

From: McCann, Melanie <[REDACTED]>
Sent: Monday, February 10, 2020 4:55 PM
To: Regional Housing
Cc: Soto, Ricardo; Brown, Judson; Eckles, Janice
Subject: FW: RHNA Appeal Procedure Comments

Dear SCAG Housing staff,

Please find our comments on the Draft 6th RHNA Cycle Appeals Procedures:

Section: Introduction

The introductory narrative and subsequent procedure suggest that appeals would generally be to lower a jurisdiction’s RHNA allocation. We suggest the introductory narrative clarify whether a jurisdiction can also appeal to increase another jurisdiction’s share of the regional housing need.

Section: I.A Deadline to File

The deadline to submit an appeal falls on May 25, 2020, which is Memorial Day. We request that the deadline be changed to a non-holiday.

Section: I.B. Form of Appeal

Please clarify whether electronic appeal submittals will be accepted, and any guidelines for how they should be submitted (e.g. Dropbox).

Clarify if Exhibit “A” (exhibit was not attached to Appeals Procedure draft on website) will require the appealing jurisdiction to state the specific amount of RHNA units and their respective income categories that are being appealed. .

Section: I.C. Bases for Appeals

While not listed in the criteria for appeals, a jurisdiction’s Housing Element Annual Progress Report (APR) table for production of RHNA units may be a helpful reference to the RHNA Appeals Board. Thus, would it be feasible to request the respective jurisdiction’s APRs be added as an application requirement along with the appeal statement describing why a revision is necessary, to further the intent of the objectives listed in Section 65584?

Section: I.C.3. Bases for Appeal

Please provide a definition for “significant and unforeseen” change in circumstance.

Section: I.E. Comments on Appeals

Please clarify the reasoning for not making submitted appeals and all materials in support of an appeal available on the website until the close of the appeals filing period; versus appeal submittals being available as soon as they are submitted to SCAG.

Section: I.G. Appealing Hearing

“The RHNA Appeals Board need not adhere to formal evidentiary rules and procedures in conducting the hearing. An appealing jurisdiction may choose to have technical staff present its case at the hearing. At minimum, technical staff should be available at the hearing to answer any questions of the RHNA Appeals Board. SCAG staff shall also be permitted to present its position and may make a recommendation on the technical merits of the appeal to the RHNA Appeals Board, subject to any rebuttal by the appealing jurisdiction.”

If “Jurisdiction A” appeals the allocation of “Jurisdiction B”, will the technical staff for “Jurisdiction B” be permitted to submit information and be present its position to the RHNA Appeals Board?

Section: I.H. Determination of Appeal

“Specific adjustments to jurisdictions not the subject of an appeal as a result of an appeal will be included as part of the Appeal Board’s determination. These specific adjustments will be excluded from the cumulative total adjustments required to be reallocated as described in Section II of these Appeals Guidelines.”

Please clarify the first sentence above related to “specific adjustments to jurisdictions not the subject of an appeal...”, and provide examples of when this this could apply. Also, since these types of adjustments are not subject to the reallocation methodology described in Section II, please clarify what methodology the would be used for these specific adjustments.

Please feel free to contact myself or Ricardo Soto rsoto@santa-ana.org should you have any questions regarding these comments.

Best,
Melanie

Melanie G. McCann | Senior Planner

Planning and Building Agency | 20 Civic Center Plaza, M-20 | Santa Ana, CA 92701





<http://www.santa-ana.org/>

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such, may, therefore, be subject to public disclosure unless otherwise exempt under the Act.