

Key Milestones & Timeline:

RHNA Appeals Process Overview

- **Who can file an appeal?** A jurisdiction or HCD can appeal a jurisdiction's Draft RHNA Allocation.
 - A jurisdiction can appeal its own allocation and/or another jurisdiction's allocation.
 - A jurisdiction that is the subject of an appeal filed by another jurisdiction/HCD will have the opportunity to challenge the appeal at the appeal public hearing.
- **What are the major steps in the appeals process?**



Key Milestones & Timeline:

What is the Anticipated Appeals Schedule?

Late May	Following action by ABAG Executive Board, ABAG notifies jurisdictions/HCD about adoption of Final RHNA Methodology and Draft Allocations.
Early July	Deadline for jurisdictions/HCD to submit appeals to ABAG; ABAG notifies jurisdictions/HCD about appeals submitted.
End of August	Deadline for jurisdictions/HCD to comment on appeals submitted; ABAG notifies jurisdictions/HCD about comments received.
September and/or October	ABAG Administrative Committee conducts public hearing to consider appeals and comments received; ABAG notifies jurisdictions 21 days prior to hearing.
October or November	ABAG ratifies written final determination on each appeal and issues Final RHNA Allocations that include adjustments resulting from successful appeals.
November or December	ABAG Executive Board conducts public hearing to adopt Final RHNA Plan.

Filing an Appeal:

What are the Allowable Reasons for an Appeal?

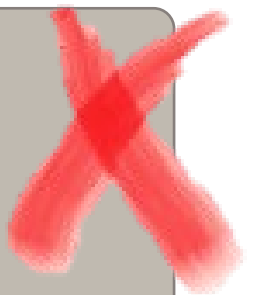


An appeal can be filed only if:

1. ABAG failed to adequately consider information submitted in the local jurisdiction survey.
2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives.
3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits revision of information submitted as part of the local jurisdiction survey.
Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

By law, appeals cannot be based on:

- Any local ordinance, policy, voter-approved measure or standard limiting residential development.
- Underproduction of housing from the last RHNA cycle.
- Stable population numbers in a jurisdiction.



Considering Appeals: What Have Other COGs Experienced?

Sacramento Region (SACOG) — 2020

- Zero appeals

San Diego Region (SANDAG) — 2020

- 4 appeals
- 1 partially upheld (affecting 135 units)
- Public hearing conducted in one day

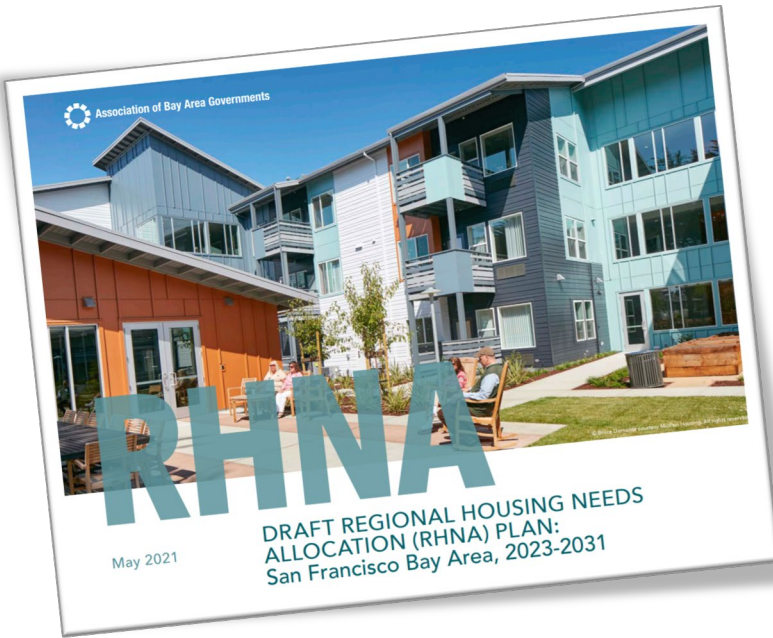
Los Angeles Region (SCAG) — 2021

- 48 appeals
- 2 partially upheld (affecting 3,132 units)
- 46 hours of hearings held on 8 days, plus final meeting for ratifying decisions

ABAG — 2013 (*prior cycle*)

- 8 appeals
- 3 upheld (affecting 674 units)
- Public hearing conducted in one day

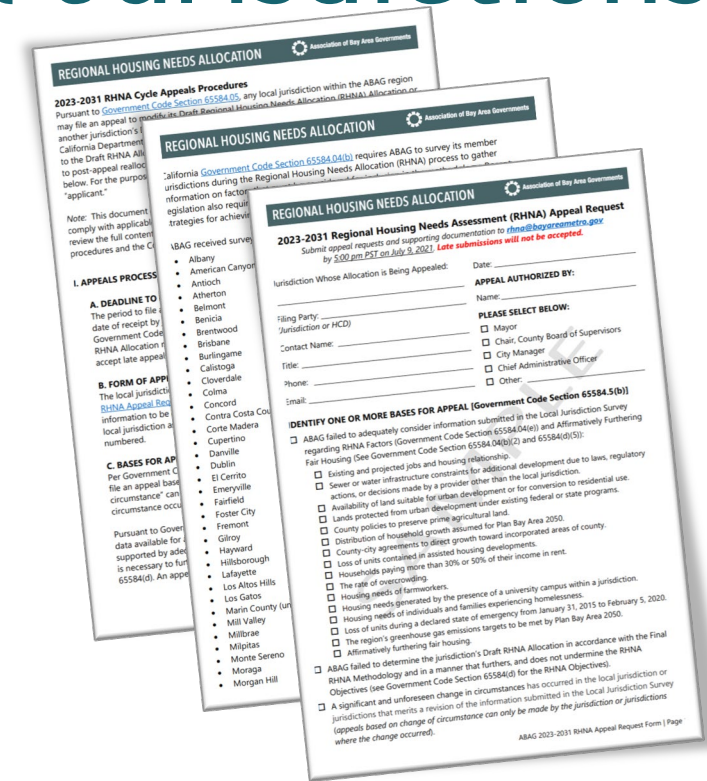
Moving Forward: RHNA Appeals Resources for Local Jurisdictions



Draft RHNA Plan:
Final Methodology &
Draft Allocations



Presentations:
Appeals Process Overview (May 2021) +
City Council Template for Appeals Item



Guidelines & Materials:
Process Guidelines, Appeals
Form Template, and Local
Jurisdiction Surveys

All of these resources can be found on:

<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation/2023-2031-rhna-appeals-process>