

December 10, 2020

Mr. Kome Ajise, Executive Director
Southern California Association of Governments (SCAG)
900 Wilshire Boulevard, Suite 1700
Los Angeles, California 90017

RE: Comment on the County of Orange's Appeal of Its Share of the Regional Housing Needs Assessment Allocation

Dear Director Ajise,

Public Law Center ("PLC") is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing.

Thus, I write on behalf of individuals in need of affordable housing in Orange County to comment on the County of Orange's ("the County") appeal of its allocated share of the regional housing need as part of the Southern California Association of Government's ("SCAG") Draft Regional Housing Needs Assessment ("RHNA") Allocation Plan.

Pursuant to Government Code Section 65584.05, a jurisdiction can only appeal its RHNA allocation based on failure to determine the allocation in accordance with the methodology, failure to consider local planning factors and information affirmatively furthering fair housing ("AFFH"), or significant and unforeseen change in circumstances. Although the County has appealed on all three bases, we seek to comment only on its methodology claims.

Methodology

An appeal based on methodology addresses SCAG's failure to determine the share of the regional housing need: (1) in accordance with the information described in Section 65584.04, (2) in accordance with the methodology established pursuant to Section 65584.04, and (3) in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d).¹

The City argues that SCAG's methodology is inconsistent with the Connect SoCal Plan and that it uses incorrect data. Such an appeal is not within the scope of a methodology appeal under Government Code Section 65584.05(b)(2), nor is it permitted by Government Code Section 65584.05(b) or SCAG's published 6th RHNA Cycle Appeals Procedures. Furthermore, in response to SCAG's objection of its 1.34 million assigned units in September 2019, HCD elected to maintain SCAG's RHNA allocation after engaging with each of the points of objection that SCAG raised. Therefore, based on relevant statutes and HCD's response to SCAG's letter, SCAG should not grant the City's appeal on this basis.

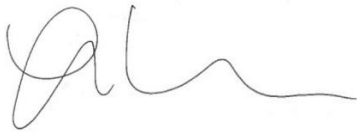
¹ Cal. Gov. Code § 65584.05(b)(2).

Conclusion

Maintaining the County's share of the RHNA allocation as drafted is imperative to increasing a diverse housing supply, promote development and socioeconomic equity, improve the relationship between jobs and housing, encourage affordable housing, and affirmatively further fair housing. To promote these objectives, SCAG should consider this information and deny the County's appeal.

Sincerely,

THE PUBLIC LAW CENTER, BY:

A handwritten signature in black ink, appearing to be 'Alexis Mondares', written in a cursive style.

Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow
Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney