



Housing Policy and Practices Advisory Group

Staff Report: RHNA/RTP Schedule Alignment

Issue: Schedule conflicts involving RHNA, housing element, and RTP start and end dates.

Overview:

GC Section 65584.01(b) requires the Department's RHNA determination be based on projections (unconstrained) produced by Department of Finance (DOF) and regional RTP population forecasts (constrained). HCD's RHNA process begins with COG notification of the "estimated" RTP adoption date [65588(e)(5)]. By statute, RHNA must be determined at least 24 months prior to Housing Element cycle (12 months for COG RHNA Plan process and 12 months for jurisdiction housing element process). For current 5th cycle, all major COGs requested early determination (6-12 months) to coordinate with RTP update schedule.

The RHNA projection period is established no later than two years before the housing element planning period. However, the housing element planning period is based on the "actual" date the RTP is adopted. In nearly all cases, COGs changed their adoption dates, some a number of months past the "estimated" date that triggers the RHNA process. In one unprecedented case, the start of the housing element planning period preceded the start of the RHNA projection period by a few months which confused jurisdictions how units approved or constructed could be counted. Whereas the statute intended for the end of the RHNA projection period to be the same for the end of housing element planning period, the housing element planning can get out of alignment from changes to the RTP adoption date which can result in:

- Forcing a change to the housing element end period to no longer align with the RHNA period end date.
- Lengthening housing element end period several months (ranging from 3 to 7 months) without those months being included in determining RHNA housing unit need. HCD has no authority to change RHNA once finalized.
- Confusion how local governments can take RHNA credit for units approved or constructed outside the RHNA projection period.

HCD Preliminary Comment/Position/Recommendation:

Type of Recommended Change			
<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

- A) Increase coordination with MPO/RTPA staff to better align RTP adoption schedules to avoid anomalies.
- B) Amend the statute making technical changes to
 - existing "schedule" provisions to ensure alignment of the RHNA projection with the housing element planning period
 - specify the department may modify the RHNA (determination and/or schedule) or housing element schedule.

Background Information:

Relevant Government Code Sections (65584, 65588, et.seq.):

(3) Subsequent revisions of the housing element shall be due as follows:

(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element.

...

(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months prior to the estimated adoption date. The Department of Transportation shall maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its Internet Web site a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its Internet Web site the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.08, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.

(6) The new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period

(f) For purposes of this article, the following terms have the following meanings:

(1) "Planning period" shall be the time period between the due date for one housing element and the due date for the next housing element.

(2) "Projection period" shall be the time period for which the regional housing need is calculated.

RTP-RHNA -HE Process Timeline

Discussion:

Timing issues at the beginning of the projection/planning period.

Case Example:

SCAG's 5th cycle RHNA "projection" period is from January 2014 through October 2021, whereas the HE due date is October 15, 2013 for the "planning" period from October 2013 through October 2021.

The anomaly of the HE due date preceding the RHNA start date by three (3) months is due to the following legislative changes and statutory definitions described below

Projection Period: SCAG's 4th Cycle RHNA projection period ended June 30, 2013. Therefore the projection period started January 1, 2014.¹

HE Planning Period and Due Date: SCAG's RTP was adopted April 5, 2012. The housing element was subsequently due October 15, 2013 18 months from RTP adoption date.²

Timing issues at the end of the projection/planning period

As the RHNA process is required to be initiated no later than 24 months prior to the housing element due date, the first step is establishing the RHNA projection period (start and end date) to determine amount of new housing unit need. When the "actual" RTP adoption date is changed or delayed past the estimated date, the housing element due date (required 18 months from adoption date) and planning period changes to later dates. A delay of several months in adopting the RTP changes the housing element planning period the same number of months that creates a "gap" with the RHNA projection period.

Case Example: HCD received notification from SBCAG of the estimated RTP adoption date of March 2013. Based on that date, the Department determined the RHNA for the Projection Period covering January 1, 2014 – September 30, 2022.

¹ Note: HCD uses January 1 or July 1 dates for RHNA determination start date purposes as these are the effective dates used by Department of Finance (DOF) in updating DOF housing estimates and population projections.

² Note: For HE due dates falling before and after the 15th day of a month, HCD rounds "up" the HE due date to fall on either the 15th day or last day of a month.

RTP-RHNA -HE Process Timeline

However the actual adoption date of the RTP shifted to August 2013, shifting the planning period to February 15, 2015 – February 15, 2023. This causes a 5 month gap in planning..

Relevant survey information:

- Time lag creates huge inefficiencies in melding transportation and housing element plans and updates.
- Reconcile definition of planning period and projection period so that they are linked to each other. Limit the number of revisions to RHNA when RTPs are delayed repeatedly to avoid multiple reiterations.
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