation. Overall, the goal would be a stand-alone process with minimal intervention from SCAG.

**Southern California Association of Governments
RHNA Reform Task Force Membership**

December 2008

Richard Dixon, Chair

Lake Forest

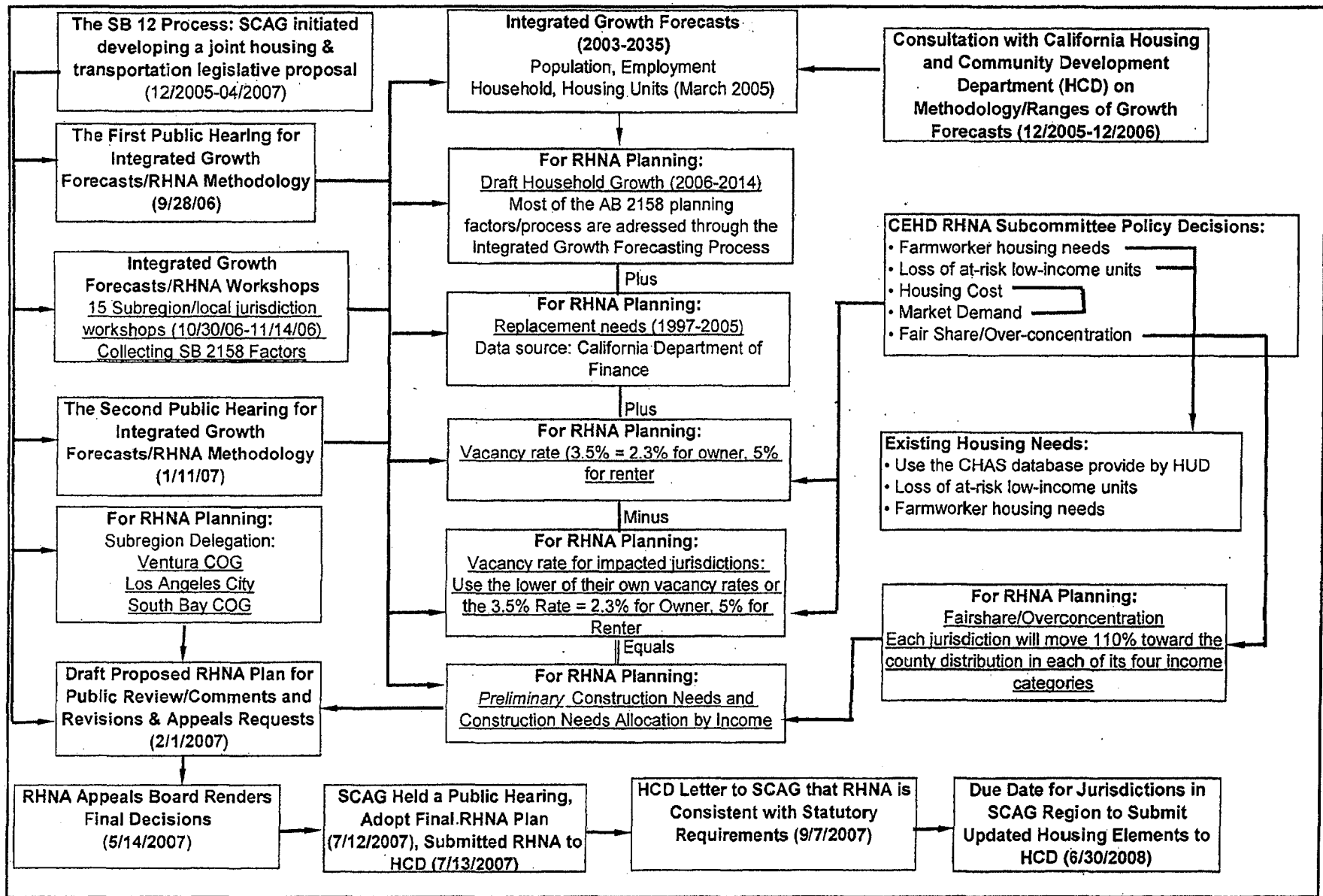
Members

Baldwin, Harry
Bauman, John
Becerra, Glen
Bone, Lou
Clark, Margaret
Edney, Jon
Gilbreath, Pat
Hanks, Keith
Krom, Beth
Lowe, Robin
McCallon, Larry
Morehouse, Carl
Murray, Kris
Parks, Bernard
Stone, Jeff

Representing

San Gabriel
Brea
Simi Valley
Tustin
Rosemead
El Centro
Redlands
Azusa
Irvine
Hemet
Highland
Ventura
Orange County, OCBC, Ex-Officio
Los Angeles
Riverside County

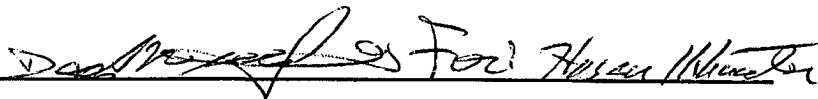
Fourth RHNA Cycle Process



REPORT

DATE: February 23, 2011
TO: RHNA Subcommittee
FROM: Joann Africa, Chief Counsel, (213) 236-1928, africa@scag.ca.gov
SUBJECT: Proposed RHNA Subcommittee Charter

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION: Review the proposed RHNA Subcommittee Charter, provide direction to staff, and recommend CEHD approval.

EXECUTIVE SUMMARY: *The attached proposed "RHNA Subcommittee Charter" (Charter) was developed to outline the purpose and responsibilities of the RHNA Subcommittee. The RHNA Subcommittee serves an important role in the RHNA process, as it is responsible for making critical decisions throughout the RHNA process. Much of what is described in the proposed Charter is based upon the functions and operation of the RHNA Subcommittee during the previous RHNA process. The Subcommittee is asked to review the Charter and provide additional direction to staff. The final draft of the Charter, which will include any changes proposed by the Subcommittee, will be forwarded to the CEHD Committee for its review and approval on March 3, 2011.*

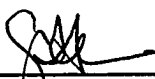
STRATEGIC PLAN: This item supports SCAG's Strategic Plan Goal #3 (Optimize Organizations Efficiency and Cultivate an Engaged Workforce), Objective c (Define the roles and responsibilities at all levels of the organization).

BACKGROUND:

As the RHNA Subcommittee begins its work, a draft charter has been developed to describe the Subcommittee's purpose and responsibilities as well as to define the process for its operation. It is important to recognize that the RHNA Subcommittee serves a significant role as it makes critical decisions throughout the RHNA process, which includes decisions regarding the RHNA methodology, the draft and final RHNA allocations, and revisions requests and appeals of draft allocations. While a RHNA Subcommittee was also established by the Regional Council during the last RHNA cycle, there was no written charter for the RHNA Subcommittee. However, much of what is described in the attached draft Charter is based upon how the prior RHNA Subcommittee functioned and operated.

Staff requests that the members of the current RHNA Subcommittee review the proposed charter and provide any direction to staff as to additional changes. The final draft of the Charter, which will include recommended changes by the Subcommittee, will be reviewed by the CEHD Committee on March 3, 2011.

Reviewed by:



Department Director

Attachment: RHNA Subcommittee Charter

RHNA SUBCOMMITTEE CHARTER

Purpose of the Subcommittee

The purpose of the RHNA Subcommittee is to review in-depth the various policy considerations necessary to the development of SCAG's Regional Housing Needs Assessment (RHNA), and to make critical decisions throughout the RHNA process, including but not limited to the following: the RHNA methodology, the draft and final RHNA allocations, and revisions requests and appeals by local jurisdictions related to draft RHNA allocations.

Authority

Established by the Regional Council on February 3, 2011, the RHNA Subcommittee serves as a subcommittee of CEHD Committee, and will be reporting to CEHD Committee. All actions by the RHNA Subcommittee, except for actions pertaining to revision requests and appeals of draft RHNA allocations submitted by local jurisdictions, are subject to the review and approval of the CEHD Committee and the Regional Council. Recognizing the significant amount of work undertaken by the RHNA Subcommittee, the CEHD Committee and the Regional Council will rely on the policy judgments of the RHNA Subcommittee. The RHNA Subcommittee shall be dissolved as of the date in which the final RHNA allocation is adopted by the Regional Council.

Composition

The RHNA Subcommittee will consist of twelve (12) members of the Regional Council or the CEHD Committee to represent the six (6) counties of the SCAG region. Each county shall have a primary member and an alternate member to serve on the RHNA Subcommittee. The SCAG President will appoint the members of the RHNA Subcommittee and will select one of the members to serve as the Chair of the RHNA Subcommittee. Membership of the RHNA Subcommittee may also include as non-voting members stakeholder representatives if so recommended by the RHNA Subcommittee and confirmed by the CEHD Committee and the Regional Council.

Meetings and Voting

The meetings of the RHNA Subcommittee will occur during the applicable period when SCAG is developing the RHNA. The RHNA Subcommittee shall have the authority to convene meetings as circumstances require. A meeting quorum shall be established when there is attendance by at least one representative (either a primary member or an alternate member) from each of the six (6) counties. Stakeholder representatives serving as non-voting members of the RHNA Subcommittee are not counted for purposes of establishing a meeting quorum.

All RHNA Subcommittee members are expected to attend each meeting, to the extent feasible. RHNA Subcommittee members may attend meetings by teleconference or video-conference. All meetings of the RHNA Subcommittee are subject to the Brown Act. The RHNA Subcommittee will invite SCAG staff or others to attend meetings and provide pertinent information, as

necessary. Meeting agendas will be prepared and provided in advance to RHNA Subcommittee members, along with appropriate briefing materials and reports, in accordance with the Brown Act. Minutes of each meeting will be prepared.

For purposes of voting, each county shall be entitled to one (1) vote to be cast by either the primary member or alternate member representing the respective county; provided, however, that the Chair of the RHNA Subcommittee does not vote except to break a tie vote.

Responsibilities

The RHNA Subcommittee will carry out the following responsibilities:

- review information useful to the development of the RHNA Plan;
- review and make policy decisions related to the RHNA process, including policies for the RHNA methodology, the RHNA methodology, and the draft and final RHNA allocations;
- make decisions regarding guidelines for the RHNA process, including guidelines related to subregional delegation and the criteria for trades and transfers of draft RHNA allocations; and
- make the final decisions regarding revision requests and appeals submitted by a local jurisdiction related to the jurisdiction's draft RHNA allocation. In this capacity, the RHNA Subcommittee shall be known as the "RHNA Appeals Board." These final decisions by the RHNA Appeals Board shall not be reviewable by the CEHD Committee or by the Regional Council.