



Orange County Council of Governments

Orange County Council of Governments (OCCOG)
3972 Barranca Parkway, Ste. J127
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April 27, 2020

Mr. Bill Jahn
President, Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Subject: OCCOG concerns regarding process used for development of SCAG 6th Cycle RHNA methodology

Dear President Jahn,

SCAG has been tasked with representing the local governments and agencies within its jurisdiction during the RHNA process. As you know, SCAG's jurisdiction is vast, consisting of six counties and 191 cities in an area covering more than 38,000 square miles. Through SCAG's representation, millions of Californians are given only one voice to HCD during the RHNA process. SCAG has an obligation to ensure that these Californians are equally represented within SCAG during the RHNA process, and that SCAG's part in the RHNA process produces a result that benefits all of SCAG's constituents equally. In conducting the RHNA process, the Orange County Council of Governments strongly believes that SCAG has fallen short in both of these obligations.

Key among SCAG's responsibilities during the RHNA process is to develop the RHNA methodology, allocating SCAG's regional determination to the 197 jurisdictions within the SCAG region. Throughout the RHNA methodology process, SCAG staff strove to encourage public involvement in the decision-making process. SCAG staff organized countless meetings with various groups, local agencies, and other constituents within SCAG's jurisdiction. The development of the RHNA methodology is supposed to be a transparent process, and SCAG staff went as far as providing multiple versions of a calculator tool, which allowed individual member jurisdictions to determine an approximation of their draft allocation under the proposed methodology options. Public input was key to developing the proposed methodology, and SCAG staff took great pains to incorporate the feedback received from the public. However, when the time came to take action on this allegedly transparent process, SCAG chose to ignore the product of this inclusive and collaborative process.



At the November 7th, 2019 meeting of the Regional Council, SCAG failed to allow its members to have an equal voice in deciding SCAG's RHNA methodology, and subverted the previously transparent and collaborative process to ensure that only a portion of SCAG's jurisdiction benefited from the results of the ultimately-selected RHNA methodology. At the November 7th meeting, a substitute methodology was introduced. In contrast to the methodology created by staff, this alternate methodology had not been submitted to the public nor been thoroughly researched and vetted. When the details of the substitute methodology become clear after the November 7th meeting, it became evident that the substitute methodology shifted the majority of the burden of SCAG's RHNA allocation to a minority of jurisdictions in the SCAG region. Orange County's RHNA allocation has increased from 107,978 to 182,194 under the adopted, alternative methodology, almost doubling in size. This increase in Orange County's RHNA allocation directly benefited the counties of Riverside, San Bernardino, Ventura and Imperial, each of which saw its RHNA allocation go down. By allowing this methodology to be chosen, SCAG supported a portion of its members at the expense of others.

The alternative methodology not only favors a particular portion of SCAG's member jurisdictions, it was chosen by SCAG in a manner that denied its members a full opportunity to be heard. As stated above, SCAG's staff prepared a proposed RHNA methodology that had been provided to all of SCAG's constituents for an opportunity to review, scrutinize, and comment. In contrast, the full details of the alternative methodology were not revealed until after the November 7th meeting. Further, in making the substitute motion to vote upon the alternative methodology, four people spoke and attempted to define the actual contents of the substitute motion. The final speaker was not even the original maker of the substitute motion. This left the members of the Regional Council unclear on what was being voted upon. When members of the Regional Council attempted to clarify the details of the alternative methodology through discussion, the discussion was wrongfully and prematurely cut off through a "call the question" motion, leaving the members without the ability to discuss the complex issue before them. The November 7th meeting was the last meeting at which such a discussion could occur before the methodology was sent to HCD. No further opportunity for discussion was offered to any member of the Regional Council. SCAG failed to properly explain the alternative methodology to the Regional Council and allow reasonable discussion of its methods. Through this, SCAG failed to give each of its member jurisdictions an equal voice in the RHNA process.

OCCOG has also been extremely disappointed with SCAG's performance in its role as the negotiator between its member jurisdictions and HCD. SCAG, given its size and the jurisdictions it represents, is in a position of authority to act as the representative and advocate to HCD for its member jurisdictions. This was especially key as it came to the RHNA determination set for the SCAG region.



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On September 18, 2019, SCAG sent a letter to HCD asserting certain objections to the RHNA determination calculated by HCD for the SCAG region. This letter outlined several objections to the determination based upon incorrect applications of State statutes. Although HCD failed to provide any legitimate reason or explanation for these errors, SCAG failed to re-assert its objections. OCCOG and other members within SCAG's jurisdiction feel HCD's casual disregard for a transparent and legally adequate determination affects them directly. As such, it is SCAG's responsibility to act as their representative, but SCAG has failed to do so.

Given its size, both geographically and in population, SCAG has the responsibility to ensure that all of its members are equally represented. SCAG, through the RHNA process, has chosen to only represent the interests of a portion of its members. We are now left with a scenario that leaves our member agencies with an immense challenge in certifying their housing elements during the 6th Cycle RHNA to comport to the numbers that were unjustly allocated to our region. We find this unacceptable and wish to know how SCAG intends to address this injustice.

Sincerely,

Trevor O'Neil
Chair, Orange County Council of Governments

Cc: Kome Ajise, SCAG Executive Director
OCCOG Board of Directors
Orange County City Managers