



August 28, 2019

Ms. Andi Jordan  
Cities Association of Santa Clara County  
PO Box 3144  
Los Altos, CA 94024

RE: Santa Clara County RHNA Subregion Draft MOU

Dear Ms. Jordan:

Thank you for providing a draft MOU regarding the proposed RHNA Subregion structure and formation process for our review. The City of Santa Clara is eager to have continuing and expanded opportunities to provide input into the development of a Subregion. At this time, the City of Santa Clara has the following comments and questions:

State's Role in Allocation

As described in the draft MOU and follow-up communication with ABAG/MTC staff, the proposed Subregion structure would give the primary responsibility to the Subregion for determining each agency's housing allocations, through a mutually agreed upon methodology and based on a single allocation from the State for the entire Subregion. Based upon earlier presentations at SCCAPO (Santa Clara County Association of Planning Officials) meetings, we had the expectation that the State and ABAG/MTC staff continue to identify an allocation for each jurisdiction and then the Subregion would provide an opportunity for jurisdictions to make mutually agreed upon voluntary transfers of allocations. The City of Santa Clara echoes the comments relayed to the Cities Association by Sunnyvale as well as the County of Santa Clara on behalf of other cities participating in SCCAPO that the described allocation process is a change in understanding of how the allocation process was conveyed earlier. We have significant concern that the Subregion structure may not provide adequate representation for each member jurisdiction and/or that it may be a significant burden for the Subregion to take on the traditional role of ABAG/MTC staff to develop a distribution methodology, which can require considerable technical expertise as well as measures to guarantee equity.

Voluntary Participation

It is noted in the draft MOU that 2/3 approval by the Policy Committee is needed to approve agency allocations. An appeal process to the Policy Committee is provided for an Agency that disputes their allocation and withdrawal from the Subregion is also an available option for any Agency disputing their allocation. The Subregion procedures should include additional opportunities for member agencies to work through potential concerns, such as a comment period for early drafts or a meet and confer process prior to any action taken by the Subregion Policy Committee on agency allocations.

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Withdrawal Process

In the event that an agency should withdraw from the Subregion due to disagreement over the allocation process, will the agency allocations be determined by the State or ABAG/MTC? Will this result in a change to the allocations for the remaining agencies? If not, then will the allocations made by the Subregion essentially become mandated even if an agency withdraws? What are the provisions that the State or ABAG/MTC will use to determine the allocation for the withdrawing agency? Does the RHNA process timeline impact when an agency cannot feasibly withdraw from the Subregion? These issues should be addressed within the MOU documents.

We look forward to continuing to work with you and through the Cities Association to develop an equitable Subregion structure based upon input from all participating agencies.

Should you have any questions regarding this letter, please contact me at [acrabtree@santaclaraca.gov](mailto:acrabtree@santaclaraca.gov) or 408-615-2451.

Sincerely,



Andrew Crabtree  
Director of Community Development