

Association of Bay Area Governments Formally Denies Nearly All Regional Housing Needs Allocation Appeals

Article By:

Daniel S. Maroon

Alexander L. Merritt

On Friday, November 12, 2021, the Association of Bay Area Government's ("ABAG's") Administrative Committee formally denied 27 out of 28 appeals of draft housing allocations filed by local jurisdictions within the Bay Area region. In approving final written denials for nearly all appeals filed by cities and counties within the Bay Area, the Committee signaled strong confidence in the [draft Regional Housing Needs Allocation \("RHNA"\) Plan](#) prepared by ABAG's Housing Methodology Committee and approved in May. Local jurisdictions in the Bay Area must now incorporate the Plan's housing allocations into their Housing Elements.

The Committee's action is a milestone in the years-long statewide RHNA process, in which the state Department of Housing and Community Development ("HCD") determines how much housing each region must plan for over the upcoming Housing Element cycle. Thereafter, regional councils of governments decide how to distribute HCD's regional allocation to each city and county within the region. For the upcoming Housing Element cycle (2023-2031), HCD allocated a total of 441,176 housing units to the Bay Area jurisdictions.

After ABAG issued its draft RHNA Plan, 27 jurisdictions filed appeals of their allocations. One jurisdiction—the County of Sonoma—submitted two separate appeals, which brought the total number of appeals to 28. Generally, under state Housing Element laws, jurisdictions were allowed to appeal on grounds that ABAG failed to adequately consider information submitted by the jurisdiction to ABAG or that ABAG failed to follow the required methodology prescribed by state Housing Element law.

Bay Area jurisdictions appealed their allocations for a wide range of reasons. Among the most common arguments were that ABAG failed to adequately consider the availability of land suitable for urban development or conversion to residential use and that ABAG's methodology failed to exclude future development on lands within various natural disaster hazard zones.

After public hearings, ABAG rejected nearly every appeal. The sole partially successful appeal was that filed by Contra Costa County, which argued that ABAG improperly included an area annexed to the City of Pittsburg in 2018 as part of unincorporated Contra Costa County in the Plan Bay Area

2050 Blueprint. Reducing the County's total households in 2050 (the baseline allocation for the RHNA methodology) by 412 households resulted in a reduction of the County's total RHNA allocation of 35 units. Those units will be transferred to the City of Pittsburgh.

The ABAG Executive Board will meet on December 16, 2021 to consider and adopt the Final RHNA Plan. Once that occurs, local jurisdictions must turn to updating their Housing Elements to incorporate their RHNA allocations. This includes updating their inventories of land suitable for residential development to accommodate all the new housing units allocated by ABAG.

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