

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 Laguna Hills's Appeal of Its Share of the Regional Housing Needs Assessment Allocation

Dear Director Ajise,

The 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. We provide services across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Specifically, 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 Laguna Hills'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 a failure to determine the allocation in accordance with the 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 in Section 65584.04, and (3) in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d).<sup>1</sup> The City alleges that SCAG has failed to determine the share of the regional housing need in a manner that furthers, and does not undermine, the intent of the following objectives:

- To promote an improved intraregional relationship between jobs and housing;<sup>2</sup> and
- To promote infill development and efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board.<sup>3</sup>

The City argues that SCAG failed to promote the objective in Section 65584(d)(3) when it allocated 176 units to Laguna Hills based on a designated High Quality Transit Area

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<sup>1</sup> Cal. Gov. Code § 65584.05(b)(2).

<sup>2</sup> Cal. Gov. Code § 65584(d)(3).

<sup>3</sup> Cal. Gov. Code § 65584(d)(2).

(“HQTA”) within its borders. Because the potential project that includes the construction of the this HQTA stop is at the beginning stages of a lengthy process, the City believes basing the allocation of any units on this project is premature and asks that SCAG reduce its RHNA allocation by these 176 units.

However, the claim that SCAG failed to further or undermined the objective of promoting an improved intraregional relationship between jobs and housing is inaccurate. On January 13, 2020, the Department of Housing and Community Development (“HCD”) sent SCAG a letter reviewing SCAG’s Draft RHNA Methodology.<sup>4</sup> HCD specifically notes that a jurisdiction’s “existing need is calculated by assigning 50 percent of regional existing need based on a jurisdiction’s share of the region’s population within the high-quality transit areas (HQTAs) based on future 2045 HQTAs.”<sup>5</sup> Thus, although the HQTA identified within the City is not yet constructed, considering a future HQTA site is within the accepted RHNA Methodology. Further, HCD ultimately found that SCAG’s Draft RHNA Methodology furthers each of the five objectives stated in Section 65584(d).<sup>6</sup> This finding directly contradicts the City’s assertions and SCAG should not grant the City’s appeal on this basis.

The City next claims that the redistribution of residual need units from the City of Santa Ana fails to promote the objectives in Section 65584(d)(2) and Section 65584(d)(3). The City argues that SCAG should have furthered the objective in Section 65584(d)(2) by using the RHNA allocation process to encourage development in “major employment centers like Santa Ana” to avoid long commutes, traffic congestion, and greenhouse emissions.<sup>7</sup> Additionally, the City argues that the objective in Section 65584(d)(3) would be better met if SCAG did not reallocate residual housing units away from Santa Ana so that Santa Ana could “achieve [a] better jobs/housing balance” because Santa Ana “is acknowledged to be a job-rich and transit-rich community.”<sup>8</sup> The City asks that SCAG assign 50% of the residual need units back to Santa Ana, which would reduce the City’s allocation by 189 units.

However, these claims are broad and unsupported by documentation that explains why the desired revision is necessary to further the intent of the objectives of Section 65584(d)(2) and 65584(d)(3), especially considering HCD’s finding that the methodology furthers all of the objectives stated in Section 65584(d).<sup>9</sup> Without specific information to support the City’s assertions, SCAG should not grant the City’s appeal on these bases.

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<sup>4</sup> HCD Letter to SCAG Regarding Review of Draft Regional Housing Need Allocation (RHNA) Methodology (January 13, 2020).

<sup>5</sup> HCD Letter to SCAG Regarding Review of Draft Regional Housing Need Allocation (RHNA) Methodology, 1 (January 13, 2020) (emphasis added).

<sup>6</sup> HCD Letter to SCAG Regarding Review of Draft Regional Housing Need Allocation (RHNA) Methodology, 2 (January 13, 2020).

<sup>7</sup> Laguna Hills RHNA Appeal Letter, 3 (October 26, 2020).

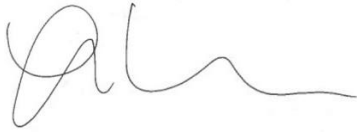
<sup>8</sup> Laguna Hills RHNA Appeal Letter, 3 (October 26, 2020).

<sup>9</sup> Appeals are required to be based on comparable data available for all jurisdictions and the accepted planning methodology, be supported by adequate documentation, and include a statement as to why the revision is necessary to further the intent of the objectives listed in Section 65584(d). Cal. Gov. Code § 65584.05; HCD Letter to SCAG Regarding Review of Draft Regional Housing Need Allocation (RHNA) Methodology, 2 (January 13, 2020).

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:**

A handwritten signature in black ink, appearing to read 'Alexis Mondares', with a long horizontal flourish extending to the right.

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