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## No. 12 MEETING OF THE

# REGIONAL HOUSING NEEDS ASSESSMENT SUBCOMMITTEE

***Tuesday, April 24, 2012***  
***9:00 a.m. – 9:30 a.m.***

**SCAG Office**  
**818 W. 7<sup>th</sup> Street, 12<sup>th</sup> Floor**  
**Board Room**  
**Los Angeles, CA 90017**  
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**Brea City Hall, 1 Civic Center Circle, Brea, CA 92821**

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Due to the limited size of the meeting room, participants are encouraged to reserve a seat in advance of the meeting. In the event the meeting room fills to capacity, participants may attend the meeting at the main location or any of the other video-conference locations.

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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 Ma'Ayn Johnson at (213) 236-1975 or via email [johnson@scag.ca.gov](mailto:johnson@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. SCAG is also committed to helping people with limited proficiency in the English language access the agency's essential public information and services. You can request such assistance by calling (213) 236-1993. We require at least 72 hours (three days) notice to provide reasonable accommodations. We prefer more notice if possible. We will make every effort to arrange for assistance as soon as possible.

# REGIONAL HOUSING NEEDS ASSESSMENT SUBCOMMITTEE AGENDA APRIL 24, 2012

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*The Regional Housing Needs Assessment 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 Committee, must fill out and present a speaker’s card to the Assistant prior to speaking. Comments will be limited to three (3) minutes. The Chair may limit the total time for all comments to twenty (20) minutes.

## **REVIEW AND PRIORITIZE AGENDA ITEMS**

**Time      Page No.**

### **ACTION ITEM**

- |   |                            |         |   |
|---|----------------------------|---------|---|
| 1. <b><u>Proposed Amendment to SCAG’s Guidelines related to the RHNA Trade &amp; Transfer Process</u></b><br><i>(Joann Africa, Chief Counsel)</i> | Attachment<br>to be posted | 15 min. | 1 |
|---|----------------------------|---------|---|

**Recommended Action:** That the Subcommittee recommend approval to the CEHD Committee and Regional Council of a proposed amendment to the SCAG’s Guidelines related to the Trade & Transfer process.

### **CHAIR’S REPORT**

### **STAFF REPORT**

*(Ma’Ayn Johnson, SCAG Staff)*

### **ANNOUNCEMENTS**

### **ADJOURNMENT**

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# REPORT

**DATE:** April 24, 2012

**TO:** Regional Housing Needs Assessment (RHNA) Subcommittee

**FROM:** Joann Africa, Chief Counsel, 213-236-1928, [africa@scag.ca.gov](mailto:africa@scag.ca.gov)

**SUBJECT:** Proposed Amendment to SCAG's Guidelines related to the RHNA Trade & Transfer Procedures

**EXECUTIVE DIRECTOR'S APPROVAL:**



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## **RECOMMENDED ACTION:**

That the Subcommittee recommend approval to the CEHD Committee and Regional Council of a proposed amendment to the SCAG's Guidelines related to the Trade & Transfer process.

## **EXECUTIVE SUMMARY:**

*On February 2, 2012, the SCAG Regional Council approved the 5<sup>th</sup> Cycle RHNA Procedures for Revision Requests, Appeals and Trade & Transfers (hereinafter referred to as the "RHNA Appeals Procedures"), which were reviewed and recommended by the RHNA Subcommittee and the Community, Economic & Human Development Committee in December 2011 and January 2012, respectively. As part of its review, with respect to the trade and transfer process, the RHNA Subcommittee recommended that as an additional guideline, jurisdictions choosing to participate in a trade and transfer agreement should be geographically contiguous and preferably within the same county. Exceptions may be made where the jurisdictions are geographically contiguous but located in bordering counties. Staff is recommending an amendment to this particular guideline in order to provide local jurisdictions who are considering trading with more flexibility.*

## **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:**

Other than the requirement that the total housing need by income category be maintained in involved parties, the state housing law does not provide any restrictions on trade and transfer agreements among jurisdictions. On February 2, 2012, the SCAG Regional Council approved the RHNA Procedures for Revision Requests, Appeals and Trade & Transfers, which were reviewed and recommended by the RHNA Subcommittee and the Community, Economic & Human Development Committee in December 2011 and January 2012, respectively. As part of its review, the RHNA Subcommittee recommended that jurisdictions choosing to participate in a trade and transfer agreement should be geographically contiguous and preferably within the same county. Exceptions may be made where the jurisdictions are geographically contiguous but located in bordering counties. Prior to the Regional Council's approval, staff had received inquiries on meaning of geographical continuity for jurisdictions and had inform the Regional Council that the RHNA Appeals Procedures related to the trade and transfer process may need to be amended in the future.

The original intent of adding the guideline related to trading jurisdictions being geographically contiguous was based upon a general assumption that such jurisdictions would have common housing interests and would be better suited for the trade and transfer process.

As SCAG has now completed the revision requests process and is beginning the appeals process, SCAG staff recognizes that local jurisdictions are carefully considering the trade and transfer process as an alternative to addressing their Draft RHNA allocations. Currently as written, the guideline related to geographic contiguousness could be viewed as an obstacle for a successful trade. For this reason, staff recommends the following changes to the Trade and Transfer Process of the Appeals Procedures (Section IV) as follows (strike-out and underlined text represents the proposed amendment):

#### **“IV. TRADE AND TRANSFER PROCESS**

As an alternative to the revision request or appeals processes, a local jurisdiction may attempt a “trade and transfer” of its allocation with another jurisdiction(s), for the purpose of developing an alternative distribution of housing need allocations consistent with existing law. SCAG shall facilitate or assist in trade and transfer efforts by local jurisdictions, to the extent reasonably feasible. As such, local jurisdictions need not request a revision or file an appeal with SCAG in order to attempt trades and transfers. The alternative distribution shall be evidenced by way of a written agreement or other documentation outlining the respective jurisdictions’ modified allocations. Any alternative distribution shall be submitted to SCAG prior to SCAG’s issuance of the Final RHNA Plan, and shall be subject to any post-appeal reallocations as described in Section III above.

SCAG shall include the alternative distribution proposed by the local jurisdictions in the Final RHNA Plan, provided that the proposed alternative distribution maintains or accounts for the total housing need originally assigned to these jurisdictions. Below are guidelines that the local jurisdictions may consider as part of the trade and transfer process:

- A. Transfer request shall have at least two willing parties and the total number of units originally assigned to the group requesting the transfer (hereinafter referred to as the “transfer group”) cannot be reduced.
- B. All members of the transfer group are local jurisdictions that are preferably geographically contiguous ~~and preferably located within the same county, exceptions may be made where the local jurisdictions are geographically contiguous but located in counties that border one another.~~
- C. All members of the transfer group shall retain some allocation of very-low and low-income units. SCAG advises that a minimum of twenty percent (20%) of the original allocations be retained for very-low and low-income units.
- D. The proposed transfer includes a description of incentives and/or resources that will enable the jurisdiction(s) receiving an increased allocation to provide more housing choices absent the proposed transfer and accompanying incentives or resources.
- E. The proposed transfer shall be consistent with existing housing law, including the RHNA objectives set forth in Government Code Section 65584(d) (1) through (4).

# REPORT

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- F. If the proposed transfer results in a greater concentration of very-low income or low-income units in a receiving jurisdiction which has a disproportionately high share of households in that income category, the transfer group shall provide a reasonable justification to SCAG so as to address the RHNA objectives set forth in Government Code Section 65584(d) (1) through (4).
- G. The proposed transfer shall not prohibit SCAG from making a determination that its Final RHNA Plan is consistent with SCAG's regional transportation plan (RTP) and related Sustainable Communities Strategy (SCS).
- H. The transfer group shall retain its originally assigned allocations in the event the agreement involving the proposed transfer is not completed by the respective deadline."

**FISCAL IMPACT:**

Work associated with this item is included in the current FY 11-12 General Fund Budget (12-800.0160.03: RHNA).