

AGENDA ITEM #4

SUBREGIONS: FORMATION & RESPONSIBILITIES

POWERPOINT PRESENTATION

An aerial photograph of a region, likely a river valley, showing a winding river and various subregions. The text is overlaid on the image. The river is dark blue, and the surrounding land is a mix of green, yellow, and brown, indicating different land uses or vegetation. The text is in a bold, white, serif font with a slight shadow effect.

REGIONAL HOUSING NEEDS ALLOCATION

SUBREGIONS

OVERVIEW

- Relationship between ABAG and subregions will be defined by:
 - *Statute - Govt. Code Secs. 65584-65584.05*
 - *HCD Extension Letter (5/29/05)*
 - *Delegation Agreement between ABAG and each subregion*
- ABAG and subregions will conduct parallel processes that intersect at key points

GOVERNMENT CODE SECTION 65584

(a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section **65584.04**. The purpose of establishing a subregion shall be to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties. (b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections **65584** and **65584.04**. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion. (c) At least 25 months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted. (d) Each delegate subregion shall fully allocate its share of the regional housing need to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.



Department of Housing & Community Development Letter



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AS
ARNOLD SCHWARZENEGGER, Governor



September 29, 2005

Mr. Henry Gardner
Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

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SEP 30 2005
EXECUTIVE DIRECTOR'S
OFFICE

Dear Mr. Gardner:

Re: ABAG Regional Housing Needs Determination

This letter is in response to your request for an extension for Association of Bay Area Governments' (ABAG) fourth revision of the Regional Housing Needs Determination (RHND), pursuant to Section 65584.02 of the California Government Code. As you know, this statutory provision authorizes such an extension in order to coordinate the RHND process with the next Regional Transportation Plan (RTP) update. The request is to accommodate coordination of the projections and forecasting processes of the next RHND for your region with the Metropolitan Transportation Commission's (MTC's) development of the 2008 RTP.

Based on correspondence, including letters of August 9, 2005 and May 2, 2005, and staff discussions including a consultation between Department and ABAG staff on May 25, 2005, the Department is granting the two-year extension of the housing element due date for jurisdictions within your region, conditioned as outlined below. As a result, the due date for updating housing elements for local governments within ABAG is extended until June 30, 2009. This means the next (fourth) statutory due date for updates of housing elements within the ABAG region, as otherwise set forth in Government Code Section 65588 (e)(2), is extended to June 30, 2009, instead of June 30, 2007.

The RHND process will be implemented consistent with the enclosed schedule (Attachment J), with the identified tasks to be undertaken no later than the dates indicated. During the consultation, ABAG staff agreed the timeline allows sufficient time and flexibility to meet all the deadlines in order for ABAG to adopt a final Regional Housing Needs Allocation (RHNA) no later than June 30, 2008 (12 months prior to the extended housing element update due date of June 30, 2009). As you are aware, jurisdictions within your region may request use of a subregional allocation process; thus the deadlines for this option are included in the enclosure if it is used. If the subregional option is not used, those dates are not applicable. The Department encourages ABAG to assess early on whether there is interest in the subregional process, as it would be necessary to incorporate this process into the methodology for the allocation within the region.

RHNA SCHEDULE

(attachment to letter)

Schedule for ABAG Regional Housing Needs Allocation

Regional Allocation Deadlines		Allocation Deadlines if Subregional Option Used	
2006			
April 30	ABAG/HCD consultation on region's share of statewide housing need [65584.02(b)]		
June 30	ABAG requests information from jurisdictions for developing methodology [65584.04(b)(1)]		
		August 31	Deadline for creating subregional entities [65584.03(a)]
December 31	ABAG develops a proposed methodology [65584.04(a)]; Start of 60-day public comment period about methodology [65584.04(h)]; must include at least one public hearing [65584.04(c)]	December 31	The subregion develops a proposed methodology [65584.04(a)]; Start of 60-day public comment period about methodology [65584.04(h)]; must include at least one public hearing [65584.04(c)]
2007			
January – March	ABAG adopts a final methodology [65584.04(h)]	January – March	Subregion adopts a final methodology [65584.04(h)]
March 1	HCD determination of regional housing need [65584.02(a)(1)]		
		May 1	ABAG determination of housing need assigned to each subregion. At least one public hearing must be held prior to allocation [65584.03(c)].
Prior to June 30	ABAG issues DRAFT RHNA [65584.05(a)].	Prior to June 30	Subregion issues DRAFT RHNAs [65584.05(a)].
Prior to June 30	ABAG reviews DRAFT RHNAs of subregions for compliance with Gov. Code Sec. 65584.03(d); if noncompliant, ABAG completes allocation process for affected jurisdictions		
Prior to August 31	Local jurisdictions may request revisions to DRAFT allocation [65584.05(b)]	Prior to August 31	Local jurisdictions may request revisions to DRAFT allocation [65584.05(b)].
Prior to October 31	ABAG responds to revision requests (within 60 days of submittal) [65584.05(c)]	Prior to October 31	Subregion responds to revision requests (within 60 days of submittal) [65584.05(c)]
December – February	Local jurisdictions may appeal DRAFT RHNA (60 day period)	December – February	Local jurisdictions may appeal DRAFT RHNA (60 day period)
2008			
January- Feb.	Continuation of 60 days for Local jurisdictions to appeal DRAFT RHNA	January- Feb.	Continuation of 60 days for Local jurisdictions to appeal DRAFT RHNA
January – April	ABAG public hearing on appeals (within 60 days after deadline for filing appeal) [65584.05(e)].	January – April	Subregion public hearing on appeals (within 60 days after deadline for filing appeal) [65584.05(e)].
February – April	ABAG issues FINAL RHNA proposal (within 45 days of end of 60-day appeals period) [65584.05(f)].	February – April	Subregion issues FINAL RHNA proposal (within 45 days of end of 60-day appeals period) [65584.05(f)].
February – June	ABAG public hearing to adopt FINAL allocation (within 45 days of issuing final allocation) [65584.05(h)]. Submit adopted Final Allocation to HCD.	February – March (prior to ABAG's)	Subregion public hearing to adopt FINAL allocation (within 45 days of issuing final allocation) [65584.05(h)]. Subregions submit FINAL allocations to ABAG
August	HCD completes review of FINAL RHNA [65584.05(h)].		
2009			
June 30	Adopted Housing Element updates due to HCD, preceded by submittal of draft elements		

Notes: This task schedule supersedes the due dates that would be applicable if the process were to be implemented pursuant to Section 65584 rather than pursuant to Section 65584.02. The planning period for the housing element updates will be July 1, 2009 through June 30, 2014. The allocation period for the ABAG region will be January 1, 2006 through June 30, 2014; these dates represent the date for which the most current estimates of local housing stock will be available from the Department of Finance (DOF), and the end of the planning period, respectively.



Intersections of ABAG'S/ Subregion's RHNA Processes

- Subregions will use results of ABAG's data survey
- ABAG assigns share of the regional housing need to each subregion [March-May 07]
- ABAG reviews each subregion's draft allocation – ABAG may need to allocate for subregion [June 07]
- Subregion submits its final allocation to ABAG for inclusion in regional allocation – ABAG may need to allocate for subregion [April 08]

GOVERNMENT CODE SECTION 65584.03

§ 65584.03.

(c) At least 25 months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.

