5TH CYCLE REGIONAL HOUSING NEED ASSESSMENT

PROCEDURES REGARDING REVISION REQUESTS, APPEALS AND TRADE & TRANSFERS (AMENDED 05/03/12)

In accordance with Government Code Section 65584.05, there are three (3) processes whereby local jurisdictions within the SCAG region may seek to modify their allocated share of the regional housing need included as part of SCAG's Draft Regional Housing Needs Assessment (RHNA) Allocation Plan, hereinafter referred to as the "Draft RHNA Plan."

The first process involves local jurisdictions requesting a revision of its draft allocation. This "revision process" is outlined in Section I herein.

As outlined in Section II, the second process involves a formal appeal with SCAG if the local jurisdiction's draft allocation was not modified as part of the revision process.

The third process involves two or more local jurisdictions proposing a "trade and transfer" or alternative distribution of their draft RHNA allocations by way of a written agreement. This document sets forth the process and guidelines to accomplish trades and transfers, as outlined in Section IV herein.

In accordance with state law, local jurisdictions shall not be allowed to file more than one appeal, and no appeal shall be allowed relating to post-appeal reallocation adjustments made by SCAG, as further described in Section II, below.

I. <u>REVISION PROCESS</u>

A. DEADLINE TO FILE

Under existing law[1], SCAG can determine the period by which local jurisdictions may request a revision of its draft allocation. According to SCAG's current schedule for the 5th cycle RHNA Plan, attached hereto as Exhibit "A," the Draft RHNA Plan is currently projected to go before SCAG's Regional Council for

[1] Unless otherwise stated, any reference to "existing law" herein shall mean a reference to California Government Code Section 65584.05.

review and distribution on February 2, 2012. The period to request revisions shall commence on February 9, 2012. In order to comply with SCAG's current RHNA schedule, any jurisdiction seeking to request a revision of its draft RHNA allocation must submit the request by March 15, 2012. Late revision requests shall not be accepted by SCAG, and any request shall be subject to the limits and alternative data requirements for appeals, as noted in Section II.D and E.

B. FORM OF REVISION REQUEST

In accordance with existing law, local jurisdictions may "request a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) through (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government pursuant to subdivision (b) of that section." Specifically, a local jurisdiction may request a revision of its draft RHNA allocation based upon AB 2158 factors, including any information submitted by the jurisdiction regarding the AB 2158 factors as a result of SCAG's local survey process. These AB 2158 factors are outlined in Section II, subsection C herein, relating to the appeals process. A local jurisdiction shall submit its revision request using the form attached hereto as Exhibit "B."

SCAG staff shall consider and recommend what action should be taken regarding any revision request, subject to the approval of the RHNA Subcommittee. The RHNA Subcommittee was previously established by SCAG's Regional Council to guide the development of the 5th cycle RHNA plan. The RHNA Subcommittee is comprised of six (6) members and six (6) alternates, each representing one of the six (6) counties in the SCAG region. There shall be a quorum of the RHNA Subcommittee when each county is represented, and while alternates are permitted to participate in the appeal hearing process, each county shall only be entitled to one vote.

Decisions regarding revision requests shall be made within sixty (60) days after the deadline to request revisions. During this period, SCAG staff shall review the revision request and make a formal recommendation related to the revision request to the RHNA Subcommittee. The RHNA Subcommittee shall thereafter review staff's recommendations as part of a RHNA Subcommittee public meeting. Local jurisdictions shall be notified in advance of the RHNA Subcommittee's review of their revision requests.

The decision of the RHNA Subcommittee regarding revision requests based upon SCAG staff's recommendation shall be to (1) grant the revision request and approve the total amount of housing units requested by the jurisdiction be revised as part of the request; (2) partially grant the revision request and approve part of the amount of housing units requested by the jurisdiction be revised as part of the request; or (3) deny the revision request and make no modification to the jurisdiction's draft share of regional housing need.

Any decision by the RHNA Subcommittee to grant or partially grant a revision request shall result in an adjustment to the total regional number provided in the Draft RHNA Plan. There will also be proportional adjustments made across the four income categories in the Draft RHNA Plan. In considering and determining any revision requests, the RHNA Subcommittee shall maintain the total regional housing need determined by the California Department of Housing and Community Development (HCD) of 409,060 to 438,030 housing units for the period of 2013-2021. Any revision requests granted by the RHNA Subcommittee shall not result in SCAG's total regional housing need to be lower than 409,060 housing units. Adjustments resulting from successful revision requests shall not be subject to reallocation. The local jurisdiction shall be notified in writing of the RHNA Subcommittee's decision regarding its revision request.

II. APPEALS PROCESS

A. DEADLINE TO FILE

A local jurisdiction may file an appeal of its draft RHNA allocation with SCAG if the jurisdiction requested a revision under the process described in Section I above and does not accept the decision regarding the request by the RHNA Subcommittee, except in the cases where the jurisdiction is filing an appeal based upon SCAG's application of the allocation methodology or a change in circumstances. The period to file appeals shall commence on April 23, 2012. In order to comply with SCAG's current RHNA schedule, any jurisdiction seeking to appeal its draft allocation of the regional housing need must file an appeal by May 29, 2012. Late appeals shall not be accepted by SCAG.

B. FORM OF APPEAL

The local jurisdiction shall state the basis and specific reasons for its appeal on the appeal form prepared by SCAG, a copy of which is attached hereto as Exhibit "C". Additional documents may be submitted by the local jurisdiction as attachments, and all such attachments should be properly labeled and numbered.

C. BASES FOR APPEAL

Local jurisdictions shall only file an appeal based upon the criteria listed below. In order to provide guidance to potential appellants, information regarding SCAG's allocation methodology approved by SCAG's Regional Council on November 3, 2011, and application of local factors in the development of SCAG's allocation methodology is attached hereto as Exhibit "D".

1. Methodology – That SCAG failed to determine the jurisdiction's share of the regional housing need in accordance with the information described in the allocation methodology established and approved by SCAG.

2. AB 2158 Factors – That SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors outlined in Govt. Code § 65584.04(b), including the following:

   a. Each jurisdiction's existing and projected jobs and housing relationship.

   b. The opportunities and constraints to development of additional housing in each jurisdiction, including the following:

      (1) lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period;

      (2) 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;

      (3) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

      (4) County policies to preserve prime agricultural land, as defined pursuant to Government Code Section 56064, within an unincorporated area.

c. The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

d. The market demand for housing.

e. Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

f. The loss of units contained in assisted housing developments that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

g. High housing costs burdens.

h. The housing needs of farmworkers.

i. The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

3. Changed Circumstances – That a significant and unforeseen change in circumstances has recently occurred in the jurisdiction that merits a revision of the information previously submitted by the local jurisdiction.

D. LIMITS ON SCOPE OF APPEAL

Existing law limits SCAG's scope of review of appeals. Specifically, in accordance with existing law, SCAG shall not grant any appeal based upon the following:

1. Any other criteria other than the criteria in Section II.C above.

2. A local jurisdiction's existing zoning ordinance and land use restrictions, including but not limited to, the contents of the local jurisdiction's current general plan. In accordance with Government Code Section 65504.04(d)(2)(B), 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, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.

3. Any local ordinance, policy, voter-approved measure or standard limiting residential development. Pursuant to Government Code Section 65584.04(f), any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits shall not be a justification for a determination or a reduction in a city's or county's share of regional housing need.

E. ALTERNATIVE DATA REQUIREMENTS

To the extent a local jurisdiction submits alternative data or evidentiary documentation to SCAG in support of its appeal, such alternative data shall meet the following requirements:

1. The alternative data shall be readily available for SCAG's review and verification. Alternative data should not be constrained for use by proprietary conditions or other conditions rendering them difficult to obtain or process.

2. The alternative date shall be accurate, current, and reasonably free from defect.

3. The alternative data shall be relevant and germane to the local jurisdiction's basis of appeal.

4. The alternative data shall be used to support a logical analysis relating to the local jurisdiction's request for a change in its regional housing need allocation.

F. HEARING BODY

SCAG's Regional Council has delegated the responsibility of considering appeals regarding draft allocations to the RHNA Subcommittee. All provisions of the RHNA Subcommittee's charter shall apply with respect to the conduct of the

appeal hearings. In the event that a local jurisdiction has requested a revision and filed an appeal solely based on AB 2158 factors, the RHNA Subcommittee shall have the right to deny the appeal if it has previously granted or partially granted the jurisdiction's revision request.

G. APPEAL HEARING

Hearings related to appeals shall occur no later July 13, 2012. Notice shall be provided to the appealing jurisdiction in accordance with existing law. The appeal hearing(s) may take place provided that each county is represented either by a member or alternate of the RHNA Subcommittee. Alternates are permitted to participate in the appeal hearing, provided however, that each county shall only be entitled to one vote when deciding on the appeal. In the event the hearing involves the member's or alternate's respective jurisdiction, the member or alternate shall be disqualified and is not permitted to participate in the hearing, except as a member of the public.

The hearing(s) shall be conducted to provide the appealing jurisdiction with the opportunity to make its case regarding a change in its draft regional housing need allocation, with the burden on the appealing jurisdiction to prove its case. The RHNA Subcommittee need not adhere to formal evidentiary rules and procedures in conducting the hearing. An appealing jurisdiction may choose to have technical staff present its case at the hearing. At a minimum, technical staff should be available at the hearing to answer any questions of the RHNA Subcommittee. SCAG staff shall also be permitted to present its position and may make a recommendation on the technical merits of the appeal to the RHNA Subcommittee, subject to any rebuttal by the appealing jurisdiction.

H. DETERMINATION OF APPEAL

The RHNA Subcommittee shall issue a written decision to the appealing jurisdiction within one (1) week of the conclusion of the public hearing(s). The decision shall be to: (1) grant the appeal and approve the total amount of housing units requested by the jurisdiction to be modified as part of its appeal; (2) partially grant the appeal and approve part of the amount of housing units requested by the jurisdiction to be modified as part of its appeal; or (3) deny the appeal and reject any modification to the jurisdiction's draft regional housing need allocation. The decision of the RHNA Subcommittee shall be final, and local jurisdictions shall have no further right to appeal. In accordance with existing law, the final determination on an appeal by the RHNA Subcommittee may require the adjustment of allocation of a local jurisdiction that is not the subject of an appeal.

III. <u>POST-APPEAL REALLOCATION OF REGIONAL HOUSING NEED</u>

In accordance with existing law (*see*, Government Code Section 65584.05(g)), after the conclusion of the appeals process, SCAG shall total the successfully

appealed housing need allocations. If the adjustments total seven percent (7%) or less of the regional housing need, SCAG shall distribute the adjustments proportionally to all local jurisdictions.

If the adjustments total more than seven percent (7%) of the regional housing need, existing law provides that SCAG can develop a methodology to distribute the amount greater than seven percent to local governments. In this situation, SCAG's methodology shall be to distribute the remainder proportionally to all local jurisdictions.

IV. TRADE AND TRANSFER PROCESS

As an alternative to the revision request or appeals processes, a local jurisdiction may attempt a "trade and transfer" of its allocation with another jurisdiction(s), for the purpose of developing an alternative distribution of housing need allocations consistent with existing law. SCAG shall facilitate or assist in trade and transfer efforts by local jurisdictions, to the extent reasonably feasible. As such, local jurisdictions need not request a revision or file an appeal with SCAG in order to attempt trades and transfers. The alternative distribution shall be evidenced by way of a written agreement or other documentation outlining the respective jurisdictions' modified allocations. Any alternative distribution shall be submitted to SCAG prior to SCAG's issuance of the Final RHNA Plan, and shall be subject to any post-appeal reallocations as described in Section III above.

SCAG shall include the alternative distribution proposed by the local jurisdictions in the Final RHNA Plan, provided that the proposed alternative distribution maintains or accounts for the total housing need originally assigned to these jurisdictions. Below are guidelines that the local jurisdictions may consider as part of the trade and transfer process:

A. Transfer request shall have at least two willing parties and the total number of units originally assigned to the group requesting the transfer (hereinafter referred to as the "transfer group") cannot be reduced.

B. All members of the transfer group are local jurisdictions that are preferably contiguous.

C. All members of the transfer group shall retain some allocation of very-low and low-income units. SCAG advises that a minimum of twenty percent (20%) of the original allocations be retained for very-low and low-income units.

D. The proposed transfer includes a description of incentives and/or resources that will enable the jurisdiction(s) receiving an increased

allocation to provide more housing choices absent the proposed transfer and accompanying incentives or resources.

E. The proposed transfer shall be consistent with existing housing law, including the RHNA objectives set forth in Government Code Section 65584(d) (1) through (4).

F. If the proposed transfer results in a greater concentration of very-low income or low-income units in a receiving jurisdiction which has a disproportionately high share of households in that income category, the transfer group shall provide a reasonable justification to SCAG so as to address the RHNA objectives set forth in Government Code Section 65584(d) (1) through (4).

G. The proposed transfer shall not prohibit SCAG from making a determination that its Final RHNA Plan is consistent with SCAG's regional transportation plan (RTP) and related Sustainable Communities Strategy (SCS).

H. The transfer group shall retain its originally assigned allocations in the event the agreement involving the proposed transfer is not completed by the respective deadline.

V. FINAL RHNA PLAN

After SCAG makes any adjustments resulting from the revision request process, reallocates units to all local jurisdictions resulting from successful appeals, and incorporates any alternative distributions of transferring jurisdictions, SCAG's Regional Council shall review and consider adoption of the Final RHNA Plan for SCAG's 5th cycle RHNA. This is scheduled to occur on October 4, 2012.

Exhibit “A” -- RHNA Timeline (February 2012-October 2013)

February 2, 2012	SCAG’s Regional Council reviews and considers distribution of SCAG’s Draft RHNA Plan.
February 9, 2012	Start of period for local jurisdictions to request revision of its draft allocation based upon AB 2158 factors.
March 15, 2012	Last day for local jurisdictions to request revision based upon AB 2158 factors.
April 19, 2012	Deadline to address all revision requests by SCAG staff and RHNA Subcommittee.
April 23, 2012	Start of period for local jurisdiction to file appeal of its draft allocation based upon application of SCAG’s methodology, AB 2158 factors or changed circumstances.
May 29, 2012	Last day for local jurisdiction to file appeal based upon application of SCAG’s methodology, AB 2158 factors or changed circumstances.
June 8, 2012	Deadline for SCAG to notify jurisdiction of public hearing date before RHNA Subcommittee regarding appeal.
July 9-13, 2012	Period in which public hearing(s) before RHNA Subcommittee can be held for appealing jurisdictions.
July 23, 2012	End of the appeals process; RHNA Subcommittee to issue written decisions regarding all appeals by this date.
August 17, 2012	Deadline for jurisdictions who have undertaken the trade & transfer process to submit alternative distribution of draft allocations to SCAG.
Month of August 2012	Staff to begin preparing the proposed final RHNA Allocation Plan (Final RHNA Plan), which shall include alternative distribution/transfers and adjustments resulting from post-appeal reallocation process.
September 4, 2012	RHNA Subcommittee to review and recommend approval of Final RHNA Plan by SCAG’s CEHD Committee.
September 6, 2012	CEHD Committee to review and recommend approval of the Final RHNA Plan by SCAG’s Regional Council. SCAG staff notifies jurisdictions of public hearing date relating to the adoption of the Final RHNA Plan.
October 4, 2012	SCAG’s Regional Council holds a public hearing to review and consider adoption of the Final RHNA Plan.
October 5, 2012	SCAG submits its adopted 5th cycle Final RHNA Plan to HCD.
Dec 3, 2012	Deadline for final approval of SCAG’s Final RHNA Plan by HCD.
October 31, 2013	Due date for jurisdictions in the SCAG Region to submit revised Housing Elements to HCD.

Exhibit “B” -- Revision Request Form

Exhibit “C” -- Appeal Form

Exhibit “D” – SCAG’s Adopted Allocation Methodology for 5th Cycle RHNA

Fifth Regional Housing Needs Assessment (RHNA) Cycle Revision Request

All revision requests must be received by SCAG March 15, 2012, 5 p.m. Late submissions will not be accepted.

Date: _____

Jurisdiction: _____

County: _____

Subregion: _____

Contact: _____

Phone/Email: _____

REVISION REQUEST AUTHORIZED BY:

Name: _____

PLEASE CIRCLE BELOW:

Mayor Chief Administrative Officer City Manager

Chair of County Board of Supervisors

Other: _____

BASES FOR REVISION REQUEST

- ☐ AB 2158 Factors (See Government Code Section 65584.04(d))
  - ☐ Existing or projected jobs-housing balance
  - ☐ Sewer or water infrastructure constraints for additional development
  - ☐ Availability of land suitable for urban development or for conversion to residential use
  - ☐ Lands protected from urban development under existing federal or state programs
  - ☐ County policies to preserve prime agricultural land
  - ☐ Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - ☐ Market demand for housing
  - ☐ County-city agreements to direct growth toward incorporated areas of County
  - ☐ Loss of units contained in assisted housing developments
  - ☐ High housing cost burdens
  - ☐ Housing needs of farmworkers
  - ☐ Housing needs generated by the presence of a university campus within a jurisdiction

Brief Description of Revision Request and Desired Outcome:

List of Supporting Documentation, by Title and Number of Pages:

1.

2.

3.

FOR STAFF USE ONLY:

Date_____ Hearing Date: _____ Planner: _____

Fifth Regional Housing Needs Assessment (RHNA) Cycle Appeal Request

All appeal requests must be received by SCAG May 29, 2012, 5 p.m. Late submissions will not be accepted.

Date: _____ Jurisdiction: _____

County: _____ Subregion: _____

Contact: _____ Phone/Email: _____

APPEAL AUTHORIZED BY:

Name: _____

PLEASE CIRCLE BELOW:

Mayor Chief Administrative Officer City Manager

Chair of County Board of Supervisors Other: _____

BASES FOR APPEAL*

- ☐ RHNA Methodology
- ☐ AB 2158 Factors (See Government Code Section 65584.04(d))
  - ☐ Existing or projected jobs-housing balance
  - ☐ Sewer or water infrastructure constraints for additional development
  - ☐ Availability of land suitable for urban development or for conversion to residential use
  - ☐ Lands protected from urban development under existing federal or state programs
  - ☐ County policies to preserve prime agricultural land
  - ☐ Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - ☐ Market demand for housing
  - ☐ County-city agreements to direct growth toward incorporated areas of County
  - ☐ Loss of units contained in assisted housing developments
  - ☐ High housing cost burdens
  - ☐ Housing needs of farmworkers
  - ☐ Housing needs generated by the presence of a university campus within a jurisdiction
- ☐ Changed Circumstances

Brief Description of Appeal Request and Desired Outcome:

List of Supporting Documentation, by Title and Number of Pages:

1.

2.

3.

*Per Government Code Section 65584.05(d), appeals to the draft RHNA Allocation Plan can only be made by jurisdictions that have previously filed a revision request and do not accept the revision request findings made by SCAG, except for appeals based on RHNA methodology and changed circumstances.

FOR STAFF USE ONLY:

Date_____ Hearing Date: _____ Planner: _____

5th Cycle Regional Housing Needs Assessment (RHNA) Allocation Methodology

SB 375 requires SCAG's Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) and Regional Housing Needs Assessment (RHNA) to be developed under an integrated process—one process that will facilitate internal consistency amongst these policy initiatives, while also fulfilling the multiple objectives required by the applicable laws and planning regulations.

As the region's Council of Governments, SCAG is responsible for the development of the 2012 RTP/SCS and allocation of the state-determined regional housing needs among all local jurisdictions in the SCAG region. SCAG and the California Department of Housing and Community Development (HCD) officially started the consultation process to determine the total housing needs for the SCAG region on June 20, 2011. As a result of the consultation process, on August 17, 2011, HCD determined SCAG's regional housing need to be a range of 409,060 to 438,030 units for the period 2013-2021.

This report describes the Data/GIS and Integrated Growth Forecast process, methodology, and results that will serve as the framework and foundation for the 2012 RTP/SCS development, and will also be used to produce the 5th Cycle RHNA Allocation Methodology (also referred to as "Allocation Methodology" herein), which shall be applied to distribute the regional housing need to produce a draft housing allocation to all local jurisdictions within the SCAG region. All key elements of the 5th Cycle RHNA Allocation Methodology are presented in detail in the later portion of this report.

The Stepwise Procedure of 5th Cycle RHNA Allocation Methodology

The RHNA Allocation Methodology includes the following components and steps:

(1) Each jurisdiction's projected housing needs, or its RHNA allocation, is determined by three components: (a) projected household growth, (b) healthy market vacancy need, and (c) housing replacement need;

(2) Projected household growth for each jurisdiction should be consistent with 2012 RTP/SCS Integrated Growth Forecast process and results. (*See*, Appendix IV for Preliminary Allocation as of May 13, 2011, subject to further discussion with local jurisdictions, additional refinement and adjustment consistent with 2012 RTP/SCS development process and results);

(3) Healthy market vacancy need is determined by applying 1.5%-owner vacancy rate and 4.5%-renter vacancy rate to each jurisdiction's projected household growth, split by the proportion of owner occupied units and renter occupied units from the 2010 Census;

(4) Replacement need is determined by applying each jurisdiction's share of SCAG's historical demolitions to the region's housing replacement need, as determined by HCD. A jurisdictions' share of the region's demolitions will be derived using historical demolitions data from the Department of Finance (DOF). The replacement need will then be adjusted by applying the share to the jurisdiction's input gathered through SCAG's Housing Unit Demolition Survey. (*See*, Appendix V). Due to limited data availability regionwide, the replacement need will be applied to the individual jurisdiction's total draft allocation, prior to determining housing need by income category;

(5) Determine each jurisdiction's projected housing needs that can be met with "excess" vacant units in their existing housing stock. The excess vacant unit credit for the region is 69,105 for effective vacancies and 6,286 for "other" vacant unit types, as determined by HCD (*See*, Appendix VIII for vacant unit statistics and credit determination). Due to limited data availability regionwide, the excess vacancy credit will be applied to the individual jurisdiction's total draft allocation, prior to determining housing need by income category;

and,

(6) Provide income distribution for each jurisdiction to allocate housing needs into four income categories, consistent with the 110% fair-share/over-concentration adjustment policy as adopted by SCAG's RHNA Subcommittee (*See,* Appendix VI).

In addition, the Allocation Methodology will address potential RHNA transfers due to future annexations by assessing future growth within spheres of influence areas. For any annexation areas outside a sphere of influence, the Allocation Methodology recognizes the existence of the small area dataset used for RTP/SCS modeling as a framework to derive the potential RHNA transfers in those specific areas. The jurisdictional boundaries as the starting point for this analysis will be based on the dataset as of January 1, 2011 and any future changes thereafter.

The key RHNA Allocation Methodology components are summarized below:

(1) Existing housing needs
(2) Projected housing needs for the RHNA planning period (October 1, 2013 – October 1, 2021)
    (i) Total Regional Housing Needs Determination (as determined through SCAG's consultation with HCD)
    (ii) RHNA Allocation Methodology
        - Projected household growth and AB 2158 factors
        - Healthy market vacancy need
        - Housing replacement need
        - The number of excess vacant units in a jurisdiction's existing housing stock
(3) The interactions between the RHNA process and the RTP/SCS development process
    (i) Housing planning needs to be coordinated and integrated with the RTP/SCS
    (ii) To achieve this goal, the RHNA allocation plan shall distribute housing units within the region consistent with the <u>development pattern</u> included in the SCS
    (iii) The SCS shall identify areas within the region sufficient to accommodate an eight-year projection of the regional housing needs for the region pursuant to Government Code Section 65584 (RHNA); and
(4) SCAG 2012 Integrated Growth Forecast Process and results for RTP/SCS and RHNA

<u>Existing Housing Needs</u>

<u>Approach to addressing existing housing needs in the SCAG Region</u>

To meet the requirements of assessing existing housing needs and to help local jurisdictions prepare potential updates to their housing elements, SCAG has committed to collaborate with other government agencies, stakeholders, and local jurisdictions to process data from the 2010 Census along with housing related statistics from other sources for the purpose of providing value-added information as required by housing law. Statistics required to meet the existing housing needs include:

(1) Local jurisdiction's share of the regional housing needs in accordance with Section 65584
(2) Statistics on household characteristics, including over-payment, overcrowding, and housing stock condition
(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment

(4) An analysis of any special housing needs, such as elderly, persons with disabilities, large families, farm workers, families with female heads of households, and families and persons in need of emergency shelter
(5) Statistics on existing assisted housing developments

The data set described above was distributed in draft form to stakeholders, interested parties, and on SCAG's RHNA webpage in late July 2011 (*See*, Appendix I).

Projected Regional Total Housing Needs for RHNA Planning Period

Before HCD determines the total housing needs and its allocation by income category for the SCAG region, Government Code 65584.01 provides a procedure and process to guide the consultation process between SCAG, DOF, and HCD to reach the determination. The stepwise methodologies are as follows:

(1) Determine SCAG's regional population growth for the RHNA projection period
(2) Determine the headship rate
(3) Determine SCAG's regional household growth by applying the headship rate to population growth
(4) Subtract population and household growth located on Tribal Lands
(5) Determine the healthy market vacancy rates for both owner-occupied (1.5%) and renter-occupied (4.5%) housing units
(6) Determine the data and methodology that will be used to estimate the housing replacement need (SCAG applied 0.7% to projected household growth)
(7) Total SCAG regional housing needs = [household growth x (1 + healthy market vacancy rate)] + [housing replacement need]
(8) Apply "excess" vacant units in existing housing stock to partially meet SCAG's total RHNA need
(9) Total housing needs breakdown by income category [Above Moderate (>120%), Moderate (80%-120%), Low (50%-80%), and Very Low (<50%)] based on county median household income (MHI)[1]from the 2005-2009 American Community Survey (ACS)

Based on the 2012 RTP/SCS Integrated Growth Forecast process and results, staff presented the Draft HCD/DOF consultation packet to the RHNA Subcommittee on May 27, to CEHD on June 2, and officially begun the consultation process with HCD on June 20, 2011. HCD issued its final determination for the SCAG region in August 2011.

The RHNA Allocation Methodology

The Allocation Methodology is the tool used to assign each jurisdiction in the SCAG region its share of the region's total housing needs. No more than six months before the adoption of the Allocation Methodology, SCAG has to conduct a survey of all local jurisdictions on the factors described below, which shall be used to develop the Allocation Methodology.

A survey was distributed to all local jurisdictions in mid-June 2011 requesting information on the factors listed in Section 65584.04(d). Ninety-four (out of 197) jurisdictions responded to the survey and staff reviewed the responses for developing the RHNA Allocation Methodology (*See*, Appendix II for the complete survey responses of RHNA allocation planning factors from jurisdictions).

[1] According to 5-year ACS average data, the estimated SCAG region MHI=$58,271. The estimated MHI for SCAG region counties are: Imperial ($37,595), Los Angeles ($54,828), Orange ($73,738), Riverside ($58,155), San Bernardino ($55,461), and Ventura ($74,828). All figures are in 2009 dollars.

(1) Existing and projected jobs and housing relationship
(2) The opportunities and constraints to develop additional housing in each member jurisdiction, including all of the following:
    (i) Lack of capacity for sewer or water service
    (ii) 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
    (iii) Lands preserved or protected from urban development
    (iv) County policies to preserve prime agricultural land
(3) The distribution of household growth assumed for purposes of a comparable period of RTP and opportunities to maximize the use of public transportation and existing transportation infrastructure
(4) The market demand for housing
(5) Agreements between a county and cities in the county to direct growth toward incorporated areas of the county
(6) The loss of units contained in assisted housing developments
(7) High housing costs burdens
(8) The housing needs of farmworkers
(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction
(10) Any other factors adopted by the Council of Governments

The RHNA Allocation Methodology must also address the goals of state housing law in Government Code Section 65584 (d), including:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner
(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns
(3) Promoting an improved intraregional relationship between jobs and housing
(4) Allocating a lower proportion of housing needs to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census

Housing goals #1 to #3 as well as all RHNA allocation planning factors were generally addressed through the 2012 RTP/SCS Integrated Growth Forecast process and the results are described in the following section. State housing goal #4 listed above was addressed by the RHNA Subcommittee in its meeting on June 24, 2011 through the adoption of moving 110% towards county distribution in each of its four income categories for all local jurisdictions in SCAG region, which was the same adjustment used in the 4th RHNA. For additional information regarding this regional overconcentration/fair-share adjustment, please refer to Appendix VI of this Allocation Methodology.

The goals of the RHNA aim to promote social equity and address housing issues for all income groups by allocating a fair share of projected household needs for the corresponding planning period. However, the RHNA process is limited in its ability to directly implement housing needs for all segments of the population. Rather, implementation of affordable housing is identified in individual housing elements through a variety of implementation tools that address various housing needs. Identifying and utilizing implementation tools so as to result in housing for all income groups are particularly important due to the

integration of the RHNA process with that of the RTP/SCS.

Moreover, as presented in the HCD/DOF consultation packet, the SCAG growth projection framework and methodology directly and explicitly call for providing adequate housing to accommodate all population growth, taking into account for natural increase, domestic and international migration, and employment growth. First, population growth is consistent with employment growth through labor force participation and implied unemployment. Second, appropriate headship rates benchmarked with the latest Census information were applied to convert population growth into household formation. As a result of this procedure, both population and workers are closely linked with employment growth, and their demands on housing opportunities are also adequately addressed.

In addition, historical data on the flow of commuters/workers indicates that the region has been housing an increasing number of workers for jobs located outside the SCAG region. The excess or the difference between the number of workers living in the SCAG region and taking jobs outside the region versus the number of workers commuting into the region for jobs increased 14 fold – from 4,280 in 1980 to 59,921 in 2008. Thus, the region continues to increase the housing supply and the mix of housing types, tenure, and affordability not only in all cities and counties within the region in an equitable manner, but also to address housing needs for workers commuting for jobs located outside the SCAG region.

The Integrated Growth Forecast process and results derived through the two-year (May 2009 to July 2011) top-down and bottom-up process basically provide one growth pattern scenario (along with an associated RHNA allocation plan). Local considerations and SCAG's survey of RHNA allocation planning factors were incorporated as part of the Allocation Methodology, with information and input received from SCAG workshops and additional discussions and comments with individual jurisdictions, after further assessment by SCAG staff and policy committees, shaping the Allocation Methodology.

Development of Allocation Methodology

For the purposes of undertaking RHNA and developing an Allocation Methodology, SCAG utilized the information generated as part of the development of the regional Draft Integrated Growth Forecast. The Draft Integrated Growth Forecast of household growth in 2021 is the starting basis for RHNA planning. At the regional level, the total regional household growth that is projected between 2011 and 2021, plus vacancy and housing replacement adjustment, is the draft projected housing needs for the region (see below for details).

The household forecast for each county in the year 2021 provided by the Draft Integrated Growth Forecast is the foundation of the RHNA allocation plan at the county level. Similarly, the household forecast for each jurisdiction in the year 2021, including unincorporated areas within each county, forms the basis of the RHNA allocation plan at the jurisdictional level.

Each jurisdiction's household distribution, which uses county level median household income based on 2005-2009 5-year ACS data, is the starting point for the RHNA housing allocation plan by income category.

Based upon staff's evaluation and assessment of local jurisdictions' responses to the survey of RHNA allocation planning factors, it is concluded that all factors listed above have been adequately addressed through the 2012 RTP/SCS Integrated Growth Forecast process and are reflected in the current version of the regional housing needs allocation plan.

Consideration of several RHNA allocation planning factors has been incorporated in the Draft Integrated Growth Forecast by way of analysis of aerial land use data, employment and job growth data from InfoUSA's employment database, data from the Census Transportation Planning Package (CTPP), local general plan data, parcel level property data from each county's tax assessor's office, building permit data, demolition data and forecast surveys distributed to local jurisdictions.

However, because the Draft Integrated Growth Forecast alone arguably does not adequately address some of the RHNA allocation planning factors, such as the loss of units contained in assisted housing developments and the housing needs for farm workers, the Allocation Methodology depended on obtaining additional information from local jurisdictions regarding the RHNA allocation planning factors and also on the outcome of RTP/SCS development as a result of SCAG's subregional workshops.

As of October 27, 2011, 94 jurisdictions have responded to the local planning factor survey. Based on the comments received, SCAG concludes there is no need to further refine the Allocation Methodology. The RHNA allocation planning factors have been considered in the Integrated Growth Forecast process as follows:

(1) Each member jurisdiction's existing and projected jobs and housing relationship

Staff evaluation and assessment of responses from SCAG's survey to local jurisdictions indicated that the Integrated Growth Forecast process and results have adequately addressed and maintained the existing and projected jobs/housing balance for most of the counties, subregions, and cities in the SCAG region. However, the jobs/housing balance issue may need to be further discussed through the RTP/SCS process to credibly promote additional job growth in areas where desirable jobs/housing ratios are difficult to achieve.

The resulting jobs/housing relationships show a gradual improvement for all local jurisdictions throughout the forecasting/planning horizon. In addition, spatial distribution of SCAG's jobs/housing ratio can be analyzed by the Index of Dissimilarity (IOD). An IOD ranges from 0 to 1. If IOD is 0, then the region is perfectly balanced because each subarea will be exactly the same as the regional figure. If IOD is 1, then the region is completely imbalanced, meaning that there is great diversity from one zone to the next. Using the IOD to analyze the Integrated Growth Forecast, it can be seen that growth from 2011 to 2021 shows improvement in jobs/housing balance throughout the SCAG region (See, Appendix III: Jobs/Housing Balance and Index of Dissimilarity Analysis).

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following, (i) lack of sewer or water service due to laws or regulations, (ii) the availability of land suitable for urban development or for conversion to residential use, (iii) lands preserved or protected from urban development under governmental programs designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, and (iv) county policies to preserve prime agricultural land within an unincorporated area

Consideration of the above planning factors has been incorporated into the Integrated Growth Forecast process and results by way of analysis of aerial land use data, general plan, parcel level property data from tax assessor's office, open space, agricultural land and resources areas, and forecast surveys distributed to local jurisdictions. The Integrated Growth Forecast process started with an extensive outreach effort involving all local jurisdictions regarding their land use and development constraints. All subregions and local jurisdictions were invited to provide SCAG their respective growth perspective and inputs. In addition, Transit Priority Project (TPP) growth opportunity areas defined

by Public Resources Code and transportation efficient places as defined by mortgage & transportation costs efficient areas are identified throughout the region to redirect growth that favors an urban form consistent with equity, efficiency, regional mobility, and air quality goals. ftp://javierm:scag123@data.scag.ca.gov/Data_Map_Guide_Example.zip

Moreover, staff evaluation and assessment of responses from this survey of local jurisdictions concluded that the above factors may need to be further considered before a draft housing needs allocation is determined for a few jurisdictions. SCAG's Integrated Growth Forecast process and results have adequately incorporated these factors for almost all counties and cities in the SCAG region.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plan and opportunities to maximize the use of public transportation and existing transportation infrastructure

The current version of projected household growth and distribution is consistent with the Integrated Growth Forecast process and results, and is also used to develop the 2012 RTP/SCS. As mentioned above, TPP growth opportunity areas defined by Public Resources Code and transportation efficient places as defined by mortgage and transportation costs efficient areas are identified throughout the region for each local jurisdiction to redirect growth favoring an urban form consistent with equity, efficiency, regional mobility, and air quality goals. ftp://javierm:scag123@data.scag.ca.gov/Data_Map_Guide_Example.zip

(4) The market demand for housing

All indicators of market demand, such as trends of building permits, household growth, employment growth and population growth are built into the forecasting methodology and model throughout all geographic levels. In addition, SCAG's Integrated Growth Forecast process and results have incorporated the latest economic statistics and updated data from the 2010 Census. Based upon staff's evaluation and assessment of jurisdictions' responses to the AB 2158 factors survey, local jurisdictions are concerned with the continuing weakness and depressed state of the housing market, and anticipate very negative impacts on economic and job growth. All these point to a persistent high level of vacancy rates, if not higher, in the foreseeable future. SCAG researched the number of "excess" vacant units from for sale, for rent, and from other vacant units and it was proposed to HCD to use these "excess" units to partially meet the projected future housing needs in the region, which will help all counties and cities in the SCAG region to effectively address their concerns. As part of its RHNA need determination, HCD accepted SCAG's proposal to allow excess units of jurisdictions to address projected future housing needs.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county

This is addressed through an extensive survey of all local jurisdictions and subregion/local jurisdiction inputs/comments process. In addition, a GIS/Data packet including agricultural lands, Spheres of Influence (SOI), open space, etc., were produced and provided to each local jurisdiction and subregion as a basis to develop the RTP/SCS and RHNA.

Moreover, staff's evaluation of responses from the local jurisdiction survey concluded that agreement between a county and cities in a county to direct growth toward incorporated areas of the county only occurred in Ventura County, and it has been adequately addressed and incorporated into

the Integrated Growth Forecast process and results through bottom-up input received from Ventura County local jurisdictions.

(6) The loss of units contained in assisted housing development.

The conversion of low-income units into non-low-income units is not explicitly addressed through the Integrated Growth Forecast process. Staff has provided statistics to local jurisdictions on the potential loss of units in assisted housing developments. The loss of such units affects the proportion of affordable housing needed within a community and the region as a whole.

In addition, staff's assessment and evaluation of responses from the survey of this factor concluded that local jurisdictions had provided adequate documentation and discussion about their assisted affordable units and potential losses, and as was in last cycle of RHNA is best addressed through combining an existing housing needs statement giving local jurisdictions the discretion to deal with this factor. This factor will not be addressed as part of SCAG's Allocation Methodology. Instead, SCAG will provide the data for this factor to local jurisdictions to adequately plan for the loss of at risk low income units in preparing their housing elements.

(7) High-housing costs burdens

The collapse of the sub-prime mortgage market in 2007 was one of the key factors causing the Great Recession. Currently, the housing market remains severely depressed; the volume of transactions, prices, and permits issued are all at historical lows. In contrast, the housing affordability is at historical high due to high inventory of distressed properties from foreclosures. Thus current concerns on the housing market were translated into the Integrated Growth Forecast process and results are primarily focused on job growth and reductions in unemployment rates, such that people can afford housing in the future and will form new households. This is consistent with staff evaluation and assessment of jurisdictions' responses of the local planning factor survey that jurisdictions are concerned about the continuing weakness and depressed state of the housing market, and their negative impacts on economic and job growth. All these issues pointed to a persistent high level of vacancy rates, if not higher, in the foreseeable future. SCAG's analysis of "excess" vacant units from for sale, for rent, and from other vacant units and the proposal to HCD to use these "excess" units to partially meet the projected future housing needs in the region will help all local jurisdictions to effectively address their concerns. As part of its RHNA need determination, HCD accepted SCAG's proposal to allow excess units of jurisdictions to address projected future housing needs.

(8) The housing needs of farm workers

The Integrated Growth Forecast provides projection of agricultural jobs (wage and salary jobs plus self employment) by place of work. The corresponding requirements of workers were also provided by place of residence. There is no information regarding the forecasts of migrant workers.

The housing needs of farm workers are not always included in a housing Allocation Methodology. Farm worker housing needs are concentrated geographically and across farm communities in specific SCAG region counties and sub areas. However, staff evaluation and assessment of responses from the local planning factor survey indicate that farm worker housing needs are only applicable to a few jurisdictions, and have been mostly addressed locally. As the policy adopted in

the last cycle of RHNA combines an existing housing needs statement with giving local jurisdictions the discretion to deal with farm worker housing needs, this factor will not be formally addressed in SCAG's Allocation Methodology. Instead, SCAG will provide the farm worker housing needs data for local jurisdictions to adequately plan for such need in preparing their housing elements. These data include:

- Farm workers by occupation
- Farm workers by industry
- Place of work for agriculture

(9) *The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction*

Staff prepared enrollment estimates for private universities or campuses of California State University or the University of California by SCAG region cities and counties as part of the statistics for existing housing needs. Also, from assessment and evaluation of local jurisdiction's responses to the local planning factor survey, most housing needs related to university enrollment are addressed and met by on-campus dormitories provided by universities; no jurisdictions expressed concerns about student housing needs due to presence of universities in their communities.

(10) *Others factors adopted by the council of governments.*

No other planning factors are being considered by SCAG as part of the Allocation Methodology.

The Interactions between RHNA and the RTP/SCS Development Process

As required by housing law, housing planning needs to be coordinated and integrated with the RTP/SCS process. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the SCS, and the SCS shall identify areas within the region sufficient to house an eight-year projection of the regional housing needs for the region pursuant to Section 65584.

SCAG, in cooperation with the respective subregions within the SCAG region, conducted 18 public workshops in July and August 2011 for local jurisdictions, members of the public, and interested parties to provide input to SCAG with regard to:

- Developing the draft 2012 RTP/SCS and RHNA

- Refining SCAG's initial assessment of the growth and housing capacity of cities as reflected in the Integrated Growth Forecast and land uses through development types as required for the development of the RTP/SCS and RHNA

Staff has incorporated accordingly input received from the workshops stated above as part of this Allocation Methodology.

Finally, although there are currently no programs that directly provide incentives for jurisdictions to accept more units than allocated in the draft RHNA plan, there are several programs that provide funding or assistance to jurisdictions that implement affordable housing. These programs, subject to available funding, include the HCD Housing Related Parks Program, which rewards jurisdictions with grant funds which can

be used to create new parks or rehabilitation or improvement to existing parks, as well as the federal Home Investment Partnerships Program, which provides housing rehabilitation, new construction, and acquisition and rehabilitation for projects serving lower income renters and owners.

APPENDICES:

I. ***Statistics for Existing Housing needs: the 5th Cycle of Regional Housing Needs Assessment (RHNA)***

II. ***Complete Survey Responses of Local Planning Factors from Jurisdictions***

III. ***Jobs/Housing Balance and Index of Dissimilarity Analysis of SCAG Integrated Growth Forecast Results***

IV. ***Preliminary Projected Household Allocation as of May 13, 2011, subject to further discussion with local jurisdictions, additional refinement, and adjustment consistent with 2012 RTP/SCS process and results***

V. ***Replacement Need Allocation Methodology***

VI. ***Regional Fair-Share/Over-concentration Adjustment: 110% Move toward County Distribution of Each Income Category***

VII. ***Integrated Growth Forecast Process and Results for 2012 RTP/SCS and RHNA***

VIII. ***Vacant Unit Statistics and Excess Vacancy Credit Determination***

Due to their large size, the 5th Cycle RHNA Allocation Methodology appendices are available on the RHNA website (www.scag.ca.gov/rhna), and a public copy will be made available at all public meetings and hearings related to the Allocation Methodology.

Proposed RHNA Methodology: Example

City A = 500 units of Projected Household Growth

Existing Housing Types

60% Owner-Occupied
= 300 of total units

40% Renter-Occupied
= 200 of total units

Healthy Market Vacancy

300 units X 1.5% = 5 units

200 units X 4.5% = 9 units

5 units + 9 units = 14 units

500 units + 14 units =

514 units of Growth and Vacancy Need

Proposed RHNA Methodology: Sample

514	**Growth and vacancy need**
+	
6	**Replacement need**
520	**Growth + vacancy need + replacement need**

Current Market Excess Vacancy Credit

- Two types
  - Effective Vacancy Credit
    - For sale and for rent units
    - Healthy market assumption depends on existing housing stock
    - Regional credit: 69,105
  - "Other" Vacant Units Credit
    - Vacant due to legal disputes, "shadow inventory", unknown, etc.
    - Regional credit: 6,286
    - Healthy market assumption of 1.28% across the region

Effective Vacancy Credit: City A

283	Total vacant units for rent and for sale (Census)
-14	Healthy market vacancy need
269	Surplus vacant units above healthy market need

↓

Calculate City A's *share* of excess vacancy:

269	Surplus vacant units
÷	
86,864	Total regional excess vacancy [fixed]
0.31%	City A's regional share

↓

Effective Vacancy Credit: City A

Determine share of regional credit:

0.31%	City A's regional share
X	
69,105	Regional credit [fixed]
216	Excess effective vacancy credit

Excess "Other" Vacant Unit Credit: City A

Determine normal market condition share:

5,000	City A's total housing units (Census)
X	
1.28%	Percentage of units that are "other"[fixed]
64	Normal market condition assumption

↓

77	City A's total "other" vacant units (Census)
-	
64	Normal market condition assumption
13	"Other" vacant units above normal market

Excess "Other" Vacant Unit Credit: City A

Calculate City A's *share* of excess vacancy:

13	"Other" vacant units above normal market
÷	
21,478	total regional excess vacancy [fixed]
0.06%	City A's regional share

↓

Determine share of regional credit:

0.06%	City A's regional share
X	
6,286	Regional credit [fixed]
4	Excess other vacancy credit

Total Excess Vacancy Credit: City A

216	Excess effective vacancy credit
+	
4	Excess "other" vacancy credit
220	Total excess vacancy credit

Proposed Methodology: City A

520	**Growth + vacancy need + replacement need**
-	
220	**Total excess vacancy credit**
300	**City A Total Draft RHNA Allocation**

RHNA Household Allocation (Adjusted for Equity)

Existing Conditions:

Household Income Level	City A	County Distribution
Very Low Income	30.1%	22.9%
Low Income	27.9%	16.8%
Moderate Income	23.5%	18.5%
Above Moderate Income	18.5%	41.8%

To mitigate the over-concentration of income groups each jurisdiction will move 110% towards county distribution in all four categories:

Household Income Level	City A Adjusted Allocation
Very Low Income	30.1%-[(30.1%-22.9%)x110%] =**22.2%**
Low Income	27.9%-[(27.9%-16.8%)x110%] =**15.7%**
Moderate Income	23.5%-[(23.5%-18.5%)x110%] =**17.9%**
Above Moderate Income	18.5%-[(18.5%-41.8%)x110%] =**44.2%**

Final RHNA Allocation

Income Category	City A Adjusted Distribution	RHNA Allocation (units)
Very Low	22.2%	67
Low	15.7%	47
Moderate	17.9%	54
Above Moderate	44.2%	132
Total	100%	300