



**PRESS RELEASE/STATEMENT**

August 31, 2023

**Orange County Council of Governments Votes to Appeal Decision on Challenge to HCD's Handling of Regional Housing Needs Allocation to the California Supreme Court**

At the end of a closed session discussion at the August 24, 2023, regular board meeting of the Orange County Council of Governments (OCCOG), the Board voted unanimously to direct OCCOG's General Counsel office to file a Petition for Review with the California Supreme Court challenging the Court of Appeal's decision in the matter of OCCOG, et al vs. Gustavo Valasquez, California Department of Housing and Community Development (HCD).

The original decision to file a petition for writ of mandate seeking to compel HCD to follow the state housing need allocation statute when determining the allocation of new housing units for the 6<sup>th</sup> cycle Regional Housing Needs Assessment was made in June 2021.

In November 2021, the superior court dismissed the petition filed by OCCOG on the grounds HCD's process was not subject to court review. The following month, on December 6, 2021, the OCCOG Board voted to file an appeal with the California Court of Appeal.

The Second District Court of Appeal upheld the superior court ruling on July 27, 2023.

The regional housing needs process requires HCD to determine the need for additional housing in each region in the state. Regional planning bodies like SCAG then allocate a portion of their mandated housing goal to each city and county in their area. Cities and counties are required to zone sufficient land for housing uses to enable construction of additional housing.

Wendy Bucknum explained the Board's reasoning behind seeking Supreme Court review as follows: "Orange County jurisdictions are ready to do our fair share to meet our state's housing needs. What we object to is this precedent-setting usurpation of local control and zoning authority. HCD didn't follow the statute and OCCOG is continuing to lead the fight to hold them accountable."

The California Supreme Court agrees to hear only a small percentage of decisions of the Court of Appeal. However, the Board considers it important to seek such review in this case because of HCD's failure to follow the direction given it by the statute and the significance of the impact of HCD's decision on OCCOG members.

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OCCOG is Orange County's legally-designated sub-regional planning organization, ensuring that Orange County's unique perspective is included in the Southern California Association of Governments (SCAG) federal and state mandated planning efforts. OCCOG's members include the County of Orange, 34 cities and 25 special districts located in Orange County.