

## **Overview of Draft Appeal Procedures Presented by Southern California Association of Governments (SCAG)**

On February 3, 2020, SCAG staff held a workshop to preview the Draft RHNA Appeal Procedures. SCAG is accepting comments on their draft appeal procedures until February 10<sup>th</sup>, 2020. After receiving comments, SCAG staff will present the final appeals procedures for review and approval by the RHNA Subcommittee on February 24, 2020, and the CEHD and Regional Council on March 5, 2020.

### ***Who can file an appeal?***

Appeals of a jurisdiction's RHNA allocation can be filed by the affected jurisdiction, other jurisdictions, or by the Department of Housing and Community Development (HCD).

### ***When is deadline to file an appeal?***

May 25, 2020 at 5:00 p.m. (tentative)

### ***What are reasons for appeal?***

- SCAG failed to consider information submitted by jurisdictions relating to local factors, and information on affirmatively furthering fair housing
- Significant and unforeseen changes in circumstances that warrant revisions to previously submitted local factors
- SCAG failed to determine a jurisdiction's allocation based on approved allocation methodology

### ***What cannot be considered a reason for appeal?***

- Local ordinance, policy, voter-approved measures, or standards limiting development
- Prior underproduction of housing
- Stable populations numbers

### ***Are comments accepted on filed appeals?***

Yes, there will be a 45-day comment period on any filed appeal; however, only local jurisdictions and HCD can comment. Deadline to submit comments scheduled for July 9, 2020, by 5:00 p.m.

### ***Will there be public hearings?***

- Yes, public hearings will occur over a course of 30 days (July 2020)
- Appeals will be reviewed by RHNA Subcommittee; no further appeals possible.
- Applicants will have opportunity to present their appeal

### ***How are units of successful appeals reallocated?***

- Housing units must be reallocated back to the region
- If fewer than 93,928 units granted, then reallocated back proportionally to all jurisdictions in SCAG region
- If more than 93,928 units granted, then reallocated back to same county using a formula similar to RHNA Allocation Methodology (50% based on transit proximity/50% based on jobs proximity)
- Disadvantaged communities are exempt from reallocation above 93,928 units

### ***Where can I find more information?***

- [SCAG Preview of Appeal Procedures - Presentation](#)
- [Draft Appeal Procedures](#)
- [SCAG RHNA Website](#)