



City of San Mateo

Introduction to the Housing Element Workshops

Questions and Answers

The following is a compilation of questions received from the virtual “Introduction to the Housing Element” Zoom webinars held on March 30, 2021, April 3, 2021 and May 4, 2021. These questions were submitted by attendees via the “chat” feature and not all of them were answered live during the event due to time constraints. There is some duplication of questions since they were submitted at different workshops. They are presented below in date order.

March 30, 2021

1. Is there data on how much the housing stock has grown since 1980?

Total Dwelling units in San Mateo: 1980 (32,855), 1990 (36,928), 2000 (38,236), 2010 (39,975), 2019 (41,106)

2. Do ADUs count as meeting the RHNA numbers and if so, which income category?

Yes, ADUs count. A countywide survey is being conducted on current ADU rents that will help inform how we can count them related to each income category.

3. Has there been any study on impact of housing need considering many businesses may continue to allow employees to work from home? How could this impact the number housing units needed in SM if people choose to live out of the area?

We have not seen any data on this so far. It remains to be seen if large numbers of San Mateo residents will leave the city. One indicator will be whether rents continue to drop and if because of that, developers stop deciding to build housing. We will plan for either scenario, so that we can guide housing development in the event the demand for housing does not diminish.

4. When any unit is constructed, does it count as meeting RHNA when it is approved by the Planning Commission, the building permit, or when a certificate of occupancy is issued?

Units are credited against our RHNA when the building permit is issued. However, we also report on pending and completed housing units in our annual reports to HCD.

5. What is the City doing to make sure that they can meet RHNA numbers for all income levels and not just market rate?

The City does not control how many housing units are actually built during the RHNA reporting period. However, the City must ensure that there is enough land to accommodate the RHNA figures and provide supportive policies to facilitate that development. The greatest challenge in meeting the affordable RHNA figures is identifying financial resources to make them feasible. To that end, the City has funding from federal and state programs, loan payments from past housing project and collects fees on new commercial developments specifically to help fund affordable housing development. The City collaborates with affordable housing developers to identify new sources of funding and ways to reduce production costs. In addition, the City's Below Market Rate (BMR)

program requires developers of market rate housing to provide a certain percentage of those units to be affordable.

6. Is the State committed to numbers for San Mateo's RHNA 6th cycle allocation? The cycle 6 numbers are preliminary.

Once approved, the Association of Bay Area Governments (ABAG) will finalize each jurisdiction's allocation by income category. The allocation of units occurs according to a process that is written into law. The State Department of Housing and Community Development (HCD) assigned a total figure to the entire Bay Areas. ABAG formed a methodology committee to determine how the need for future housing should be distributed among jurisdictions. The Committee included local elected officials and staff representing every county, as well as regional stakeholders to facilitate sharing of diverse perspectives, and met from October 2019 to December 2020.

7. How is infrastructure dealt with that will be impacted by proposed building? Water, sewer, transportation, schools, hospitals?

The housing inventory of the Housing Element must include detailed information on sites that may be proposed for housing, including any constraints to the development of housing, such as inadequate water, sewer, etc. Programs may be developed to address those inadequacies, if found. In addition, the environmental review required to complete the Housing Element will look at a variety of impacts to providing housing, including transportation.

8. Can Jr ADUs be allowed to add on a separate entrance because many of us have extra rooms or space attached to our home, but we do not want renters to go into the other parts of our home that we live in.

Yes, the City already requires junior ADUs to provide an exterior entry that is separate from the main single-family residence.

9. How do the ADU regulations accommodate extra parking needs without clogging street parking in residential areas?

State law allows conversion of garages into ADU's and places limits on the ability of local governments to require additional parking in many circumstances, especially those located close to transit. The State does allow some flexibility on how uncovered parking is handled, but cities are limited by recent legislation.

10. Why wouldn't local governments challenge the State re housing allocations with regard to COVID related issues?

Many local jurisdictions have challenged the State (and continue to do so) over concerns related to the impacts from COVID-19. However, the prevailing view by the State has been that COVID-19 impacts are temporary, and that growth will eventually return to normal levels.

11. If I were very low income, I might prefer to commute on public transportation, and live in more space, better than high density housing. What is the state doing to give us the choice of better transportation (fast trains?) versus living here in high density?

Transportation and housing are very much linked and the time and cost of traveling to work are choices with which workers are faced. One effort underway is the electrification of Caltrain which will increase the capacity of existing rails in San Mateo/Santa Clara counties. You can follow Bay Area transportation initiatives at Metropolitan Transportation Commission (MTC) <https://mtc.ca.gov/> and CalTrain websites <https://calmod.org/>

12. Where can info be found about how nonprofits operate to affect housing, particularly affordable housing? I've seen comments that nonprofits manage affordable housing -- who constructs and pays for that affordable housing that the nonprofit manages?

The Bay Area has a strong network of nonprofit housing organizations that build, and operate and manage their developments. For example, MidPen Housing (<https://www.midpen-housing.org/>), which has developed many affordable developments throughout the County, including Peninsula Station near the Hillsdale CalTrain station, has three divisions: one for developing housing, one for property management of its developments, and one for services provided onsite to residents.

Management of affordable housing is paid through the rents collected from its residents. The construction of the housing generally requires several funding sources with favorable loan terms to minimize the debt (mortgage) payments so there are adequate funds to manage the properties and provide tenant services. Development resources include federal, state, and local funds as well as federal tax credits, and foundations.

13. How does the City determine housing needs for special groups? What are they doing to meet these needs? I work with people with disabilities many of whom are dependent on SSI with maximum payments of \$973 per month. Even "extremely low income" housing is out of reach for these people. How is the city planning for more inclusive housing for these populations?

Housing Element law requires the local jurisdiction to provide information about the needs of a variety of populations, including those with special needs. Like all affordable housing, the development of housing for people with special needs requires substantial funding. The City works with nonprofit developers to provide housing for these populations, including permanent supportive housing (PSH). San Mateo County provides information on how to find affordable housing for adults with disabilities here: <https://housing.smcgov.org/affordable-housing-adults-disabilities>

14. Lots of people choose San Mateo because it is more affordable. Can we hold other cities/counties accountable to provide affordable housing for their workers? (Santa Clara, San Jose, etc.)?

Every jurisdiction in the State receives an allocation of housing units at various income levels through the RHNA process, and each locality must report on its efforts to encourage the development of housing. Many cities in the Bay Area have housing programs and funding sources similar to San Mateo to support affordable housing.

15. How much "buildable" space is there in residential zoned areas? (Most of the residential zoning in SM is R1.) Maybe more commercial is being built because there's more "room" (either open land or opportunity to build up) in commercially zoned areas.

State law requires that the Housing Element contain a site-by-site inventory of land suitable for development of all housing types, including multifamily. This review is currently being conducted. The City is looking at both sites that are zoned for multifamily residential as well as commercial sites (most commercial zones either allow or encourage housing). Sites may or may not eventually be developed for housing, as the choice is, and always will be, the owner's decision. Some factors considered in the development of the site inventory include, but are not limited to:

- *Whether a site has an underperforming use on it;*
- *Whether other sites in the area have seen recent redevelopment to housing;*
- *Whether the site has sufficient infrastructure available to it;*
- *Whether the site's topography make it suitable for housing development; and*
- *Whether the site is of a sufficient size to be developed for housing.*

16. What is the role of San Mateo City Council in this process?

After public outreach over the next several months, staff and consultants will prepare a draft Housing Element for community-wide review. In addition to the sites inventory, the Housing Element will contain data on housing needs, constraints to development, and a list of programs and policies the City could adopt to help further the development of housing, especially that which is affordable. Staff's recommendations will be vetted through the Planning Commission, and then the City Council will approve the draft document to be sent to the State for its initial 60-day review (sometime in the fall of 2022). Once we receive comments from the State and any changes are made, the revised Housing Element will again be shared widely for community input. At the end of 2022, the final document will return to the Planning Commission for recommended adoption by the City Council. Once adopted by the Council, it must then return to the State for its 90-day certification process.

17. What percentage of ADUs and JADUs can be counted towards meeting the RHNA allocation numbers?

There are two aspects to the RHNA allocation: planning for enough land to accommodate the allocation, as well as counting actual production of those units. With regard to planning, the State's guidance allows the City to assume that some number of ADUs will be permitted during the upcoming planning period. This is based on the historical average of ADU's permitted in the recent past and, which is used to project over the eight-year plan period. For example, if the average is 50 ADUs per year, the City can count 50 units X eight years = 400 units.

When the units are actually built, all of the ADU's will count toward the RHNA allocation.

18. Can the City in-lieu fees be allocated to assist in the construction of affordable ADUs? Wouldn't the nexus then exist for the City to ensure that affordable rent levels are maintained through time?

This is a program the City could support with its local housing funds. A policy decision would be needed to determine the level of affordability and length of time in exchange for such funds.

April 3, 2021

1. Will there be protections for people who live here and/or have businesses here from being pushed out by new development under these guidelines?

Currently the City requires relocation assistance payments to tenants that lose their housing due to demolition for redevelopment, but not for displaced businesses.

2. How often are cities' RHNA appeals successful?

Infrequently – in Southern California, where the 6th RHNA cycle is earlier than in the Bay Area, only 2 out of 52 appeals were partially approved due to errors based on boundaries and flood plain designations. It is not possible to challenge the overall number for the Bay Area at this time. It should be noted that if one jurisdiction successfully appeals its allocation for a reduction, those units must then be re-allocated to other jurisdictions within the County.

3. Why are new developments in San Mateo, including that on 3rd/Delaware, adding more office space when housing is needed?

The City does not directly control what the development community proposes to construct. Property owners/developers look at market trends in the community to discern what they want to build. The decision whether to develop property rests with owners; the City's role is to ensure growth occurs according to its General Plan and that projects comply with applicable laws and policies.

4. How will the Housing Element consider neighboring cities' housing and jobs creation construction?

Although the City's Housing Element evaluates some regional trends, it does not address issues concerning neighboring communities' plans for housing or commercial development, but rather the needs of its own community. Whether or not another jurisdiction has a compliant Housing Element rests with the State's Department of Housing and Community development, which has certain enforcement authority to ensure others are doing their fair share.

5. How is the affordability level of ADU's calculated if not deed restricted?

The 21 Elements group of the County is working with UC Berkeley conducting a Statewide study of the rents for ADUs and whether some level of affordability can be ascribed to them. In conjunction with the State, guidance will be provided about how to count some ADUs as affordable without the need for deed restrictions.

6. The 15% affordable housing for developers- are they at this rent level for life?

Yes, the life of the building. Rentals are restricted through an executed agreement with developers.

7. Why does the city not build affordable housing itself?

Typically, cities do not include ownership and operation of housing as a core community service due to a variety of capacity, cost and liability issues. When local jurisdictions do decide to own housing, they form a separate legal entity known as a housing authority. Since there is a strong non-profit community of affordable housing developers in California, most cities elect to work with affordable housing developers by providing financial assistance through partnership and regulatory agreements.

8. Can you outline the consequences of not meeting the RHNA goals? What if every city in the county fails to meet these goals?

*Cities must find enough land zoned at appropriate densities to ensure that all types of housing at all income levels can be built. The consequences of not having an adequate inventory of sites to accommodate this housing can mean increased loss of local control on the development of housing, fines, and loss of a variety of funding opportunities for public improvements. However, it should be noted that current housing laws are not a mandate to **build** the units, since cities do not control when and how housing is built. Therefore, there are no direct enforcement requirements if the units are not actually built.*

9. Might the city find that the current study areas may not reasonably prepare us to meet RHNA Cycle 6 & 7? If so: what happens next in the process?

The City is currently conducting an extensive review of potential housing opportunity sites within the General Plan study areas to discern if there are enough sites to accommodate the 6th cycle RHNA allocation. Whether or not any of the 7th cycle (post-2030) can be accommodated will be discussed through the General Plan process, not the Housing Element.

10. There is a dearth of housing for sale in the developments that we are seeing. How can development of homes for sale be increased over rentals so that people can build equity and personal wealth?

The determination of whether rental or for-sale units is made by the property owner/developer usually based on market demand. Although mostly rentals are being built now, prior to 2015, most of the development was for ownership units.

11. Who ultimately decides the Housing Elements final RHNA numbers? When will that be determined?

The State has reviewed the ABAG Housing Methodology for the allocation of units and has determined that it complies with State law. Next, ABAG will complete its draft allocations, after which time jurisdictions may appeal their allocations to ABAG. The final allocations will be released sometime later in the fall or winter.

12. Is there a chance there may be more incentive to build ADUs by not having property tax increase at same high rate as a normal home addition?

The County assesses property values and collects taxes based on state laws, and it would likely require legislative action to address this suggestion.

13. Although staff indicates we will hit our RHNA 5 targets in total, the City has not made much progress on the very low, low, and moderate income RHNA targets. What examples are there of similar counties who have been successful in meeting these targets across all income levels?

Each year the State issues a summary RHNA report for 541 jurisdictions. The most current report shows that 32 jurisdictions out of the whole state are “on track” to reach their very low and low income goals. These are mostly small communities whose goals range from 2 to 288. San Mateo’s goal is 1,328. See “5th Cycle APR Summary” at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml>

14. With the increased RHNA numbers of over 7,000, how will the city also plan for schools and open space/parks for the additional residents? With the past year living thru COVID, having green space for residents is very important.

Impacts on schools, parks and other resources will be included as part of the General plan update.

15. Since the RHNA 6 numbers are so important, should we not be sure the calculations are done correctly to set them?

ABAG formed a methodology committee to determine how the need for future housing should be distributed among jurisdictions. The Committee included local elected officials and staff representing every county, as well as regional stakeholders to facilitate sharing of diverse perspectives, and met from October 2019 to December 2020. The Plan Bay Area 2050 Blueprint model was chosen as the starting point, or baseline. For technical details and meeting reports (<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation/housing-methodology-committee>). The City is aware of groups who believe that the calculations resulted in too high of a RHNA as well as those who believe it is too low.

At this point an appeal to the adopted methodology must demonstrate that ABAG did not adequately consider information provided during the methodology process, did not use a methodology that meets the State criteria, or that some unforeseen change in circumstances has occurred since the methodology was finalized.

16. Is there a way to overturn the 55-foot height limit in order to allow taller housing close to San Mateo's three Caltrain stations and in the downtown?

The height limits were implemented by a voter initiative, and generally speaking, to change that limit would require another vote of the people. However, there are some ways it can be exceeded, for example when certain community benefits are included, or when other State laws apply, such as certain situations authorized by density bonus law.

17. What is San Mateo's approach to moderate-income? Are scarce affordable housing funds best used to subsidize middle-income people? How can we zone for middle housing types in the housing element?

Middle income housing is something many jurisdictions within the 21 Elements group are interested in and will be collaborating on potential policies that can be adopted to support such housing. In terms of funding, how the City prioritizes different types of housing is something the City Council ultimately explores and decides upon. In the past the City has used its funding to assist a range of income groups including middle income households.

18. Can HCD over rule the height limits to have a compliant HE?

The State HCD does not have direct authority to overrule local zoning requirements. Instead, the Housing Element will need to analyze whether or not the height limitation is a constraint to the development of housing. If the City determines it is a constraint, the City will be asked to propose actions to lessen or remove that constraint.

19. How is the city making sure that the housing element benefits renters? Especially when some renters want to save to be future homeowners, or invest in other productive ways?

The Housing Element specifically requires local jurisdictions to document the need for housing for renters at all income levels and approve programs and policies to address those needs. The City also will focus community engagement to ensure renters are represented in the discussions on housing.

20. Can you say more about what prevents more affordable housing from being built?

The City's current Housing Element demonstrates that there is enough land to accommodate many units; however, the main impediment to development is the cost. The costs for land, materials, and labor to construct housing of any type is extremely expensive, and a current project in San Mateo under development costs about \$700,000 per unit. Lower income households cannot afford to pay market rate for such housing, so the gap between what a unit costs to create and what a household can pay must be filled by other sources. Some 100% affordable projects may need five or more different funding sources in order to make the project "pencil".

21. And in the general planning process — what are some ways that community members can advocate for making sure these get built?

Attending Planning Commission and the City Council meetings are important ways for people in the community to participate in the approval of housing. In addition, discussing housing issues with neighbors, family and friends is also helpful.

22. Would the City be consider building housing near 92/280 if we cannot accommodate the RHNA numbers in the alternatives to the General Plan?

The City does not build housing itself, though in certain areas of the Downtown the City has engaged in partnerships on development projects. However, sites throughout the City will be evaluated throughout the General Plan update process, through technical studies and community input, to determine where and what type of future development might occur. The decision to identify certain areas of the City for development is a policy decision ultimately made by the City Council when it approves the General Plan update.

23. Is the City open to public/private financial partnerships to lower the cost of land, and therefore open up an opportunity to lower the overall costs and what is charged?

The City has a history of partnering with both for profit and non-profit partners to create affordable housing. It is committed to exploring any proposal that would result in lower development costs and therefore increasing the affordability to residents.

24. What incentives exist for developers to build BMR housing? Or do BMR requirements discourage development?

Developers are incentivized to provide Below Market Rate units primarily because of the provisions of density bonuses. State law allows developers to get additional density (additional units) over what the underlying zoning allows when they provide affordable units in their projects. In addition, the developer can request a variety of concessions and waivers from local rules, such as reduced setbacks, parking, and other changes to building location requirements.

25. Has the city identified any surplus land act properties and do SLA properties need to get past any threshold before being put into the HE?

The last Housing Element looked carefully at City-owned property for potential housing sites. Currently, there are developments underway or completed on three City-owned sites. There is little additional land that could be used for housing, as much of the remaining City sites are used for things like parks, which will not be developed. There are two very small parking lots downtown in which the City determined were surplus in January 2021, and there are letters of interest or proposals on developing these two sites. The City Council is expected to select a developer to partner with during 2021.

26. Is there any requirement in San Mateo's ADU ordinance to ensure units are affordably below market? If not, why not?

While the City cannot legally require all ADU's to be affordable, since that could hinder the creation of ADUs, it could offer incentives to encourage owners to do reduce rents to less than market.

27. What can be done to relax the building code to allow construction?

The Building Codes are updated every 3 years. These codes ensure safety and promote sustainability and are not generally intended for flexibility since building safety could then be at risk.

28. Are there ways for the RHNA numbers to be traded between cities in the county?

A sub -region can collectively decide to reallocate the RHNA among its members. San Mateo County created a subregion for the past two RHNA cycles which resulted in some minor "trades" between jurisdictions. However, for this cycle, San Mateo County cities decided not to use this approach primarily since the RHNA allocations are significantly higher for all jurisdictions.

29. Is there any research being done on the effect of robot development on employment in SM?

No. There has been no research on replacement of "AI" (robot development) for labor in San Mateo. It is unclear what changes will happen in the workforce in the future.

30. What is the projection for new jobs in San Mateo for the RHNA study period?

The RHNA figure itself does not include a factor for job growth, although it does take proximity to job centers into consideration. Although it is difficult to find consistent data at the city level on job growth, the City's economic consultant for the General Plan projects that jobs will increase by 3900-4900 for the period of 2020 to 2030. The complete report is at:

http://strivesanmateo.org/wpcontent/uploads/2019/05/Economics_PublicReview3_FINAL_050119.pdf

May 4, 2021

1. Does San Mateo have a plan for workforce housing?

The current Housing Element has provisions to support housing for all income levels, including housing for various types of workforce housing. This issue will continue to be addressed in the new Housing Element, and the City will continue to seek input from the community.

2. Does middle-income need to be subsidized? Are the housing types that are more accessible to middle-income people by design?

This issue is being studied Countywide to determine whether housing types such as duplexes and fourplexes tend to cost less to rent or own than other kinds of housing. In addition, smaller units in terms of square feet may also provide opportunities for middle income households. These and other policy considerations will be reviewed during the course of the Housing Element. Given the high cost of Bay Area land and development, the private sector tends to build more luxury housing than other kinds of housing.

3. Where we can apply to buy a BMR unit?

Please see the information at <https://www.cityofsanmateo.org/501/Neighborhood-Improvement-Housing>.

4. How many apartments have been converted to condos from 1980 - Present? And what can the City do to make sure new apartments stay apartments and are not converted to condos?

Very few apartments have been converted to condos since the late 1980s. The City has strict requirements through its condo conversion ordinance that requires a number of actions to benefit existing renters, such as relocation benefits and right of first refusal to purchase the unit. The zoning and subdivision requirements are difficult to complete, especially in terms of building code upgrades.

5. What percentage of recently built housing has three bedrooms for families with children?

Over the last five years, 15 residential projects that consist of 5 or more units have been approved. Of the total 2,727 approved units, 16% were studios, 39% were 1 BR, 29% 2 BR, 16% 3BR and 1% 4 BR. In the five 100% affordable family rental properties that the City has subsidized, 29% of the units have 3 or 4 bedrooms.

6. Can our City officials create a policy that require the general contractors to hire locally and require an apprenticeship program that is state approved?

Some cities have instituted local hiring policies, but the City has not pursued this.

7. How often has the “red tag” ordinance in San Mateo been applied against landlords who keep their properties in substandard conditions?

Over the past year, the City has used the tenant relocation ordinance about eight times to move people out of uninhabitable conditions.

8. Have you reached out to people who work in San Mateo and would like to move there?

The City has not thus far targeted individuals who work in San Mateo but don't live here, but City events and workshops are open to all and we have heard from several people who either work in San Mateo or frequent San Mateo businesses, but don't live here. We will be seeking input on successful models on how to conduct more inclusive outreach in the coming months.

9. Do you have any program that helps people buy “fixer-uppers” rather than new BMR units?

The City does not currently have a program of this type. If this becomes a priority, the City will consider policies to support this effort. In the interim, there are other programs offered that help people get into home ownership, including the following:

- *CalHFA (California Housing Finance Agency). This home ownership program provides affordable housing opportunities by offering Below Market interest rates on mortgage loans to very low to moderate income first time homebuyers. The program strives to achieve continuous availability of mortgage funds, equitable geographic distribution of loans throughout the state and equal balance between new construction and resale homes.*
- *Heart of San Mateo County Down Payment Assistance Program. The Housing Endowment And Regional Trust—the HEART of San Mateo County—in partnership with Meriwest Mortgage, has created a unique loan program to help qualified, moderate-income families buy a home in San Mateo County. <https://www.heartofsmc.org/programs/homebuyer-assistance/>*

10. What is the racial composition of single-family zoned neighborhoods in San Mateo compared to multi-family neighborhoods? Are the neighborhoods that allow multi-family more racially and economically diverse?

The City has not identified a data source to answer this. The Housing Element update will contain extensive demographic analysis related to housing.

11. Do you allow a developer to pay a fee rather than actually building the required BMR units?

Currently, the BMR program requires developers to provide the units, rather than pay an in-lieu fee or provide the units offsite. However, the City will be updating its BMR ordinance consistent with AB 1505, which requires alternative methods of compliance for the provision of BMR units.

12. Is there anything to ensure parts of our communities don't bear a disproportionate burden of meeting RHNA goals?

Yes, new State laws require jurisdictions to ensure that affordable housing is not prioritized in locations where there already is a concentration of lower income households, as well as areas of the City that lack access to high-quality resources, such as high performing schools, jobs, and amenities. The City's current Housing Element includes a policy to ensure that affordable units are distributed throughout the City as well as mixing incomes within a development. As a result, the City's affordable housing stock is spread throughout many neighborhoods citywide.

13. Does the RHNA allocation distinguish between studio, 1 bedroom, 2 bedroom, and 3 bedroom units, or are they all considered to have the same value in terms of meeting the RHNA goals?

The RHNA allocation does not distinguish between types of units or their sizes, but rather what income category they are intended to serve.

14. Does the passage of Measure Y in 2020 mean that the RHNA housing must be spread all over the city, rather than being focused near Caltrain stations and downtown?

The City is still working to analyze whether the RHNA allocation, plus a buffer, can be mostly accommodated within the ten identified Study Areas of the General Plan Update. Most of these sites are in areas near transit and other resources. While there will be some development outside of the Study Areas – for example, new single-family developments and accessory dwelling units – the analysis will determine the extent to which the vast majority of new RHNA units can be allocated within the Study Areas under current zoning and under the provisions of Measure Y.

15. When do RHNA #'s become final?

The official draft allocations will be issued sometime this spring or summer, which will be followed by an appeals process. The final allocations will be issued by the end of 2021.

16. Is it unusual that San Mateo's RHNA numbers have doubled?

Yes, but nearly every city, county, or town in the state received substantially larger allocations for this cycle, with some jurisdictions (especially in Southern California) receiving as much as five times the last allocation. This was the result of several factors, including an accounting of underproduction of housing throughout the State. Other factors, like overcrowding and cost burden (paying too much for housing), factored in the calculations as well.

17. Do we have to accept the RHNA allocation? Are there any penalties for not meeting RHNA numbers?

The RHNA allocation is a State-mandated process that includes an appeal process which is described in the next question below.

In order to get a Housing Element approved by the State, cities must show that they have enough land zoned at appropriate densities to ensure the RHNA allocation can be accommodated. *The consequences of not having an approved Housing Element can mean increased loss of local control on the development of housing, fines, and loss of a variety of funding opportunities for public improvements. However, it should be noted that current housing laws are not a mandate to build the units, since cities do not control when and how housing is built. Therefore, there are no direct enforcement requirements if the units are not actually built.*

18. How do we appeal the RHNA allocation and when is the deadline? Can anyone appeal the RHNA numbers?

The deadline has not been set; it depends on when ABAG issues its official draft RHNA allocations and announces the appeal schedule. The process requires local jurisdictions to submit letters of appeals to ABAG. Housing Element Law prescribes a relatively limited and narrow set of circumstances where a jurisdiction can appeal an allocation:

- *ABAG failed to adequately consider information submitted as part of the local jurisdiction survey that ABAG conducted in early 2020 to gather information about the statutory factors that must be considered in the RHNA methodology and information about affirmatively furthering fair housing.*
- *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.*
- *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.*

19. If we appeal our RHNA number, is there a chance we could end up getting a higher number?

It depends if any other jurisdictions are also granted appeals. Since the total RHNA for the Bay Area is fixed, if the RHNA for one locality decreases, others must be increased to maintain the overall total.