**RHNA Webinar Questions**

- Is RHNA the most appropriate exercise to gauge capacity as it relates to Housing Need? Has SCAG asked the tough question to HCD regarding other methods to gauge Housing need and meet housing obligation?

  A: RHNA is a requirement for councils of government (COG), including SCAG, to determine housing need for each jurisdiction. Each COG develops its own methodology to distribute housing need within its region and there are multiple ways to determine the need for each jurisdiction. The proposed RHNA methodology that will be reviewed on August 1 for release for the public comment period has three potential options outlined. SCAG welcomes public comment on these options during the public comment period and will review all comments received prior to recommending one option to submit to HCD for further review.

- Will SCAG be calculating each jurisdictions housing numbers for Options 1-3? And if so, by when will we be receiving this?

  A: Yes, an online tool is now available on the RHNA webpage (www.scag.ca.gov/rhna) to provide an estimate of each jurisdiction’s RHNA allocation for the three options.

- What is the enforcement tool for jurisdictions that do not want to comply with their RHNA allocation? What are the repercussions if jurisdictions do not meet their assigned RHNA numbers?

  A: Jurisdictions are responsible for updating their local housing elements to accommodate housing need as measured by their RHNA allocation. If a jurisdiction does not adopt a housing element or is out of compliance with State housing law, it is subject to possible legal action. Not having an adopted housing element or not having insufficient sites may subject the jurisdiction to requirements such as reverting to a four-year housing element (instead of the regular eight years) or designation of by-right zoning as directed by HCD. Jurisdictions that do not have an adopted or compliant housing element may also be ineligible to receive certain grants and funding opportunities from the State. Under SB 102 pending Governor’s signature, jurisdictions with non-compliant housing elements may be subject to fines by the courts.

  On the implementation side, there are no direct penalties if the units are not built. Senate Bill 35 (2018) allows for a development project to receive a ministerial permit instead of a discretionary permit under certain conditions, provided that the parcel is already zoned for that type of development. One of the conditions is that it is located with a jurisdiction that did not issue enough permits to meet its RHNA allocation in certain income categories.

- How are each jurisdictions’ numbers verified for accuracy?

  A: A draft RHNA allocation will be determined using the adopted final RHNA methodology, which is not yet developed. The RHNA methodology uses data from sources such as the U.S. Decennial Census, American Community Survey (ACS), California Department of Finance (DOF),
and input collected from local jurisdictions. All of the data used in the methodology will be included as part of the proposed RHNA methodology public review and comment process to ensure accuracy among datasets.

- Are there regional policies being vetted to compel the development of empty parcels?

  A: There are not requirements at the regional level to require individual jurisdictions to develop specific parcels. SCAG encourages jurisdictions to consider various development types and to promote regional policies including increasing transit use, encouraging efficient development patterns, and promoting sustainable communities.

- Will the PowerPoint be available after the webinar?

  A: Yes, it is available online at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna).

- Why is there disparity among jurisdictions’ RHNA numbers?

  A: The last RHNA cycle used household growth collected from local input as the primary basis for a jurisdiction’s total RHNA allocation. The differences in local input on growth and where this growth would occur resulted in differences among RHNA allocations.

- How do you subscribe to the RHNA mailing list?

  A: Please send an email to housing@scag.ca.gov and we will add you.

- Are there any costs associated with appealing RHNA numbers?

  A: No, there is no cost to file an appeal to a draft RHNA allocation.

- Are there any restrictions with including accessory dwelling units (ADUs) into RHNA counts? Can ADUs be used to satisfy RHNA?

  A: ADUs may be counted by jurisdictions as meeting RHNA need based on the actual or anticipated affordability of the unit. While ADUs do not reduce a RHNA allocation, they can be counted as meeting RHNA need, similar to traditional housing units, as part of the annual progress report to the California Department of Housing and Community Development (HCD).

- If there’s no longer a vacancy credit in the 6th cycle of RHNA, is it a valid option for appeal of one’s RHNA allocation?

  A: For the 5th RHNA cycles, SCAG was granted a “credit” from HCD that was distributed to jurisdictions that had a high number vacant units due to adverse market conditions at the time. The 6th cycle will not have a vacancy credit. While a jurisdiction is welcome to appeal based on vacant units, it is not guaranteed that this reason will be successful if used as a basis for appeal.
• Are availability of public sewers being considered as a factor in the RHNA allocation?

A: Sewer infrastructure is not directly factored in to the three options that are part of the proposed RHNA methodology [edit: the three options were released for public comment on August 1, 2019]. However, sewer infrastructure, along with other local planning factors including open space, agricultural land, and farmworker housing, were reviewed based on survey responses from jurisdictions as part of the methodology survey process conducted in Spring 2019. For sewer capacity to be considered as a factor, the lack of sewer service must be due to decisions or actions taken by an entity other than the jurisdiction that would preclude the jurisdiction from providing necessary infrastructure.

• How is overcrowding accounted for in the RHNA methodology?

A: Overcrowding is not directly factored in to the three options that are part of the proposed RHNA methodology  This factor was reviewed by the RHNA Subcommittee during the development of the proposed RHNA methodology, but SCAG staff research on overcrowding indicated that overcrowding within a local jurisdiction is a symptom of the housing crisis but not necessarily a cause. Overcrowding is a regional issue but there are limitations in assigning RHNA need based directly on this factor. For example, a jurisdiction may be issuing very few permits and not experiencing overcrowding but its neighboring jurisdiction may be issuing a higher number of permits and experiencing high rates of overcrowding. The overcrowding might be caused by the lack of permitting from neighboring jurisdictions and it may not be appropriate to assign need to jurisdictions with high rates of overcrowding due to circumstances such as these.

• Does the 6th cycle RHNA allocation essentially replace the numbers from the 4th and 5th cycles?

A: If a jurisdiction has an adopted and compliant housing element, the upcoming 6th cycle RHNA allocation and corresponding housing element would replace the RHNA allocations and housing elements from prior RHNA cycles. However, if a jurisdiction did not adopt its housing element in time or did not find sufficient sites to accommodate prior RHNA allocations, it is subject to penalties such as reverting to a four-year housing element instead of the normal eight years and needing to find sites for two RHNA allocations at the same time.

• Are university dormitories or student housing options counted towards RHNA?

A: SCAG staff is discussing this issue with HCD on how to credit university dormitories and student housing toward meeting RHNA need.

• When will the draft RHNA be released?
A: The draft RHNA allocation will be released after the adoption of the final RHNA methodology. This will most likely occur in February 2020. SCAG will let stakeholders know when the draft RHNA allocation is distributed.

- Will density be a factor in the RHNA methodology?

A: Density is not directly factored into the three options that are part of the proposed RHNA methodology. There is not a consistent standard of appropriate density levels for the SCAG region and it would be extremely difficult to establish a standard to measuring density for all 197 SCAG jurisdictions.