

An aerial photograph of a suburban residential neighborhood. The houses are arranged in a grid-like pattern with streets and sidewalks. The houses have light-colored walls and dark roofs. In the background, there are rolling green hills. A semi-transparent dark blue rectangular overlay is centered over the middle of the image, containing the text "RHNA LITIGATION" in white, bold, sans-serif capital letters.

RHNA LITIGATION

RHNA LAWSUIT (SOUTHERN CALIF)

Legal Arguments

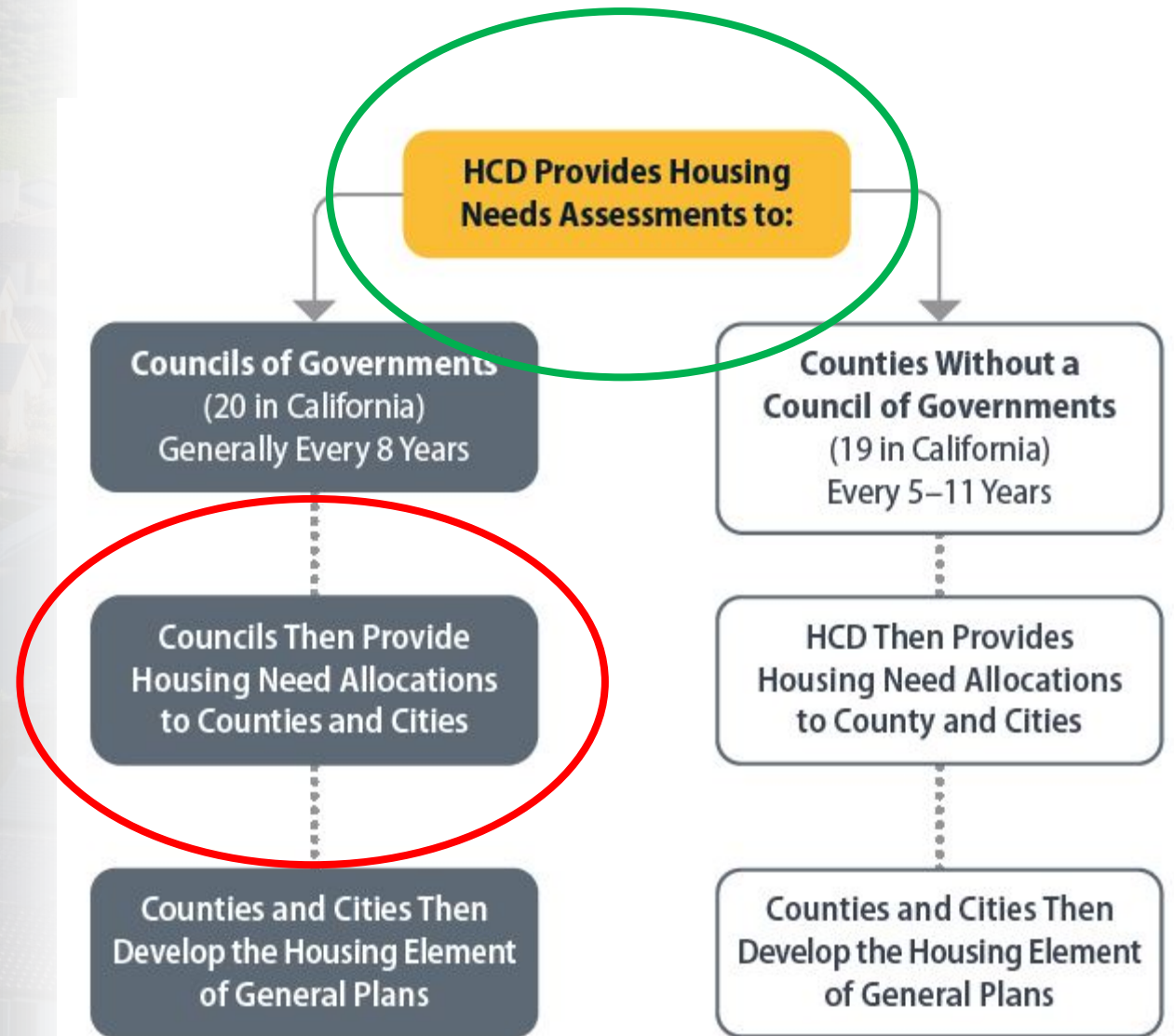
- Vacancy rates under Gov. Code § 65584.01(b)(1)(E) (“...the vacancy rate for a healthy **rental housing market** shall be considered no less than 5 percent.”)
- **COG’s population forecast** to be used to the extent the forecast varies from the DOF by less than 1.5%, per Gov. Code § 65584.01(a)
- Use of “comparable regions” when evaluating household overcrowding and cost-burden rates
- Other statutory violations

RHNA – STATE AUDIT

State Auditor's Findings Regarding HCD's RHN Determination

1. HCD failed to provide adequate analysis to support their healthy ***vacancy rate*** assumptions.
2. HCD made data and ***calculation errors***.
3. HCD was inconsistent in its use of ***comparable regions***.
4. HCD failed to consider ***jobs-housing balance*** and inconsistently addressed housing lost through wildfires.
5. DOF, which calculates population projections, ***did not show assumptions*** it made in its determination of household need.

**Trial and Appellate Courts:
Ruled (erroneously) that
courts did not have
jurisdiction because prior
case law (*City of Irvine v.
SCAG*) stated administrative
process exists and 2004
statutory amendment
removed judicial review**



An aerial night view of a city with a semi-transparent text box. The city is illuminated with various lights, including streetlights and building lights, creating a bokeh effect in the background. The text 'SB 9 LAWSUITS' is centered in the text box.

SB 9 LAWSUITS

SB 9 – APPLICABLE LAW

Applicable Law

- Ministerial approval of lot splits and up to two housing units in a single-family zone or where single-family residences are the primary use
- Only objective development standards may be applied
- Very few exceptions apply

Results

- Elimination of single family residential zones
- No consideration for adverse impacts to neighborhoods or environment
- No due process for stakeholders
- Erosion of democracy and democratic process
- Unfunded mandates on cities and no local control

SB 9 – TWO LAWSUITS

General Law City Lawsuit

Not reasonably related to Statewide concern – Nowhere in the text of SB 9 is there a reference to or requirement to make the new homes or lots affordable for lower income or subject to affordability covenants

- SB 9 does not allow a city to address public health or safety concerns
- SB 9 disrupts a city's housing element and State housing laws
- SB 9 excludes certain areas unevenly and unfairly
- SB 9 removes public engagement and lacks due process

Four cities: *Lakewood, Paramount, Rancho Palos Verdes, Simi Valley*

Trial court granted demurrer without leave to amend

On Appeal: No Briefing Due Dates or Hearing Date Set Yet

SB 9 – TWO LAWSUITS

Charter City Lawsuit

Not reasonably related to Statewide concern AND ***not narrowly tailored*** to avoid unnecessary interference into local governance

- SB 9 eliminates charter city's ability to control zoning
- SB 9 provides charter city no ability to address adverse impacts
- SB 9 removes public engagement and lacks due process
- SB 9 erodes democratic process and is unfunded mandate

Five cities: *Carson, Del Mar, Redondo Beach, Torrance, Whittier*

Trial Court did not think State made a case that SB 9 was reasonably related to promoting affordable housing and requested additional briefing

Trial Court: Supplemental Hearing Date – February 29, 2024



WHY AND HOW TO GET INVOLVED

- State will continue to erode local control, not only with land use but other areas of municipal affairs
- Make comments known to lawmakers and decision-makers
- Support Local Governments and Candidates that push to retain local control and power on behalf of the community