

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 Westminster'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 City of Westminster'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. Although the City has appealed based on both methodology and local planning factors/information affirmatively furthering fair housing, we seek to only comment on one of its methodology claims.

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>

One of the City's contentions is that the City did not qualify for the Disadvantaged Communities ("DAC") exemption because SCAG did not use the most recent data available. Unlike the City's other arguments, this claim does not address whether the application of the methodology undermines the objectives listed in Section 65584(d). Rather, the City asserts that SCAG should have utilized different data in its methodology. The only remedy for this claim would be for SCAG to change its Final RHNA Allocation Methodology that was adopted by the Regional Council. However, appeals on this basis is not permitted by Government Code Section 65584.04(b) or SCAG's published 6<sup>th</sup> RHNA Cycle Appeals procedures.<sup>2</sup> Additionally, on

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

<sup>2</sup> Cal. Gov. Code § 65584.05(b); 6<sup>th</sup> RHNA Cycle Appeals Procedures, I.D.1.

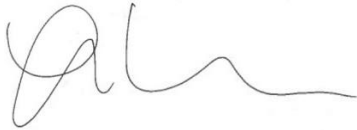
January 13, 2020, the Department of Housing and Community Development (“HCD”) sent SCAG a letter reviewing SCAG’s Draft RHNA Methodology, specifically addressed the objectives stated in Section 65584(d), and found that the methodology furthers each one.<sup>3</sup> Thus, SCAG should not grant the City’s appeal on this basis.

**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:**

A handwritten signature in black ink, appearing to read '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

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<sup>3</sup> HCD Letter to SCAG Regarding Review of Draft Regional Housing Need Allocation (RHNA) Methodology, 2 (January 13, 2020).