



OCCOG v. HCD

Filed June 21, 2021, Superior Court of the State of California County of Los Angeles, Central District

Statement from OCCOG Chairman Trevor O’Neil:

“We believe that HCD wrongly applied state law when determining each region’s housing quotas, using bad data that ultimately led to more housing than we need or can sustain. As Chair of OCCOG and an Anaheim City Council Member, I’m committed to common-sense solutions to provide more housing opportunities at all income levels. I’m also committed to ensuring that we as local elected officials continue to have a voice to protect neighborhoods in Orange County and preserve our local control.”

FAQs

Q: Why is the Orange County Council of Governments (OCCOG) challenging the California Department of Housing and Community Development (HCD)?

A: OCCOG strongly believes that HCD did not follow statutory law in determining the 6th Cycle RHNA housing unit allocation numbers.

Q: Which laws were not followed?

A: Simply, HCD did not follow the statutes outlined in state law to develop the projected number of units needed in the next eight years to adequately house Orange County’s population. Specifically:

- 1) HCD did not base its determination in the development of SCAG’s total regional population forecast, as required by Government Code section 65584.01(a).
- 2) HCD did not use comparable regions when evaluating household overcrowding and cost-burden rates, instead utilizing national averages, which was inconsistent with the statutory language in SB 828.
- 3) HCD utilized unreasonable comparison points to evaluate healthy market vacancy, contradicting Government Code section 65584.01(b)(E).



Q: What is OCCOG asking for?

A: Peremptory writ of mandate directing HCD to vacate and set aside its RHNA determination for the SCAG region, change input of information utilized in calculating its RHNA determination, and conduct a new assessment for the SCAG region in compliance with state planning laws under Government Code section 65580 *et seq.*, petitioners cost of suit and attorney's fees.

Q: What is a writ of mandate?

A: A writ of mandate, also called mandamus, is a court order to any governmental body, government official, or a lower court requiring that the body, official, or court perform an act the court finds is an official duty required by law.

Q: Why OCCOG?

A: OCCOG serves as a sub-regional planning organization on behalf of its thirty-four members, which include incorporated cities within its boundaries. In conjunction with SCAG, OCCOG assists in the development and analysis of planning documents prepared as part of the allocation of its members' regional housing needs assessment under statewide land use laws. OCCOG's members are beneficially interested in the determination and allocation of regional housing needs made pursuant to Government Code section 65580 *et seq.* OCCOG brings this Petition as a representative for the benefit of its members.

Q: May other jurisdictions join as additional petitioners?

A: Yes, OCCOG encourages any jurisdiction, whether in Orange County or elsewhere within the SCAG's member Counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura), to join in and may contact OCCOG's General Counsel, Fred Galante, at fgalante@awattorneys.com for further details.

Additional questions may be directed to the OCCOG General Counsel, Fred Galante at fgalante@awattorneys.com.