

RHNA Appeals FAQ

1. Where can I find my jurisdiction's draft RHNA allocation?

The official draft RHNA allocation for each SCAG jurisdiction is scheduled to be distributed in late April/early May 2020. An estimate of a jurisdiction's draft RHNA allocation based on the adopted final RHNA methodology can be found on the RHNA webpage: www.scag.ca.gov/rhna.

2. Who can file an appeal?

Any jurisdiction in the SCAG region and the California Department of Housing and Community Development (HCD) may file an appeal on any jurisdiction's draft RHNA allocation within the SCAG region. A jurisdiction may file an appeal on its own draft RHNA allocation and one or more appeals on the draft allocations of other jurisdictions.

3. Can I file more than one appeal? Is there a limit to the number of appeals one jurisdiction can file? Am I able to file an appeal of one jurisdiction's allocation on the basis that it is too high and at the same time file an appeal of another jurisdiction's allocation on the basis that it is too low?

Yes, every jurisdiction may file multiple appeals and there is no limit on the number of appeals filed by each jurisdiction. The filed appeals may request increases or decreases to draft RHNA allocations and do not have to be the same request.

4. What can I base my appeal on?

State Housing Element law allows three bases for appeals in the 6th RHNA cycle:

1. Local planning factors and information on affirmatively furthering fair housing (AFFH).
(Please note these terms are defined in statute and the RHNA appeals form specifies what is considered to be a local planning factor for RHNA purposes.)
2. Application of final methodology
3. Change in circumstance

Statutory changes enacted since the 5th cycle appeals process prohibit the use of local ordinances, underproduction of housing based on the last RHNA cycle, and stable population growth as bases for appeals.

All appeals must include a statement arguing why the revision is necessary to further the objectives of RHNA law (see Government Code Section 65584).

5. Do the guidelines allow for annexations as the basis for an appeal under Changed Circumstances?

Yes, annexation would be a permissible basis for an appeal and this would likely be considered a change in circumstance, per Question 4 above.

6. Are you able to file an appeal to have an allocation be taken away from a jurisdiction and have that specific number be allocated to another specific jurisdiction?

No, that will not be possible. All successful appeals must be reallocated back to the region. In accordance with Government Code Section 65584.05(g), if the successful appeals amount to 7% or less of the regional housing need, or 93,928 units, those appealed units will be reallocated proportionally to all jurisdictions. For any amount above 7% region-wide, SCAG will need to develop a new methodology to distribute the units. SCAG's draft Appeals Procedures outlines this methodology which is the same as the Final RHNA Methodology in allocating existing need.

7. When will we be notified that another jurisdiction has filed an appeal of our jurisdiction's allocation?

SCAG staff will notify jurisdictions on a periodic basis of filed appeals during the 45-day appeals period. However, due to an anticipated high volume of appeals and that submitted appeals may be resubmitted until the deadline, we will be unable to share any filed appeals until the end of the filing period.

8. Will there be an opportunity to challenge an appeal of my jurisdiction's allocation filed by another jurisdiction?

A jurisdiction that is the subject of an appeal filed by another jurisdiction will have the opportunity to challenge the appeal and present their case at the appeal public hearings, which will take place in Summer 2020.

9. Will the jurisdiction that made a successful appeal be exempt from receiving any of their appealed numbers through the redistribution process?

The successful appellant will not be exempt from receiving any of their appealed numbers through the redistribution process.

If more than 93,928 units are successfully appealed, SCAG will apply a methodology same as the final methodology's existing need formula.

10. What is the filing deadline for appeals? When will the RHNA Appeals Board review appeals?

The key dates for the appeals process have not yet been finalized by the SCAG Regional Council, but SCAG anticipates that the 45-day filing period for appeals will occur between early May and mid-June 2020. The public hearings to review and determine appeals will occur most likely in August 2020. SCAG will post the finalized milestone dates on the RHNA webpage after the Appeals Procedures are adopted.

11. How do we submit attachments and supplementary files to an appeal?

Supplementary attachments and files can be sent to housing@scag.ca.gov. If you plan on submitting files exceeding 10 MB, please email housing@scag.ca.gov to receive a weblink to upload your documents.