

RESOLUTION NO. 2020-5649

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
YORBA LINDA OPPOSING THE MODIFIED REGIONAL
HOUSING NEEDS ASSESSMENT METHODOLOGY
APPROVED BY THE SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL**

WHEREAS, California Government Code 65584 requires that each city and county plan for existing and projected housing need in accordance with the Regional Housing Needs Assessment (RHNA); and,

WHEREAS, the California Department of Housing and Community Development (HCD) is responsible for establishing the “regional determination”, or total existing and projected housing need, for the Southern California Association of Governments (SCAG) region, which includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura; and,

WHEREAS, California Government Code 65584 requires a transparent and collaborative process for SCAG to develop the methodology for the distribution of the regional determination in an equitable manner among the 197 jurisdictions within the SCAG region for the 6th cycle RHNA, covering the planning period from October 2021 through October 2029; and,

WHEREAS, between February 2019, and June 2019, SCAG staff presented to its RHNA Subcommittee a variety of factors that could be used to develop a proposed RHNA methodology; and,

WHEREAS, in July 2019, SCAG’s RHNA Subcommittee reviewed and recommended the release of three RHNA methodology options for public review and comment, which was approved for release by SCAG’s Regional Council on August 1, 2019; and,

WHEREAS, on August 20, 2019, the Yorba Linda City Council authorized Mayor Tara Campbell to send a letter to SCAG with the City’s analysis of these three methodology options and its strong support for local input to be a major factor in the RHNA methodology; and

WHEREAS, on October 7, 2019, SCAG staff presented its recommended methodology based on over 250 public comments to the RHNA Subcommittee, which recommended its approval of the staff recommended methodology to the Community, Economic, and Human Development (CEHD) Committee; and,

WHEREAS, on October 21, 2019, the CEHD Committee unanimously supported the SCAG staff recommended methodology and recommended its approval by SCAG’s Regional Council; and,

WHEREAS, at the November 7, 2019, meeting of SCAG’s Regional Council, Mayor Rusty Bailey from the City of Riverside introduced a modified RHNA methodology, which

would effectively shift a significant portion of the 6th cycle RHNA allocation (approximately 75,000 housing units) away from Riverside and San Bernardino Counties and into Orange County; and,

WHEREAS, this modified RHNA allocation methodology was approved for submittal to HCD by the Regional Council on a contested vote of 43-19 (opposed by all Orange County SCAG representatives), despite a lack of detail regarding the associated impacts of the proposed methodology changes, supporting documentation as to the merit of the proposed changes, and without any opportunity for informed stakeholder input. Furthermore, the Regional Council did not conform to the requirements of the Rules of Procedure for the Conduct of Meetings, found in Article VII of the Regional Council's Policy Manual, by denying the majority of Orange County members of SCAG an opportunity to object to the introduction of this alternative RHNA methodology, and which increased the City's RHNA obligation from 207 housing units to 2,322 housing units (1,122% increase); and,

WHEREAS, jurisdictions did not receive sufficient notice or adequate advanced notice that SCAG would entertain a substantially modified, unsupported methodology; and,

WHEREAS, the modified methodology fails to adequately account for local input and growth forecast data and, due to the late introduction by substitute motion, was unable to be fully analyzed for potential impacts before a vote of the Regional Council; and,

WHEREAS, the modified methodology would increase the City's affordable housing target by approximately 347% as compared to the current RHNA 5th cycle and 1,122% over the RHNA methodology thoroughly analyzed and recommended by SCAG staff and supported by the RHNA Subcommittee and CEHD Committee; and,

WHEREAS, the ramifications of this sudden and unvetted methodology shift are further compounded by recently passed state housing laws with which local jurisdictions are obligated to comply. Examples include, but are not limited to, SB 35 streamlining requirements and AB 101 penalties for cities which are out of compliance with housing element laws; and,

WHEREAS, the modified RHNA allocation methodology approved by the SCAG Regional Council effectively sets up many Orange County jurisdictions, including the City of Yorba Linda, to fail to achieve compliance with state housing laws; and,

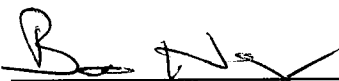
WHEREAS, on January 2, 2020, Mayor Beth Haney sent a letter on behalf of the City to HCD citing its concerns with the modified RHNA methodology and requesting that HCD intervene and direct SCAG to revert back to the SCAG-staff recommended RHNA methodology; and,

WHEREAS, on January 13, 2020, HCD completed its review and support of the modified RHNA methodology; and.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Yorba Linda is a strong advocate of local control as the best means to protect the City of Yorba Linda, its residents and business owners, and to promote the goals and policies of the community. The modified RHNA allocation methodology, as well as the manner in which it was approved by the SCAG Regional Council, undermine the integrity of what is mandated to be a collaborative RHNA process, negating months of local participation conducted in good faith and posing a significant threat of lasting damage to the City of Yorba Linda if permitted to stand. The City Council, therefore, publicly states its opposition to the modified RHNA allocation methodology approved by the SCAG Regional Council.


BE IT FURTHER RESOLVED that the City Council of the City of Yorba Linda publicly expresses its extreme disappointment with SCAG's Regional Council leadership and SCAG's executive staff for the manner in which the November 7, 2019, meeting of the Regional Council was conducted. Irrespective of the outcome of this decision, SCAG's Rules for the Conduct of Meetings were violated and Orange County members of SCAG were denied the opportunity to object to the introduction of the alternative RHNA methodology. First, the discussion on the alternative RHNA methodology was wrongfully and prematurely cut off, leaving the members without the ability to discuss the complex issue before them. Second, the substitute motion made to introduce the alternative RHNA methodology was unreasonably vague and further confused through attempts to clarify the motion. Finally, SCAG members were not permitted sufficient opportunity to object to the complex issues raised. As a member of SCAG, this City Council demands that SCAG make the necessary policy changes to ensure that these types of procedural violations never happen again.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Yorba Linda on the 21st day of January, 2020.



BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP



CITY ATTORNEY


STATE OF CALIFORNIA)

ss.

COUNTY OF ORANGE)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 21st day of January, 2020, and was carried by the following roll call vote:

AYES: COUNCIL MEMBERS: Campbell, Haney, Hernandez, Huang, Rodriguez
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA