



October 21, 2020

Ma' Ayn Johnson, Senior Housing and Land Use Planner
Southern California Association of Governments (SCAG)
Attn: RHNA Appeals Board
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

**SUBJECT: REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) METHODOLOGY
APPEAL**

Dear Ms. Johnson:

The City of Lawndale (City) submits the following appeal pursuant to government Code Section 65584.05 for a revision of its share of the regional housing need proposed to be allocated to the City under the Regional Housing Needs Assessment (RHNA) methodology (RHNA Methodology) adopted for the 6th cycle. This appeal is brought on the grounds that SCAG failed to determine the share of the regional housing need in accordance with the information described in Government Code Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed Government Code Section 65584(d). Additionally, the SCAG/HCD Methodology does not comply with state law, and the process by which it was considered for approval by SCAG violates state and due process laws, and that the methodology utilized should be rendered invalid.

OBJECTIVE 1: INCREASE THE HOUSING SUPPLY AND MIX OF HOUSING TYPES, TENURE, AND AFFORDABILITY 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:

Basis No. 1 for Appeal: SCAG failed to adequately consider information related to Government Code Section 65584.04(e)(3).

SCAG was required to consider the following factor per Government Code Section 65584.04(e)(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.”

Pursuant to Government Code Sections 65584 and 65584.04(e), consistency between RHNA Methodology and the SCAG's 2020 Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is required. However, RHNA Methodology employed by SCAG/HCD utilized the household growth factor from the existing needs component of the RHNA Methodology while using it as part of the 2020 Connect SoCal RTP/SCS will render the ultimate RHNA allocations inconsistent with the 2020 Connect SoCal RTP/SCS and create confusion for jurisdictions. Additionally, the use of projected household growth between 2030-2045 and other local planning factors in determining RHNA Methodology and allocation is a requirement under Government Code Section 65584.04(e), and failure to do so violates state law.

The City worked with SCAG to provide input on the 2020 RTP/SCS. That input included the number of households that are forecasted to be developed in the City between 2020 and 2045. The number of households identified for 2020 is 9,833 and in 2030 is 9,987; this is a difference of 154 households in a ten-year time frame. The draft allocation of 2,491 units, in an eight-year cycle, is more than 16 times the number of units forecasted for the 2020 RTP/SCS.

Failure to include household growth from the existing needs component ignores relevant jurisdictional concerns and real physical and developmental constraints that cannot be codified or actualized in the job accessibility or High-Quality Transit Area (HQTa) accessibility factors. This will result in RHNA allocations that are unrealistic and wholly unattainable for many jurisdictions which is inconsistent with state requirements.

OBJECTIVE 2: PROMOTE INFILL DEVELOPMENT AND SOCIOECONOMIC EQUITY, THE PROTECTION OF ENVIRONMENTAL AND AGRICULTURAL RESOURCES, THE ENCOURAGEMENT OF EFFICIENT DEVELOPMENT PATTERNS, AND THE ACHIEVEMENT OF THE REGION'S GREENHOUSE GAS REDUCTIONS TARGETS PROVIDED BY THE STATE AIR RESOURCES BOARD:

Basis No. 2 for Appeal: SCAG failed to adequately consider local information per the requirements under Government Code Section 65584(d).

Government Code Section 65584(d) requires SCAG to consider the 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.”

There is currently a limited ability to develop affordable housing at the allocated number of units due to lack of funding for affordable housing as well as the loss of redevelopment funding and other sources. The requirement for the City to comply with the no-net loss law (SB 166) could result in land not being developed for either low-income housing or housing at higher densities due to the lack of replacement land if market-rate housing is desired on specific parcels of land. This could result in land remaining undeveloped for any type of housing. Furthermore, the areas

with available land could result in the affordable units being concentrated in one area of the City and not disbursed in an equitable manner throughout the City.

“(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.”

Adding units in areas where jobs are unavailable will result in increased VMT and an increase in GHG, due to a lack of significant public transit opportunities. Additionally, as noted above, a majority of the City’s residents travel outside of the City for work, further increasing VMT and GHG. Many areas of the City are currently built out. Additional infill development would have negative impacts on efficient development patterns.

“(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.”

It is unknown how many low wage jobs are available in the City. Many residents of Lawndale travel outside the City for work. This would only be exacerbated by an increase in affordable housing. An increase in low-wage jobs would be required to support the development of affordable housing in the City if the objective is to provide affordable housing for low wage workers.

The adopted RHNA Methodology will not promote infill development or socioeconomic equity, but in fact it will do just the opposite and will increase land and infrastructure costs substantially resulting in socioeconomic inequities. Additionally, the increased housing allocations on a small jurisdiction like Lawndale will discourage efficient development patterns, result in increased traffic, and will insult in substantial greenhouse gas emissions inconsistent with state requirements.

OBJECTIVE 3: PROMOTE AN IMPROVED INTRAREGIONAL RELATIONSHIP BETWEEN JOBS AND HOUSING, INCLUDING AN IMPROVED BALANCE BETWEEN THE NUMBER OF LOW-WAGE JOBS AND THE NUMBER OF HOUSING UNITS AFFORDABLE TO LOW-WAGE WORKERS IN EACH JURISDICTION:

Unfortunately, the adopted RHNA Methodology will render the RHNA allocations inconsistent with the 2020 Connect SoCal RTP/SCS and create confusion for jurisdictions that need to rely on both as a road map for future development of infrastructure, land use, transit, and housing projects.

OBJECTIVE 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 AMERICAN COMMUNITY SURVEY:

The SCAG/HCD Methodology clearly violated this objective, the City already shares a large proportion of households which are disproportionately high share of “very low income to “low income” household categories. The Methodology allocation used by SCAG/HCD will result in a higher number of these categories in the City instead of distributed countywide fairly, in direct contraction of Objective 4.

OBJECTIVE 5: AFFIRMATIVELY FURTHER FAIR HOUSING:

The SCAG/HCD Methodology does not further fair housing but in fact results in unfair housing, social inequities, and overcrowded housing conditions, as described above. Additionally, the social equity adjustment and the inclusion of the California Tax Credit Allocation Committee's opportunity indices further this objective by increasing access to housing and reducing patterns of segregation and gentrification and encourages a mix of income categories, household types, and various socioeconomic households within a community and jurisdiction.

METHODOLOGY RHNA APPROVAL PROCESS VIOLATED STATE LAW:

Basis for Appeal No. 3: SCAG filed to determine the share of the regional housing need in accordance with applicable law at Government Code Sections 54953(c)(2) and 65584.04(d).

Government Code Section 54953(c)(2) prohibits any secret action, whether preliminary or final, outside an open meeting. Yet, at the November 7, 2019 SCAG Regional Council meeting, the SCAG/HCD Methodology was being recommended for consideration and approval, despite that methodology not being formally presented at any prior committee or subcommittee meeting, and despite staff's presentation of the original SCAG-recommended Methodology for approval at the November 7, 2019 meeting and all prior committee and subcommittee meetings. Additionally the follow actions occurred in direct violation of state open meeting requirements:

- *At the October 7, 2019 RHNA Subcommittee meeting, staff presented in detail the original SCAG-recommended Methodology for approval. A motion was made to recommend approval of the SCAG-recommended Methodology. However, at the last minute, an exofficio-member introduced the SCAG/HCD Methodology for consideration, which had not previously been considered or presented. A substitute motion was made to recommend approval of the SCAG/HCD Methodology, without any further research, data, or analysis, and the motion was narrowly defeated by a 4-3 vote.*
- *Next, at the October 21, 2019 Community, Economic, and Human Development (CEHD) Committee meeting, the original SCAG-recommended Methodology was again presented in great detail for approval. Again, there was no mention of the SCAG/HCD Methodology, let alone any written research, data, or analysis of the same. The CEHD Committee then voted to recommend approval of the original SCAG-recommended Methodology.*

- *Then, only several days before the November 7, 2019 Regional Council meeting, staff received direction to present the SCAG/HCD Methodology as an alternative to the original SCAG-recommended Methodology, while still recommending approval of the latter. At the same time, the City of Los Angeles circulated a draft City of Los Angeles Resolution supporting the SCAG/HCD Methodology to SCAG Colleagues. Both methodologies were presented at the November 7, 2019 meeting. The Regional Council then voted 43-19 to approve the SCAG/HCD RHNA Methodology, despite being given less than one week to consider that methodology.*
- *Clearly, no committee, subcommittee, or regional council officially gave any order or direction to SCAG staff at an open meeting to present the SCAG/HCD Methodology, and there was certainly no recommendation for approval by any committee or subcommittee for the SCAG/HCD Methodology. This demonstrates the process to include and recommend approval of the SCAG/HCD Methodology was the action of several SCAG members of the decision-making body providing direction to staff behind closed doors. Furthermore, the results of the vote indicate that individual contacts between decision-makers were made prior to the November 7, 2019 meeting such as to constitute a "meeting" in violation of the requirements of Section 54953(a).*
- *In addition, the fact that SCAG members had less than one week to review and consider the ramifications of the SCAG/HCD Methodology prior to the November 7, 2019 meeting is a violation of due process and a deprivation of a fair hearing. The process by which the original SCAG-recommended Methodology was presented included nine months of disseminating information and receipt of public comments, 18 public meetings, and four public hearings. Yet, the abrupt presentation and recommendation of the SCAG/HCD Methodology, which drastically changed the RHNA allocations among jurisdictions by removing the projected household growth factor, allowed affected jurisdictions less than five days to make any assessments or comments.*

Government Code Section 65584.04(d) requires public participation in the development of the methodology that is sent to HCD for review, and in the process of drafting and adoption of the allocation of the RHNA. Section 65584.04(d) also requires any draft methodology to be distributed to all jurisdictions in the region prior to being considered and forwarded to HCD for their 60-day review. These actions were not taken; accordingly, member jurisdictions, particularly the coastal cities, were not given a fair hearing or due process to adequately consider the draft SCAG/HCD Methodology before it was approved by HCD. In essence, SCAG prevented its members from being able to fully vet the SCAG/HCD Methodology.

SCAG Regional Council's violation of the Brown Act per Government Code Section 54953(c)(2) denied the City the right to engage in public participation and have its local data considered in its RHNA allocation, as required under Section 65584.04(d). The members of the Lawndale City Council would like to make it clear that the City has significant concerns regarding the RHNA Methodology employed by SCAG/HCD. We encourage SCAG/HCD to

consider our concerns for appeal and to work to arrive at an equitable and suitable solution for the City and region.

For the reasons outlined in this letter, the City respectfully requests that the RHNA Appeals Board reduce the number of units allocated to the City from 2,491 units to be in line with the estimated households projected in the RTP/SCS from 2020-2030.

Respectfully,



Robert Pullen-Miles
Mayor

Cc: Members of the Lawndale City Council
South Bay Cities Council of Governments
Metro Board of Directors