

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

Although the Regional Housing Needs Assessment (RHNA) Appeals Procedures has been adopted by the Regional Council of the Southern California Association of Governments (SCAG), the appeals process will be delayed due to the delay of the Connect SoCal adoption in its entirety. This is because final data in the adopted Connect SoCal will provide the input for the Regional Council-adopted Final RHNA Allocation Methodology to develop the Draft RHNA Allocation for each local jurisdiction, the subject of potential appeals.

At the May 7, 2020 meeting, the Regional Council took action to delay for up to 120 days to adopt Connect SoCal in its entirety. After the adoption of Connect SoCal within 120 days from May 7, each local jurisdiction will receive formal notification from SCAG on their draft RHNA allocation. The period to file appeals is expected to commence on the eighth day after the Regional Council adopts the Connect SoCal in its entirety. The appeals process will then follow the adopted RHNA Appeals Procedures with timelines updated to reflect the delay of the Connect SoCal Plan adoption.

### ***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?***

To be determined.

### ***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 yet to be determined.

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

- Yes, public hearings will occur over a course of 30 days, after the appeal filing and comment periods.
- 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 RHNA Website](#)