

Housing Working Group

February 22, 2022

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Agenda



1. Welcome, Introductions, Overview
2. Housing Element Updates and Compliance
3. Connect SoCal 2024 Draft Plan Goals and Vision Statement
4. Regional Early Action Planning (REAP) 2.0 Overview and Outreach Plan
5. Legislative Updates
6. Wrap-Up and Next Steps

Housing Element Status – SCAG Region



Status as of Thursday, February 17, 2022

	No submittal	Submitted 1 st draft	Submitted 2+ drafts	Fully Compliant	Total
Adopted	0	61	11	3	75
Not adopted	12	73	37	—	122
Total	12	134	48	3	197

Prior to AB 1398

- 3 years to complete rezoning
- 120 days from 10/15/21 to adopt
- Revise Element every 4 years until jurisdiction adopted at least 2 consecutive revisions by the deadline if the 120-day deadline is not met

Under AB 1398

- Jurisdictions have **120 days** from the statutory deadline of October 15, 2021 to be in substantial compliance (February 11, 2022)
- If they do not, **all rezoning and environmental review** must be done **one year** from the October 15, 2021 deadline
- All jurisdictions now on an 8-year cycle
- 194 SCAG jurisdictions subject to new law

* AB 215 – Notify stakeholders at least 7 days prior to draft resubmittal

Housing Element Briefing

February 2022

California Department of Housing & Community Development
Division of Housing Policy Development





Key new provisions have raised the bar for housing element compliance

- Higher RHNAs means greater housing capacity near jobs and transit
- Affirmatively furthering fair housing requirements
- Sites inventories are held to a higher standard.
- Greater evidence is needed to show potential for redevelopment of non vacant sites
- By-right is required on sites previously identified past inventories if used for lower-income need.

Every compliant housing element will have a better chance of actually producing housing than ever before.



Most Common Overarching Issues

- Housing element does not support assumptions - factors are named but element does not describe why they are relevant.
- Lots of Data, no analysis.
- Analysis is weak and seeks to support assumptions rather than guide solutions.
- Programs are status quo and do not support the narrative in the housing element.
- Little or incomplete public participation has led to more third-party comments for HCD to consider.



Key Areas of Non-Compliance

- Affirmatively Furthering Fair Housing – **Tell the Story**
 - Sites inventory does not show how conditions are improve or exasperated. Lack of program support
 - Analysis consists of data but not analysis for patterns and trends overtime
 - Contributing factors not tied to analysis
 - Programs do not work to overcome patterns and trends, are status quo, and lack metrics and milestones



Key Areas of Non-Compliance

- Sites Inventory – **Show your work!**
 - Factors and assumptions are not supported with data, development and market trends, and analysis.
 - Trends (when included) included do not relate to the sites inventory.
 - No discussion of actual existing uses of the site and how they would impede development or why they are good opportunities.
 - Lack of clear substantial evidence that uses will likely discontinue in the planning period (think in three buckets a) site specific information relating to use; b) market and development trends to support; c) programs to facilitate redevelopment



Key Areas of Non-Compliance

- **Constraints – Don't Just Describe, Analyze!**
 - Describes but does not analyze as a constraint (think impact on cost, supply, timing, certainty, transparency)
 - Puts off analysis to a “study”
 - Seeks to justify rather determine if there is a constraint.
 - Does not analyze development standards of zones identified in the inventory.
 - Does not actually describe and analyze what it takes to go through the planning approval process.



Key Areas of Non-Compliance

- **Programs – Is there a Beneficial Impact?**
 - Lessons learned from the 5th cycle did not result in modifications to programs
 - Lack of clear commitments “uses Explore, Consider, Evaluate the feasibility, Study....”
 - Lack of clear timeframes for actions
 - Programs are not related to analysis
 - Programs to facilitate the development of housing do not move the needle
 - Programs to rezone do not include all the required components
 - Programs do not reflect third party and public participation comments and suggestions.



Key Areas of Non-Compliance

- **Other – It's the details**
 - Forgot to address new requirements related to review and revise, non-governmental constraints.
 - Forgot to address old analysis requirements related to Coastal zone, Extremely Low Income, At-Risk Analysis
 - Public Participation did not have affirmative actions to include all segments of the population or seek to consider AFFH.
 - Special Needs population analysis just has data but does not analyze or consider resources that leads to conclusions.



A Plea from us!

AB 215 and Subsequent Submittals

- Reminder Transparency Requirements –
Initial draft- 30 days public review, 10 business days to incorporation Prior to sending to HCD
Subsequent draft - 7 days posted on the website and email with link sent to commentors Prior to sending to HCD
- Please indicate in cover letter compliance with new requirements.
- Please send us track-change or similar version to help speed up review.



What are the consequences for housing element non-compliance?

Immediate consequence:

- Cannot use inconsistency with zoning and general plan standards as reasons for denial of a housing project for very low-, low-, or moderate-income households.

Consequence for jurisdictions that do not have a compliant element (e.g. receives a letter of compliance from HCD) by 120 days past their due date:

- Must complete all necessary rezones within one year of that statutory deadline and after a year cannot be found in substantial compliance with Housing Element Law until the local government has completed any required rezoning.
- Please note, these provisions replace previous requirements for mid-cycle housing element updates (4-year updates) for jurisdictions that had not adopted within 120 days of the statutory requirements.



What are the consequences for housing element non-compliance?

Mid-term consequences:

Due to funding cycles these consequences do not normally affect jurisdictions until they are more than 120 days past due, but at that point jurisdictions lose access to these funding sources:

- Local Housing Trust Fund Program (SB 2) - Applications due May 2022
- SB 1 Caltrans Sustainable Communities Grants - Awards Summer 2022
- Infill Infrastructure Grant Program (QIA only) - Applications due June 2022
- Permanent Local Housing Allocation (SB 2) Competitive - Applications due August 2022
- Permanent Local Housing Allocation (SB 2) Over the Counter - Applications due June – December 2022
- Affordable Housing and Sustainable Communities Program - Next NOFA is not until October 2022
- HOME program (only non-entitlement jurisdictions) – Next NOFAs not until September and December 2022



What are the consequences for housing element non-compliance?

Most serious and long-term consequences:

- HCD may notify the California Office of the Attorney General, which may bring suit for violations of Housing Element Law.
- Further, statute provides for court-imposed penalties for persistent noncompliance, including financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month and up to \$100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six.
- Court has broad discretion to impose other remedies. Potential ramifications could include the loss of local land use authority to a court-appointed agent.
- Private parties can sue for housing element compliance as well.



With all this, why is compliance so low?

- **Late submissions of housing elements**
 - For a housing element to be approved there must be public participation, a draft submission with 90 days of review by HCD and the public, and an adopted submission that addresses all findings, followed by 60 days review.
 - Only 10 SCAG jurisdictions submitted housing elements early enough to make their original due date (assuming all draft findings were incorporated expeditiously); 50 didn't submit a first draft until after the due date; and 13 have have still not submitted a first draft.
 - Common issues include missing components and lack of public participation.



Is Low Compliance Abnormal?

- While current compliance rates may seem low, it is typical at the start of a cycle for compliance rates to lag.
 - In the 5th cycle, 178 SCAG jurisdictions were found compliant past their due date and 41 SCAG jurisdictions were more than a year late.
- Large housing goals in 4th cycle also led to late compliance.
- SanDAG and SACOG still working through compliance 9-10 months after their due date.



Housing Element Information Available to the Public on WWW.HCD.CA.GOV

- Housing Element [Annual Progress Report Data](#)
- [Copies of Housing Elements](#) Received in the 5th and 6th cycles
- [Housing Element Compliance Report](#) (updated daily)
- [Housing Elements Currently in Review](#) by HCD (updated daily)
- Copies of [Housing Element Review Letters](#)
- Various [Technical Assistance Materials](#)
- [Housing Element Completeness Checklist](#)
Instructions on [How to Provide Public Comments](#)

Connect SoCal 2024

Draft Vision, Goals and Performance Measures

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Overview: **Connect SoCal 2024**



- **Vision Statement** to capture what we want the region to be
- Four simplified Goals
 - Themes: **Mobility, Communities, Environment, and Economy**
 - Further defined through sub-goals
- Overarching through lines to integrate into the 2024 cycle: **Equity and Resilience**

What kind of region do we want in 2050?

Working Drafts:

- Option 1: “A healthy, equitable and resilient region that works together to plan effectively for the challenges of tomorrow.”
- Option 2: “A healthy, accessible and connected region for a more resilient and equitable future.”

Build and maintain a robust transportation network.

- Support investments that are well-maintained and operated, coordinated, and resilient, and result in improved safety and air quality and minimize greenhouse gas emissions.
- Ensure reliable, accessible, affordable, and appealing travel options are readily available, while striving to enhance equity in the offerings in high need communities.
- Support planning for people of all ages, abilities, and backgrounds

Develop, connect, and sustain communities that are livable and thriving.

- Create human-centered communities in urban, suburban, and rural settings to increase mobility options and reduce travel distances
- Produce and preserve diverse housing types in an effort to improve affordability, accessibility, and opportunities for all households.

Create a healthy region for the people of today and tomorrow.

- Develop communities that are resilient and can mitigate, adapt to, and respond to chronic and acute stresses and disruptions, such as climate change.
- Integrate the region's development pattern and transportation network to improve air quality and reduce greenhouse gas emissions.
- Conserve the region's resources.

Support a sustainable, efficient, and productive regional economic environment that provides opportunities for all residents.

- Improve access to jobs and educational resources
- Advance a resilient and efficient goods movement system that supports the economic vitality of the region, attainment of clean air, and quality of life for our communities.

Connect SoCal 2024: Draft Goals Overview

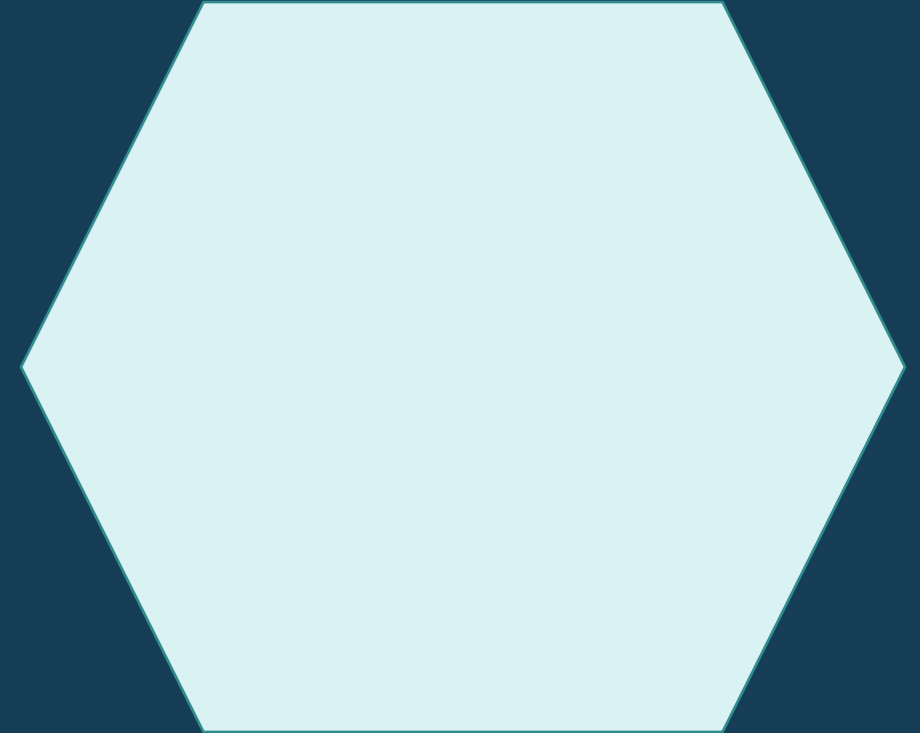
- 1. Build and maintain a robust transportation network. (Mobility)**
- 2. Develop, connect, and sustain communities that are livable and thriving. (Communities)**
- 3. Create a healthy region for the people of today and tomorrow. (Environment)**
- 4. Support a sustainable, efficient, and productive regional economic environment that provides opportunities for all residents. (Economy)**



Connect SoCal 2024: Performance Measures



- Performance measures correspond to goals
- Address federal performance reporting requirements for transportation conformity, MAP-21, & Environmental Justice; and state requirements GHG reductions
- Evaluate plan's investments and strategies against goals
- Support ongoing monitoring of progress towards achieving goals and targets





Connect SoCal 2024: Draft Performance Measures - Mobility



- Average travel time to work
- Person-delay per capita
- Person hours of delay by facility type
- Travel time distribution by mode
- Peak hour excessive travel delay per capita
- Percent of reliable person-miles traveled on the NHS
- Percent of trips less than 3 miles
- Transit travel time distribution



Connect SoCal 2024: Draft Performance Measures - Communities



- Share of regional employment growth occurring in High Quality Transit Areas (HQTAs)
- Share of regional households located in HQTAs
- Vehicle Miles Traveled (VMT) per capita
- Average distance traveled for work & for all trips
- Non-single occupancy vehicle (non-SOV) mode share
- Active transportation (combined bicycle & pedestrian) mode share
- Transit boardings per capita

- Percent reduction in per capita GHG emissions (from 2005 levels)
- Criteria pollutant emissions (ROG, CO, NO_x, PM₁₀, & PM 2.5)
- Pollution-related respiratory disease incidence & cost
- Total square miles of greenfield or otherwise rural land uses converted to urban use
- Transit mode share
- Share of major destinations accessible within 45 minutes by transit during peak travel period



Connect SoCal 2024: Draft Performance Measures - Economy

- Number of new jobs added to regional economy directly related to RTP/SCS transportation system investments
- Number of new jobs added due to improved regional economic competitiveness
- Transportation system investment benefit/cost ratio
- Local roadways pavement condition
- Truck delay by facility type (highways/arterials)





Questions for Feedback:

- Is there anything missing?
- How can we better integrate equity and resilience?

Timeline:

- **Now to April 2022:** Share draft goals and vision statement with Regional Planning Working Groups
- **June 2022:** Share draft goals with SCAG Policy Committees

Thank you!

Questions/Feedback?

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Regional Early Action Program (REAP) 2021 Overview and Outreach Plan

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February 22, 2022

www.scag.ca.gov



Regional Early Action Planning Grant 2021 (REAP 2021)

AB140 – FY21–22 state budget (May revise)

- ~ **\$600 million** statewide
- **\$30 million** = **rural competitive program** for eligible entities not within an MPO region
- **\$30 million** = **competitive program for all eligible entities** for projects that “demonstrably exceed the requirements...and further multiple policy objectives”
- ~ **\$500 million** from Federal American Recovery , **formula allocated to MPOs**
 - ~ **\$246 million** = **SCAG region’s formula share**
 - 10 % of funds available through Advance Application after January 1, 2022.
 - All funds obligated June of 2024 / **expended by June 2026**
 - Final closeout June 2026.

REAP 2021 – MPO Formula Allocation Program



For “transformative planning and implementation activities”

Four required objectives (different from REAP 1.0):

- Implement regional Sustainable Communities Strategy (SCS) AND
- Promote infill housing development AND
- Reduce Vehicle Miles Travelled AND
- Affirmatively Further Fair Housing

SCAG's DRAFT Program Development Framework



Based On:

- REAP 2021 Trailer Bill Language (July 2021)
- Connect SoCal Implementation Strategy (adopted Summer 2020)
- Racial Equity Action Plan (adopted May 2021)
- Inclusive Economic Recovery Strategy (July 2021)
- SCAG Executive Administration Committee Strategic Work Plan (July 2021)
- SCAG Housing Production Study (October 2021)

Core Objectives

- Support **transformative planning** that realize Connect SoCal
- Leverage and augment activities that can be **implemented quickly** and in line with community-driven, **pandemic recovery priorities**
- Build regional capacity to **deliver 6th cycle RHNA** goals
- Represent best practices in **VMT reduction**
- Demonstrate consistency with **Racial Equity Action Plan**
- Promote infill in **Connect SoCal Priority Growth Areas**

Three Program Areas

- Early Action Initiatives—Connect SoCal Implementation Strategy
- County Transportation Commission Partnership Program (NEW)
- Housing Supportive Infrastructure Program (NEW)

DRAFT Program Areas (Pending Program Guidelines and Outreach)



1. Early Action Initiatives

- Enhance and Expand on Connect SoCal Implementation Strategy
- Ex: Sustainable Communities Program (SCP) Call for Projects
 - GHG/VMT reducing planning activities and demonstration projects

2. CTC Partnership Program

- Guidelines will be developed through outreach in 2022
- Align with Connect SoCal Key Connections – expanded mobility ecosystems and management strategies using innovative policies and/or technologies
 - Ex: solutions to improve transit travel time and reliability, micro-transit and other mobility-on-demand services, VMT mitigation bank and exchange programs, etc.
- Outreach with CTCs to gauge opportunities for partnership

3. Housing Supportive Infrastructure Program

- Utilities to support housing development
 - sewer, water, wastewater, electric, broadband)
- Housing Trust Funds
- Preservation of expiring covenants/NOAH
- Technical Assistance
 - More land use planning?
 - Surplus land development?
- Flexibility to meet needs of cities, counties and utility providers' capacity
- Incorporate sustainability and climate resiliency strategies

Draft Program Development Framework

- The Draft Program Framework is a DRAFT to start conversations.
- We are required by the State, and are fully committed to, a robust engagement process
- We still need full Program Guidelines to help us craft the programs

Early Application

Application to be submitted February 2022

Requires:
Outreach & Engagement for Program Development

Full Application

Application to be submitted in late 2022

Proposed Programs:
Existing Program Expansion
Housing Supportive Infrastructure
CTC Partnership Program

REAP 2021 Timelines

Previous Steps

- Oct. 2021 Draft SCAG REAP 2021 Framework presented to Policy Committees
- Nov. 2021 REAP 2021 Framework Paper released by HCD
- Dec. 2021 SCAG Feedback Re: Framework Submitted
- Jan. 2022 Advance Application released (for outreach and program development)

Current Status

- Advance Application in development, to be submitted Feb. 2022
- Outreach/budget/staffing plan development

Next Steps

- Feb. 2022 – Draft program guidelines to be released by State agencies
- Upon Approval of Early Application – Outreach and Engagement begins
- Spring 2022 – Final Guidelines released
- After Guidelines released – Staff to continue outreach with progress updates to Policy Committees
- Late 2022 – Full application to be submitted to HCD

Outreach Goals & Objectives

The REAP 2021 Advance Application requires a **comprehensive outreach program** for REAP 2021 program development.

Feedback from stakeholders will be incorporated in the final program application to **establish priorities for transformative planning and implementation activities** that meet core program objectives.

The outreach program will employ **variety of outreach methods** to reach a wide range of SCAG stakeholders including, **disadvantaged and underserved communities**.

SCAG will work in concert with other MPOs, public agencies and subregional COGs to consider the potential for **joint activities** and coordination.

REAP 2021 Outreach Plan - Overview

PURPOSE

- **Establish priorities for transformative planning and implementation activities**
- **Learn of existing efforts/identify needs and opportunities**
- **Incorporate feedback in final Program Application**

TARGET AUDIENCE

- **General Public & Stakeholders**
- **Disadvantaged & Historically Underserved Communities**
- **Public Agencies and other partners**

TIMELINE

- **2022 =to support Program development and submittal of the full funding application**
- **2023 - 2024 = through Program development and obligation of funds**
- **2024 - 2026 = through Program implementation**

HOW

- **Variety of outreach methods, including: workshops, listening sessions, focus groups, public opinion surveys, meetings, forums**
- **Program wide outreach & program area specific outreach**
- **Regular eblasts and updates**

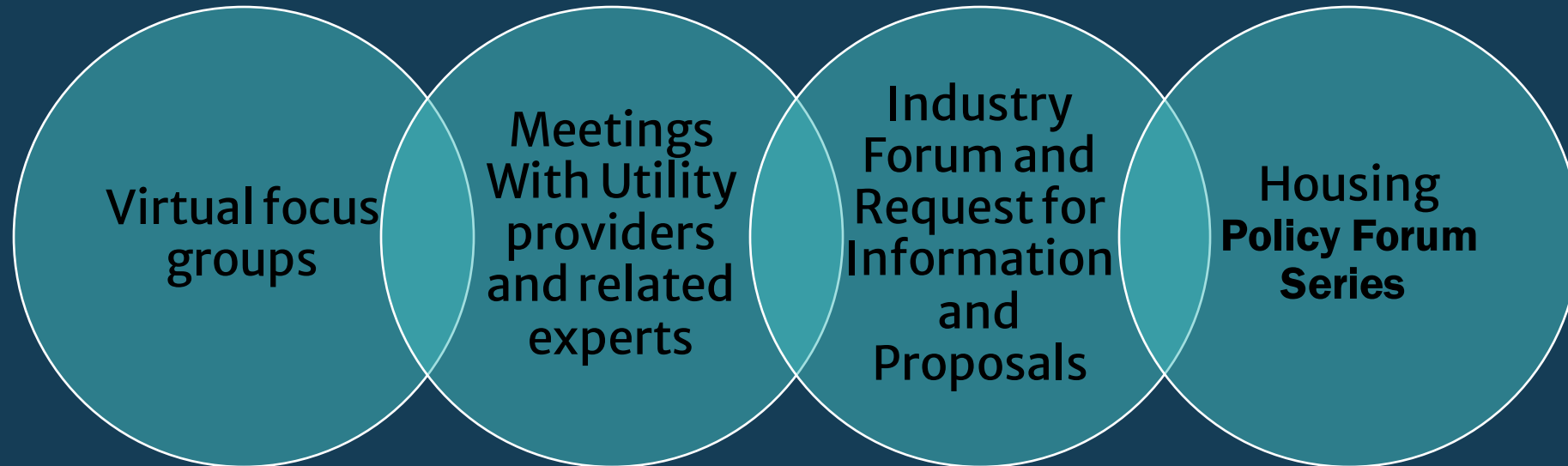
Building on Past Outreach

Program	Type of Outreach	Outcomes
Connect So Cal	Public Participation Plan	Identifies stakeholders and the manner we engage with them
REAP	Partnerships	Identification of priority housing projects of our Subregions, jurisdictions, and community organizations
Housing Production Study	Interviews and convenings with core stakeholders	Recommendations for SCAG to prioritize it's Housing Work program in the short, medium and longer term
Inclusive Economic Recovery Study	Focus groups, convenings, survey.	Recommendations for elevating inclusive, equitable, and robust economic development in the areas of: Housing Production and Preservation, Transportation and Infrastructure, Sector Based Strategies, and Human Capital.

Program Wide Outreach



Additional Housing Supportive Infrastructure Program Outreach



Comments or Questions



Thank You.

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- Save the Date! SCAG Housing Forum Series #2
 - April 19, 11am–1pm
 - Scaling Housing Production
 - Strategies and Funding Sources
 - REAP 1.0 Successes, REAP 2.0 Listening Session
- HCD Pro-housing Designation Program comment period
 - Comments due by March 23, 2022
- Next HWG meeting date
 - TBD
 - Take our post-meeting survey

Thank you!

Questions?

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