

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 City of La Palma'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.

I write on behalf of individuals in need of affordable housing in Orange County to comment on the City of La Palma's ("the City") 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. Here, the City has appealed based on SCAG's alleged failure to consider local planning factors and information affirmatively furthering fair housing.

A jurisdiction may appeal its RHNA allocation based on local planning factors and information affirmatively furthering fair housing if SCAG failed to adequately consider the information submitted pursuant to Section 65584.04(b).¹

The City's appeal is based on the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.² The City argues that accommodating its high RHNA allocation will be infeasible because it would have to sacrifice revenue-generating land uses that are essential to the City's fiscal sustainability, provide residential services without adequate revenue, and consider reducing open space and parkland.

¹ Cal. Gov. Code § 65584.05(b)(1).

² Cal. Gov. Code § 65584.04(e)(2)(B).

However, the City does not present data or evidence to support these claims, as is required for any appeal.³ Additionally, an appeal cannot be based on a local jurisdiction's existing zoning ordinance and land use restrictions, including but not limited to, the contents of the local jurisdiction's general plan.⁴ SCAG may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality.⁵ SCAG shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.⁶ While the City's concern about balancing residential development with revenue-generating land uses and parks and open-space is understandable, we encourage the City to seek out creative solutions, such as mixed-use zoning, to accommodate all of these uses rather than sacrifice much needed housing, including affordable housing, during this time that the state is experiencing a housing crisis. Since the City's appeal based on local factors is either not permitted or fails to meet the statutory requirements, it should not be granted.

Conclusion

Maintaining the City's share of the RHNA allocation as drafted is imperative to increase 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 City's appeal.

Sincerely,

THE PUBLIC LAW CENTER, BY:



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

³ Cal. Gov. Code § 65584.05.

⁴ Cal. Gov. Code Section 65584.04(e)(2)(B).

⁵ Cal. Gov. Code Section 65584.04(e)(2)(B).

⁶ Cal. Gov. Code Section 65584.04(e)(2)(B).