



Midpeninsula Regional  
Open Space District

## LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-25-50  
April 22, 2025

### AGENDA ITEM 4

#### AGENDA ITEM

Legislative Position for Consideration by the Midpeninsula Regional Open Space District

#### GENERAL MANAGER'S RECOMMENDATION

Endorse a support position by the General Manager for SB715 (Allen) Regional housing need: methodology: distribution.

#### SUMMARY

The Legislative, Funding, and Public Affairs Committee (LFPAC, Committee) is asked to review and consider endorsing a support position for SB715 Regional housing need: methodology: distribution (Attachment 1). If supported by the Committee, the General Manager will submit a support position on behalf of Midpeninsula Regional Open Space District (District) in time for the Senate Housing Committee's hearing on Tuesday, April 29 and notify the full Board of Directors in writing per Board Policy 1.11 (Attachment 2). Although the bill's hearing date makes it time-sensitive, the April 22 LFPAC meeting date provides a good opportunity for a committee of the Board to review and concur with the recommended action.

#### DISCUSSION

On April 18, 2025, the Nature Conservancy (TNC) approached District staff to request a support position on SB715 Regional housing need: methodology: distribution. Based on detailed discussions about the bill with the author's staff, a support position is recommended. This bill directly addresses the issues encountered by the District and other conservation organizations during the 6<sup>th</sup> cycle of the Regional Housing Needs Allocation (RHNA) process where rural, high fire risk and hillside areas of unincorporated counties received significant allocation increases as part of the Association of Bay Area Government's (ABAG) housing methodology process (Attachment 4). This problematic housing allocation forced the District to engage with each county planning department to review their Housing Element site selection process, present GIS data to justify removal of problematic sites based on fire hazard, proximity to essential habitat and topographic slope analysis for landslide potential. With 110 jurisdictions in the Bay Area, this is an enormous undertaking for the conservation community. SB715 would make certain necessary corrections to shift allocations of housing units away from high fire risk areas, largely precluding the need to engage on this basis, and more importantly, avoiding the placement of more homes and residents in hazardous fire prone areas. While essential habitat is not a factor in the housing allocation methodology at this time, fire hazard can play a proxy role.

A full summary of the bill is included in its fact sheet (Attachment 3).

Bill Summary:

- Returns housing units lost during a state of emergency to the allocation process for consideration of placement in less hazard-prone areas.
- Proportionally adjusts the final allocation away from very high fire severity zones and towards infill areas based on population.
- Further reduces allocations to unincorporated counties based on the amount of very high fire severity zones

Legislative Program Consistency:

- Goal #1, Objective 4: Promotes urban infill and urban growth boundaries to prevent sprawl and increased pressures to develop open spaces and further encroach upon the wildland-urban interface, riparian areas, working lands and open space buffer areas.
- Goal #2, Priority #3: Sustainable Patterns of Development: Encourage state agencies that regulate community growth plans to focus new development in ways that prevent an increase in wildland fire hazards and protect landscape-scale ecosystems and their ability to adapt to climate change. Promote policies that encourage patterns of growth that do not further encroach into wildland and wildfire hazard areas.

The 2025 Legislative Program, which the Board approved at its December 15, 2024 meeting, reflects Board policy positions on issues affecting the District, its mission, and annual strategic goals. Throughout the session, staff fields time-sensitive requests from partners and monitors evolving pieces of legislation based on Board Policy 1.11. Legislation deemed a priority by the Board, pursuant to Board Policy 1.11, are tracked and, when appropriate, either supported or opposed. When items are time sensitive, as is the case here, the General Manager keeps the Board notified of actions taken via a separate memo.

As the legislative session progresses, SB715 may change (sometimes substantially), warranting further consideration and disposition concurrent with Board Policy 1.11.

**FISCAL IMPACT**

None

**PRIOR BOARD OR COMMITTEE REVIEW**

The 2025 Legislative Program was reviewed by the Legislative, Funding, and Public Affairs Committee on November 5, 2024 and by the full Board of Directors on December 11, 2024 ([R-24-149](#), [minutes](#)). The recommended action is consistent with the goals and priorities listed in the 2025 Legislative Program.

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

This item is not a project subject to the California Environmental Quality Act.

## **NEXT STEPS**

If endorsed by LFPAC, the General Manager will take a support position on SB 715 and communicate it to the Senate Housing Committee for their April 29 hearing by the bill position submittal deadline of April 23, 2025. The General Manager will also inform the full Board of Directors of this action, including LFPAC's support.

## **ATTACHMENTS**

Attachment 1 – SB 715 bill text as amended March 25, 2025

Attachment 2 – Board Policy 1.11 - Positions on Ballot Measures and Legislative Advocacy

Attachment 3 – SB 715 fact sheet

Attachment 4 – Joint letter to ABAG regarding Housing Methodology – November 23, 2020

Responsible Department Head:

Lori Low, Public Affairs Manager

Prepared by:

Joshua Hugg, Governmental Affairs Program Manager

AMENDED IN SENATE MARCH 25, 2025

**SENATE BILL****No. 715****Introduced by ~~Senator Allen~~ Senators Allen and Stern**

February 21, 2025

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~~An act to relating to housing.~~ *An act to amend Sections 65584.04, 65584.05, and 65584.06 of the Government Code, relating to housing.*

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## LEGISLATIVE COUNSEL'S DIGEST

SB 715, as amended, Allen. ~~Planning and zoning: regional housing need allocation.~~ *Regional housing need: methodology: distribution.*

*The Planning and Zoning Law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as provided, and requires the appropriate council of governments or for cities and counties without a council of governments, the department, to adopt a final regional housing need plan allocating a share of the regional housing need to each city, county, or city and county. Existing law requires the department to meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs and requires the council of governments to provide data assumptions, including specified information regarding housing availability within the region. Existing law requires the council of governments, or delegate subregion as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or subregion, as applicable, that furthers specified objectives. Existing law, to the extent that sufficient data is available as provided, requires each council of governments, or delegate subregion as applicable, to*

*consider including specified factors to develop the methodology that allocates regional housing needs, including the loss of units during a state of emergency that was declared by the Governor that have yet to be rebuilt or replaced at the time of the analysis.*

*This bill would remove the requirement that the loss of units factor be considered and instead require the draft methodology to allocate some or all of the housing need resulting from units lost during a state of emergency that was declared by the Governor during the planning period immediately preceding the relevant revision that have yet to be rebuilt or replaced at the time of the analysis to jurisdictions other than the jurisdictions in which the lost units were located. By imposing additional duties on councils of governments, this bill would impose a state-mandated local program.*

*Existing law requires each council of governments and delegate subregion, as applicable and at least one and one-half years before the scheduled house element revision, to distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, based on the adopted methodology as described above. Within 30 days following receipt of the draft allocation, existing law authorizes a local government within the region or the delegate subregion, as applicable, or the department to appeal to the council of governments or the delegate subregion for a revision of the share of the regional housing need proposed to be allocated to one or more local governments. Existing law limits the appeals to certain circumstances, including that a significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of certain information submitted for developing the methodology described above. Existing law requires the council of governments or delegate subregion, as applicable and no later than 45 days after a specified public hearing, to take certain actions, including making a final determination that either accepts, rejects, or modifies each appeal for a revised share. Existing law requires the final determination to be based upon specified information and the methodology described above. Existing law also requires the council of governments or delegate subregion, as applicable, to adjust allocations to the local governments based upon the results of the appeals process. Existing law gives the council of governments final authority to determine the distribution of the region's existing and projected housing need to the extent that the final allocation*

*plan fully allocates the regional share of statewide housing need and has taken into account all appeals.*

*This bill would additionally require each council of governments or delegate subregion, as applicable, to make adjustments to the draft allocation plan, including by , among other things, reducing the allocation to each jurisdiction within the region or subregion by a percentage equal to the percentage of land suitable for urban development or for conversion to residential use, as provided, within the jurisdiction that is located with a very high fire risk area, as defined. The bill would expand the appealable circumstances described above to include if the council of governments or delegate subregion failed to adjust the allocation plan as described above. The bill would additionally require the final determination described above to be based on the allocation adjustments described above. In adjusting the allocations to local governments based upon the results of the appeals process, this bill would additionally require that the distribution not result in any county being allocated a percentage of the housing need within the region or subregion, as applicable, that exceeds the percentage of total population within the region or subregion that resides within urban areas, as defined, in the unincorporated area of the county. The bill would additionally require the council of governments' final authority to determine the distribution of the region's existing and project housing need to be subject to the adjustments to the draft allocation plan as described above. By imposing additional duties on councils of governments, this bill would impose a state-mandated local program.*

*Existing law, for cities and counties without a council of governments, requires the department to determine and distribute the existing and projected housing need. Existing law requires the distribution of regional housing need to take into consideration certain factors. Existing law also requires, as part of the allocation of the regional housing need, the department to provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Existing law authorizes a city or county to propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution within a specified timeframe. If the department grants a revised allocation, existing law requires the department to ensure that the total regional housing need is maintained.*

*This bill would require the department to adjust the allocation described above, including by, among other things, reducing the allocation to each city and county by a percentage equal to the percentage of land suitable for urban development or for conversion to residential use, as provided, within the city and county that is located with a very high fire risk area, as defined. The bill would modify the authorization for a city or county proposing to revise its determination of its share of the regional housing need by requiring the proposal to be subject to the adjustments described above. The bill would also require any revised allocation to be consistent with adjustments described above.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law, the Planning and Zoning Law, requires a city or county to adopt a general plan for the land use and development of the county or city that includes, among other things, a housing element. Existing law requires each local government to review its housing element as frequently as appropriate to evaluate, among other things, the appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.~~

~~Existing law requires the Department of Housing and Community Development, for the fourth and subsequent revisions of a housing element, to determine the existing and projected need for housing for each region in accordance with specified requirements. Existing law requires the appropriate council of governments, or, for cities and counties without a council of governments, the department, to adopt a final regional housing need allocation plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision of a housing element, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation to ensure post-disaster recovery, local environmental conditions, and climate change impacts are appropriately considered during regional housing need allocations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65584.04 of the Government Code is  
2     amended to read:

3     65584.04. (a) At least two years before a scheduled revision  
4     required by Section 65588, each council of governments, or  
5     delegate subregion as applicable, shall develop, in consultation  
6     with the department, a proposed methodology for distributing the  
7     existing and projected regional housing need to cities, counties,  
8     and cities and counties within the region or within the subregion,  
9     where applicable pursuant to this section. The methodology shall  
10    do both of the following: ~~further~~

11    (1) Further the objectives listed in subdivision (d) of Section  
12    65584.

13    (2) Allocate some or all of the housing need resulting from units  
14    lost during a state of emergency that was declared by the Governor  
15    pursuant to the California Emergency Services Act (Chapter 7  
16    (commencing with Section 8550) of Division 1 of Title 2), during  
17    the planning period immediately preceding the relevant revision  
18    pursuant to Section 65588 that have yet to be rebuilt or replaced  
19    at the time of the analysis, to jurisdictions other than the  
20    jurisdictions in which the lost units were located. That allocation  
21    shall consider the risk of recurrence of the emergency conditions  
22    that resulted in the loss of units.

23    (b) (1) No more than six months before the development of a  
24    proposed methodology for distributing the existing and projected  
25    housing need, each council of governments shall survey each of  
26    its member jurisdictions to request, at a minimum, information  
27    regarding the factors listed in subdivision (e) that will allow the  
28    development of a methodology based upon the factors established  
29    in subdivision (e).

30    (2) With respect to the objective in paragraph (5) of subdivision  
31    (d) of Section 65584, the survey shall review and compile  
32    information that will allow the development of a methodology  
33    based upon the issues, strategies, and actions that are included, as  
34    available, in an Analysis of Impediments to Fair Housing Choice  
35    or an Assessment of Fair Housing completed by any city or county



1 or the department that covers communities within the area served  
2 by the council of governments, and in housing elements adopted  
3 pursuant to this article by cities and counties within the area served  
4 by the council of governments.

5 (3) The council of governments shall seek to obtain the  
6 information in a manner and format that is comparable throughout  
7 the region and utilize readily available data to the extent possible.

8 (4) The information provided by a local government pursuant  
9 to this section shall be used, to the extent possible, by the council  
10 of governments, or delegate subregion as applicable, as source  
11 information for the methodology developed pursuant to this section.  
12 The survey shall state that none of the information received may  
13 be used as a basis for reducing the total housing need established  
14 for the region pursuant to Section 65584.01.

15 (5) If the council of governments fails to conduct a survey  
16 pursuant to this subdivision, a city, county, or city and county may  
17 submit information related to the items listed in subdivision (e)  
18 before the public comment period provided for in subdivision (d).

19 (c) The council of governments shall electronically report the  
20 results of the survey of fair housing issues, strategies, and actions  
21 compiled pursuant to paragraph (2) of subdivision (b). The report  
22 shall describe common themes and effective strategies employed  
23 by cities and counties within the area served by the council of  
24 governments, including common themes and effective strategies  
25 around avoiding the displacement of lower income households.  
26 The council of governments shall also identify significant barriers  
27 to affirmatively furthering fair housing at the regional level and  
28 may recommend strategies or actions to overcome those barriers.  
29 A council of governments or metropolitan planning organization,  
30 as appropriate, may use this information for any other purpose,  
31 including publication within a regional transportation plan adopted  
32 pursuant to Section 65080 or to inform the land use assumptions  
33 that are applied in the development of a regional transportation  
34 plan.

35 (d) Public participation and access shall be required in the  
36 development of the methodology and in the process of drafting  
37 and adoption of the allocation of the regional housing needs.  
38 Participation by organizations other than local jurisdictions and  
39 councils of governments shall be solicited in a diligent effort to  
40 achieve public participation of all economic segments of the

community as well as members of protected classes under Section 12955 and households with special housing needs under paragraph (7) of subdivision (a) of Section 65583. The proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, how each of the factors listed in subdivision (e) is incorporated into the methodology, and how the proposed methodology furthers the objectives listed in subdivision (d) of Section 65584, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written or electronic request for the proposed methodology and published on the council of governments', or delegate subregion's, internet website. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall consider including the following factors in developing the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.

(E) Emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

1 (5) The loss of units contained in assisted housing developments,  
2 as defined in paragraph (9) of subdivision (a) of Section 65583,  
3 that changed to non-low-income use through mortgage prepayment,  
4 subsidy contract expirations, or termination of use restrictions.

5 (6) The percentage of existing households at each of the income  
6 levels listed in subdivision (f) of Section 65584 that are paying  
7 more than 30 percent and more than 50 percent of their income in  
8 rent.

9 (7) The rate of overcrowding.

10 (8) The housing needs of farmworkers.

11 (9) The housing needs generated by the presence of a private  
12 university or a campus of the California State University or the  
13 University of California within any member jurisdiction.

14 (10) The housing needs of individuals and families experiencing  
15 homelessness. If a council of governments has surveyed each of  
16 its member jurisdictions pursuant to subdivision (b) on or before  
17 January 1, 2020, this paragraph shall apply only to the development  
18 of methodologies for the seventh and subsequent revisions of the  
19 housing element.

20 ~~(11) The loss of units during a state of emergency that was~~  
21 ~~declared by the Governor pursuant to the California Emergency~~  
22 ~~Services Act (Chapter 7 (commencing with Section 8550) of~~  
23 ~~Division 1 of Title 2), during the planning period immediately~~  
24 ~~preceding the relevant revision pursuant to Section 65588 that~~  
25 ~~have yet to be rebuilt or replaced at the time of the analysis.~~

26 ~~(12)~~

27 (11) The region's greenhouse gas emissions targets provided  
28 by the State Air Resources Board pursuant to Section 65080.

29 ~~(13)~~

30 (12) Any other factors adopted by the council of governments,  
31 that further the objectives listed in subdivision (d) of Section  
32 65584, provided that the council of governments specifies which  
33 of the objectives each additional factor is necessary to further. The  
34 council of governments may include additional factors unrelated  
35 to furthering the objectives listed in subdivision (d) of Section  
36 65584 so long as the additional factors do not undermine the  
37 objectives listed in subdivision (d) of Section 65584 and are applied  
38 equally across all household income levels as described in  
39 subdivision (f) of Section 65584 and the council of governments

1 makes a finding that the factor is necessary to address significant  
2 health and safety conditions.

3 (f) The council of governments, or delegate subregion, as  
4 applicable, shall explain in writing how each of the factors  
5 described in subdivision (e) was incorporated into the methodology  
6 and how the methodology furthers the objectives listed in  
7 subdivision (d) of Section 65584. The methodology may include  
8 numerical weighting. This information, and any other supporting  
9 materials used in determining the methodology, shall be posted  
10 on the council of governments', or delegate subregion's, internet  
11 website.

12 (g) The following criteria shall not be a justification for a  
13 determination or a reduction in a jurisdiction's share of the regional  
14 housing need:

15 (1) Any ordinance, policy, voter-approved measure, or standard  
16 of a city or county that directly or indirectly limits the number of  
17 residential building permits issued by a city or county.

18 (2) Prior underproduction of housing in a city or county from  
19 the previous regional housing need allocation, as determined by  
20 each jurisdiction's annual production report submitted pursuant  
21 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
22 65400.

23 (3) Stable population numbers in a city or county from the  
24 previous regional housing needs cycle.

25 (h) Following the conclusion of the public comment period  
26 described in subdivision (d) on the proposed allocation  
27 methodology, and after making any revisions deemed appropriate  
28 by the council of governments, or delegate subregion, as applicable,  
29 as a result of comments received during the public comment period,  
30 and as a result of consultation with the department, each council  
31 of governments, or delegate subregion, as applicable, shall publish  
32 a draft allocation methodology on its internet website and submit  
33 the draft allocation methodology, along with the information  
34 required pursuant to subdivision (e), to the department.

35 (i) Within 60 days, the department shall review the draft  
36 allocation methodology and report its written findings to the  
37 council of governments, or delegate subregion, as applicable. In  
38 its written findings the department shall determine whether the  
39 methodology furthers the objectives listed in subdivision (d) of  
40 Section 65584. If the department determines that the methodology

1 is not consistent with subdivision (d) of Section 65584, the council  
2 of governments, or delegate subregion, as applicable, shall take  
3 one of the following actions:

4 (1) Revise the methodology to further the objectives listed in  
5 subdivision (d) of Section 65584 and adopt a final regional, or  
6 subregional, housing need allocation methodology.

7 (2) Adopt the regional, or subregional, housing need allocation  
8 methodology without revisions and include within its resolution  
9 of adoption findings, supported by substantial evidence, as to why  
10 the council of governments, or delegate subregion, believes that  
11 the methodology furthers the objectives listed in subdivision (d)  
12 of Section 65584 despite the findings of the department.

13 (j) If the department's findings are not available within the time  
14 limits set by subdivision (i), the council of governments, or delegate  
15 subregion, may act without them.

16 (k) Upon either action pursuant to subdivision (i), the council  
17 of governments, or delegate subregion, shall provide notice of the  
18 adoption of the methodology to the jurisdictions within the region,  
19 or delegate subregion, as applicable, and to the department, and  
20 shall publish the adopted allocation methodology, along with its  
21 resolution and any adopted written findings, on its internet website.

22 (l) The department may, within 45 days, review the adopted  
23 methodology and report its findings to the council of governments,  
24 or delegate subregion.

25 (m) (1) It is the intent of the Legislature that housing planning  
26 be coordinated and integrated with the regional transportation plan.  
27 To achieve this goal, the allocation plan shall allocate housing  
28 units within the region consistent with the development pattern  
29 included in the sustainable communities strategy.

30 (2) (A) The final allocation plan shall ensure that the total  
31 regional housing need, by income category, as determined under  
32 Section 65584, is maintained, and that each jurisdiction in the  
33 region receive an allocation of units for low- and very low income  
34 households.

35 (B) For the seventh and subsequent revisions of the housing  
36 element, the allocation to each region required under subparagraph  
37 (A) shall also include an allocation of units for acutely low and  
38 extremely low income households.

39 (3) The resolution approving the final housing need allocation  
40 plan shall demonstrate that the plan is consistent with the

1 sustainable communities strategy in the regional transportation  
2 plan and furthers the objectives listed in subdivision (d) of Section  
3 65584.

4 (n) This section shall become operative on January 1, 2025.

5 *SEC. 2. Section 65584.05 of the Government Code is amended*  
6 *to read:*

7 65584.05. (a) (1) At least one and one-half years before the  
8 scheduled revision required by Section 65588, each council of  
9 governments and delegate subregion, as applicable, shall distribute  
10 a draft allocation of regional housing needs to each local  
11 government in the region or subregion, where applicable, and the  
12 department, ~~based on the methodology adopted pursuant to Section~~  
13 ~~65584.04~~ and shall publish the draft allocation on its internet  
14 website. The council of governments may additionally distribute  
15 the draft allocation plan upon adoption of the final methodology  
16 reviewed and accepted by the department pursuant to paragraph  
17 (2) of subdivision (i) of Section 65584.04. The draft allocation  
18 shall include the underlying data and methodology on which the  
19 allocation is based, and a statement as to how it furthers the  
20 objectives listed in subdivision (d) of Section 65584. It is the intent  
21 of the Legislature that the draft allocation should be distributed  
22 before the completion of the update of the applicable regional  
23 transportation plan. The draft allocation shall distribute to localities  
24 and subregions, if any, within the region the entire regional housing  
25 need determined pursuant to Section 65584.01 or within  
26 subregions, as applicable, the subregion's entire share of the  
27 regional housing need determined pursuant to Section 65584.03.

28 (2) *The draft allocation plan shall be based on the methodology*  
29 *adopted pursuant to Section 65584.04, subject to the following*  
30 *adjustments:*

31 (A) *The allocation to each jurisdiction within the region or*  
32 *subregion shall be reduced by a percentage equal to the percentage*  
33 *of land described in subparagraph (B) of paragraph (2) of*  
34 *subdivision (e) of Section 65584.04 within the jurisdiction that is*  
35 *located within a very high fire risk area.*

36 (B) *After the reduction pursuant to subparagraph (A), the*  
37 *allocation to each county within the region or subregion shall be*  
38 *further reduced by a percentage equal to the percentage of the*  
39 *total population of the unincorporated area of the county that*  
40 *resides outside of an urban area.*

1 (C) The council of governments or delegate subregion, as  
2 applicable, shall distribute any adjustments pursuant to  
3 subparagraphs (A) and (B) proportionally to all local governments,  
4 provided that a distribution pursuant to this subparagraph shall  
5 not result in any county being allocated a percentage of the housing  
6 need within the region or subregion, as applicable, that exceeds  
7 the percentage of total population within the region or subregion  
8 that resides within urban areas in the unincorporated area of the  
9 county. The total distribution of housing need shall not equal less  
10 than the regional housing need, as determined pursuant to Section  
11 65584.01, nor shall the subregional distribution of housing need  
12 equal less than its share of the regional housing need as determined  
13 pursuant to Section 65584.03.

14 (b) Within 30 days following receipt of the draft allocation, a  
15 local government within the region or the delegate subregion, as  
16 applicable, or the department may appeal to the council of  
17 governments or the delegate subregion for a revision of the share  
18 of the regional housing need proposed to be allocated to one or  
19 more local governments. Appeals shall be based upon comparable  
20 data available for all affected jurisdictions and accepted planning  
21 methodology, and supported by adequate documentation, and shall  
22 include a statement as to why the revision is necessary to further  
23 the intent of the objectives listed in subdivision (d) of Section  
24 65584. An appeal pursuant to this subdivision shall be consistent  
25 with, and not to the detriment of, the development pattern in an  
26 applicable sustainable communities strategy developed pursuant  
27 to paragraph (2) of subdivision (b) of Section 65080. Appeals shall  
28 be limited to any of the following circumstances:

29 (1) The council of governments or delegate subregion, as  
30 applicable, failed to adequately consider the information submitted  
31 pursuant to subdivision (b) of Section 65584.04.

32 (2) The council of governments or delegate subregion, as  
33 applicable, failed to determine the share of the regional housing  
34 need in accordance with the information described in, and the  
35 methodology established pursuant to, Section 65584.04, and in a  
36 manner that furthers, and does not undermine, the intent of the  
37 objectives listed in subdivision (d) of Section 65584.

38 (3) A significant and unforeseen change in circumstances has  
39 occurred in the local jurisdiction or jurisdictions that merits a  
40 revision of the information submitted pursuant to subdivision (b)



1 of Section 65584.04. Appeals on this basis shall only be made by  
2 the jurisdiction or jurisdictions where the change in circumstances  
3 has occurred.

4 *(4) The council of governments or delegate subregion, as*  
5 *applicable, failed to adjust the allocation plan in accordance with*  
6 *paragraph (2) of subdivision (a).*

7 (c) At the close of the period for filing appeals pursuant to  
8 subdivision (b), the council of governments or delegate subregion,  
9 as applicable, shall notify all other local governments within the  
10 region or delegate subregion and the department of all appeals and  
11 shall make all materials submitted in support of each appeal  
12 available on a publicly available internet website. Local  
13 governments and the department may, within 45 days, comment  
14 on one or more appeals. If no appeals are filed, the draft allocation  
15 may be adopted pursuant to subdivision (g).

16 (d) No later than 30 days after the close of the comment period,  
17 and after providing all local governments within the region or  
18 delegate subregion, as applicable, at least 10 days prior notice, the  
19 council of governments or delegate subregion shall conduct one  
20 public hearing to consider all appeals filed pursuant to subdivision  
21 (b) and all comments received pursuant to subdivision (c).

22 (e) No later than 45 days after the public hearing pursuant to  
23 subdivision (d), the council of governments or delegate subregion,  
24 as applicable, shall do all of the following:

25 (1) Make a final determination that either accepts, rejects, or  
26 modifies each appeal for a revised share filed pursuant to  
27 subdivision (b). Final determinations shall be based upon the  
28 information and methodology described in Section ~~65584.04~~  
29 *65584.04 and the adjustments required under paragraph (2) of*  
30 *subdivision (a)*, and whether the revision is necessary to further  
31 the objectives listed in subdivision (d) of Section 65584. The final  
32 determination shall be in writing and shall include written findings  
33 as to how the determination is consistent with this article. The final  
34 determination on an appeal may require the council of governments  
35 or delegate subregion, as applicable, to adjust the share of the  
36 regional housing need allocated to one or more local governments  
37 that are not the subject of an appeal.

38 (2) Issue a proposed final allocation plan.

39 (3) Submit the proposed final allocation plan to the department.

1 (4) Set a date for a public hearing to adopt a final allocation  
2 plan pursuant to subdivision (g).

3 (f) In the proposed final allocation plan, the council of  
4 governments or delegate subregion, as applicable, shall adjust  
5 allocations to local governments based upon the results of the  
6 appeals process. If the adjustments total 7 percent or less of the  
7 regional housing need determined pursuant to Section 65584.01,  
8 or, as applicable, total 7 percent or less of the subregion's share  
9 of the regional housing need as determined pursuant to Section  
10 65584.03, then the council of governments or delegate subregion,  
11 as applicable, shall distribute the adjustments proportionally to all  
12 local governments. If the adjustments total more than 7 percent of  
13 the regional housing need, then the council of governments or  
14 delegate subregion, as applicable, shall develop a methodology to  
15 distribute the amount greater than the 7 percent to local  
16 governments. *A distribution made pursuant to this paragraph shall*  
17 *not result in any county being allocated a percentage of the housing*  
18 *need within the region or subregion, as applicable, that exceeds*  
19 *the percentage of total population within the region or subregion*  
20 *that resides within urban areas in the unincorporated area of the*  
21 *county.* The total distribution of housing need shall not equal less  
22 than the regional housing need, as determined pursuant to Section  
23 65584.01, nor shall the subregional distribution of housing need  
24 equal less than its share of the regional housing need as determined  
25 pursuant to Section 65584.03.

26 (g) Within 45 days after the issuance of the proposed final  
27 allocation plan by the council of governments and each delegate  
28 subregion, as applicable, the council of governments shall hold a  
29 public hearing to adopt a final allocation plan. To the extent that  
30 the final allocation plan fully allocates the regional share of  
31 statewide housing need, as determined pursuant to Section  
32 65584.01 and has taken into account all appeals, the council of  
33 governments shall have final authority to determine the distribution  
34 of the region's existing and projected housing need as determined  
35 pursuant to Section ~~65584.01~~: 65584.01, *subject to the adjustments*  
36 *required under paragraph (2) of subdivision (a).* The council of  
37 governments shall submit its final allocation plan to the department  
38 within three days of adoption. Within 15 days after the  
39 department's receipt of the final allocation plan adopted by the  
40 council of governments, the department shall determine if the final

1 allocation plan is consistent with the existing and projected housing  
2 need for the region, as determined pursuant to Section 65584.01.  
3 The department may revise the determination of the council of  
4 governments if necessary to obtain this consistency.

5 (h) Any authority of the council of governments to review and  
6 revise the share of a city or county of the regional housing need  
7 under this section shall not constitute authority to revise, approve,  
8 or disapprove the manner in which the share of the city or county  
9 of the regional housing need is implemented through its housing  
10 program.

11 (i) Any time period in subdivision (d) or (e) may be extended  
12 by a council of governments or delegate subregion, as applicable,  
13 for up to 30 days. Any time period in subdivision (b), (c), (d), (e),  
14 or (g) may be reduced by a council of governments or delegate  
15 subregion, as applicable, to facilitate earlier adoption of the final  
16 allocation plan. No time period shall be reduced to fewer than a  
17 minimum of 10 days.

18 (j) The San Diego Association of Governments may follow the  
19 process in this section for the draft and final allocation plan for  
20 the sixth revision of the housing element notwithstanding such  
21 actions being carried out before the adoption of an updated regional  
22 transportation plan and sustainable communities strategy.

23 (k) *For purposes of this section, the following definitions shall*  
24 *apply:*

25 (1) *“Urban area” means an urban area designated by the*  
26 *United States Census Bureau, as published in the Federal Register,*  
27 *Volume 87, Number 249, on December 29, 2022.*

28 (2) *“Very high fire risk area” means any lands located within*  
29 *a very high fire hazard severity zone, as designated pursuant to*  
30 *subdivisions (a) and (b) of Section 51179, or as indicated on maps*  
31 *adopted by the Department of Forestry and Fire Protection*  
32 *pursuant to Section 4202 of the Public Resources Code.*

33 *SEC. 3. Section 65584.06 of the Government Code is amended*  
34 *to read:*

35 65584.06. (a) For cities and counties without a council of  
36 governments, the department shall determine and distribute the  
37 existing and projected housing need, in accordance with Section  
38 65584, Section 65584.01, as applicable, and this section. If the  
39 department determines that a county or counties, supported by a  
40 resolution adopted by the board or boards of supervisors, and a

majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) (1) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, the needs of individuals and families experiencing homelessness, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department, including, but not limited to, emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(2) *The allocation developed pursuant to paragraph (1) shall be adjusted as follows:*

(A) *The allocation to each city and county shall be reduced by a percentage equal to the percentage of land described in subparagraph (B) of paragraph (2) of subdivision (e) of Section 65584.04 within the city or county that is located with a very high fire risk area.*

1 (B) After the reduction pursuant to subparagraph (A), the  
2 allocation to the unincorporated county shall be further reduced  
3 by a percentage equal to the percentage of the total population of  
4 the unincorporated area of the county that resides outside of an  
5 urban area.

6 (C) The department shall distribute any adjustments pursuant  
7 to subparagraphs (A) and (B) proportionally to all local  
8 governments, provided that a distribution pursuant to this  
9 paragraph shall not result in the unincorporated county being  
10 allocated a percentage of the regional housing need that exceeds  
11 the percentage of total population within the entire county that  
12 resides within urban areas in the unincorporated area of the  
13 county. The total distribution of housing need shall not equal less  
14 than the regional housing need, as determined pursuant to Section  
15 65584.01.

16 (c) Within 90 days following the department's determination  
17 of a draft distribution of the regional housing need to the cities and  
18 the county, a city or county may propose to revise the determination  
19 of its share of the regional housing need in accordance with criteria  
20 set forth in the draft ~~distribution~~. *distribution, subject to the*  
21 *adjustments required under paragraph (2) of subdivision (b).* The  
22 proposed revised share shall be based upon comparable data  
23 available for all affected jurisdictions, and accepted planning  
24 methodology, and shall be supported by adequate documentation.

25 (d) (1) Within 60 days after the end of the 90-day time period  
26 for the revision by the cities or county, the department shall accept  
27 the proposed revision, modify its earlier determination, or indicate  
28 why the proposed revision is inconsistent with the regional housing  
29 need.

30 (2) If the department does not accept the proposed revision,  
31 then, within 30 days, the city or county may request a public  
32 hearing to review the determination.

33 (3) The city or county shall be notified within 30 days by  
34 certified mail, return receipt requested, of at least one public  
35 hearing regarding the determination.

36 (4) The date of the hearing shall be at least 10 but not more than  
37 15 days from the date of the notification.

38 (5) Before making its final determination, the department shall  
39 consider all comments received and shall include a written response  
40 to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. *A revised allocation shall be consistent with paragraph (2) subdivision (b).* The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

(g) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

~~(h) This section shall become operative on January 1, 2025.~~

(h) *For purposes of this section, the following definitions shall apply:*

(1) *"Urban area" means an urban area designated by the United States Census Bureau, as published in the Federal Register, Volume 87, Number 249, on December 29, 2022.*

(2) *"Very high fire risk area" means any lands located within a very high fire hazard severity zone, as designated pursuant to subdivisions (a) and (b) of Section 51179, or as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.*

*SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

~~SECTION 1. It is the intent of the Legislature to enact legislation to ensure post-disaster recovery, local environmental~~

SB 715

— 20 —

- 1 conditions, and climate change impacts are appropriately
- 2 considered during regional housing need allocations.

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## Midpeninsula Regional Open Space District

## Board Policy Manual

<b>Positions on Ballot Measures and Legislative Advocacy</b>	<b>Policy 1.11</b> <b>Chapter 1 – Administration and Government</b>
Effective Date: 4/13/16	Revised Date: N/A
Prior Versions: N/A	

**Purpose**

To establish a policy governing positions on local and state ballot measures/propositions and state and federal legislative advocacy. It is intended to cover all matters before the Legislature and the voters.

**Definitions**

For the purposes of the *Positions on Ballot Measures and Legislative Advocacy* policy, the following terms and definitions shall be used:

*Measure* – may be included on a municipal, county, or district ballot and includes ordinances, initiatives, referenda, advisory measures, issuance or refunding of bonds, city or county charter amendments, or any other measure or proposition a legislative body may submit to the voters within the body's jurisdiction.

*Ballot Proposition* – can be a referendum or an initiative measure that is submitted to the electorate for a direct decision or direct vote. Propositions may be placed on the ballot by the California State Legislature or by a qualifying petition signed by registered voters.

*Initiative* – power of the electors to propose legislation, and to adopt or reject them. Any proposed ordinance may be submitted to the legislative body by means of a petition.

*Referendum* – applies to the process for repealing newly enacted legislation. Within specified time limits, the electors may file a petition protesting the adoption of that legislation.

*Local Legislation* – typically ordinances, which are the laws of a city, charter, or district, often having the force of law, but only within the local jurisdiction.

*State or Federal Legislation* – bills or proposed legislation under consideration by the legislature at the state or federal level.



## Policy

1. Positions on Matters Before the Voters
  - a. From time to time the Board of Directors may be asked or may desire to take a position on local or state measures. The Board may consider taking a position on the measure/proposition if the measure/proposition:
    - i. Would directly impact the District's finances, responsibilities, legal authority, or operations; AND
    - ii. Is in line with or inconsistent with the District's mission and/or commitment to preserve open space within its boundaries and sphere of influence.

The Board, by majority vote, may direct the General Manager to research the measure/proposition and return to the Board at a future meeting with information and a General Manager recommendation. At that time, the Board may vote to take a position on a measure/proposition.
  - b. Measures/propositions determined to not impact District business may nonetheless be analyzed by the General Manager when directed by a majority vote of the Board, of which the analysis report would include possible alternatives for Board action, but no position recommendation.
2. Local, State, and Federal Legislative Advocacy
  - a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
  - b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
    - i. Is related to the District's mission; AND
    - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
    - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
    - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
  - c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

3. Full Board action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
4. Board members representing the District in their official capacity on regional or other bodies may, at his or her discretion, take actions based on the principles above consistent with previously approved Board positions and policies.
5. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local ballot measure, State proposition, State or Federal legislation, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, and not in an official capacity on behalf of the Board or the District. Individual Board Members who take a position in support or opposition to ballot measure or legislation for which the Board has not previously taken a position are encouraged as a professional courtesy to include the language *for identification purposes only* parenthetically following their signature referencing their position on the Board.

# SB 715 – Wildfires and Housing Allocations

## SENATOR BEN ALLEN

### Fact Sheet

#### SUMMARY

The recent fires in Los Angeles have brought into focus the limitations of planning and inadequacies of our infrastructure to respond to wind-driven urban wildfires, leading to devastating outcomes well beyond the boundaries of the burned areas. Continuing development in the wildland-urban interface magnifies the destruction and leads to disastrous, long-term consequences for families, communities, and the state. SB 715 makes modest changes to the regional housing needs allocation process relating to these issues by shifting some pressure of increasing development away from very high fire severity zones and areas recently affected by wildfires or other natural disasters to areas more appropriate for significant development in order to better protect the public and public finances.

#### BACKGROUND

Wildfire, flooding, sea level rise, and other effects of climate change are rapidly accelerating in California and are expected to continue increasing over the coming decades. While the frequency of these disasters have been increasing, so have the costs. Not only are the direct loss of lives and property devastating, the ongoing, long-term impacts on the economy, insurance market, environmental quality, health, and community need to be considered to understand the true impact of these disasters. The US Congress Joint Economic Committee 2023 report estimates wildfires have cost the country hundreds of billions of dollars annually. The National Oceanic and Atmospheric Administration estimates that the annual average number of climate disaster events in the state exceeding \$1 billion has increased from 1.0 over the last 45 years to 1.6 within the last 5 years.

The Los Angeles wildfires of January 2025 have been characterized as one of the most costly natural disasters in US history (even when adjusted for inflation), estimating over \$250 billion in expected damage and economic loss. As a result of the fires, UCLA forecasts a \$4.6 billion decline in GDP across the county for the year, \$297 million in wage loss for local businesses and employees, and up to \$131 billion in property and capital losses – much of which was underinsured or uninsured. They also expect increasingly unaffordable housing markets, higher

insurance premiums, and health risks from wildfire-related pollution. Nearly 770 rent-stabilized units in the Palisades were burned down. Many residents in the Palisades and Altadena were families with generational wealth invested into their homes who won't be able to rebuild because they were underinsured or uninsured.

The California FAIR Plan was the insurer of last resort for many who people who lost their homes in the LA wildfires. The magnitude of destruction from the LA wildfires put the FAIR Plan's solvency at risk. In response, the Insurance Commissioner approved a special assessment of \$1 billion to be levied on member insurance companies. This cost has the potential to be passed on to policyholders, exacerbating the insurance and affordability crises Californians are already facing. The Department of Insurance stated that the last time the state approved additional funds for the FAIR Plan was in 1993 after the Kinneloa Fire in Altadena and the Old Topanga Fire in Malibu and Topanga – many of the same areas that burned this year. It is expected that wildfires will further destabilize property values, drive inflation, and cause rents to spiral when affordability is already near an all-time low. As of 2023, only 2.3 percent of homes in Los Angeles were affordable to median income residents. The negative outcomes of natural disasters are felt well beyond the borders of the affected areas.

California needs to build considerable amounts of housing to address the state's housing and homelessness challenges. The State works with regional and local governments to set housing production goals through the regional housing needs allocation (RHNA) process. Each jurisdiction's RHNA plan must further the five statutory objectives to ensure equitably distributed, fair housing. While promotion of infill housing and achieving the region's greenhouse gas reductions targets are explicit requirements of this process, constraints on development due to emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts of climate change and hazards are only optional considerations for the each region's council of governments (COGs).

As described in the RHNA 2040 Report, Butte County Association of Governments was given an 8,803-unit increase to its regional housing need determination to account for the units lost to the Camp Fire. The COG directly assigned those units to the Town of Paradise and



# SB 715 – Wildfires and Housing Allocations

## SENATOR BEN ALLEN

### Fact Sheet

the unincorporated county – the two jurisdictions that had just lost the housing due to the devastating fire. This raised questions about reallocating RHNA to jurisdictions with a continuing risk of losing homes to fires, as well as the need to plan for additional housing in nearby jurisdictions that absorbed displaced households.

The broader economic impacts on entire regions resulting from ongoing development in high-risk areas are not well accounted for during the RHNA process. Continued expansion of developed lands and human settlement into the wildland-urban interface (WUI), is exacerbating the effects of fires. [A 2025 study](#) found that while climatic trends increased the frequency of high-risk fire-weather by 2.5-fold, the combination of this trend with WUI expansion led to a 4.1-fold increase in the frequency of conditions conducive to extreme-impact wildfires in California. The study found that over 75 percent of the state’s 20 largest, most destructive, or deadliest wildfires originated within 1 kilometer of the WUI.

While many of the laws passed in California over the last decade have made considerable progress to better align housing goals with our climate goals, a [USDA study](#) of the WUI shows that our development footprint is still growing in California. According to their data, the WUI area of California has grown by 17.1 percent, but the change in housing units within the WUI was 40 percent greater over the past few decades. Riverside County’s WUI area grew six times more than the national average in the 2010s, with a majority of their housing stock remaining in the WUI decade after decade.

California has also moved towards supporting home hardening and defensible space standards to further its wildfire resiliency goals, and in 2008, adopted some of the strongest wildfire resistant building standards in the nation. However, updated building codes alone do not sufficiently mitigate risk. According to a [2021 study of the Camp Fire](#), while denser, taller developments “built to the highest standards may protect subdivisions against direct flame impingement of a vegetation fire,” higher density becomes a liability once buildings ignite and burn. Recent wind-driven fires such as the 2017 Tubbs Fire and the 2025 LA Fires led to house-to-house spread in higher density areas that resulted in thousands of lost structures. Over half of homes in Paradise built during or after 2008 did not survive. This study concluded that much

improvement is needed in both current building codes and how we live in wildfire prone WUI areas before proximity to nearby structures becomes a benefit rather than a vulnerability.

### SOLUTION

While every jurisdiction should be contributing its fair share to addressing our housing and homelessness challenges and reversing decades of exclusionary policies and practices, the state needs to better consider how building in certain high-risk areas may be exacerbating natural disaster-related crises and perpetuating longer term negative economic impacts. California needs to improve how it prioritizes limited resources and direct housing development away from very high fire severity zones and areas recently affected by wildfires or other natural disasters and towards safer infill areas to avoid repeating the same mistakes.

SB 715 works toward this goal by making two changes to the RHNA process:

- 1) Returns housing units lost during a state of emergency to the allocation process for consideration of placement in less hazard-prone areas.
- 2) Proportionally adjusts the final allocation away from very high fire severity zones and towards infill areas based on population.

SB 715 does not reduce the overall housing allocated to a region or limit the amount of housing that can be built. This bill only shifts pressure for development away from very high fire severity zones and areas affected by natural disasters.

### SUPPORT

Center for Biological Diversity  
Planning and Conservation League  
Rural County Representatives of California

### CONTACT

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November 20, 2020

Mayor Jesse Arreguin, President Executive Board  
Association of Bay Area Governments  
375 Beale Street, Suite 700  
San Francisco, CA 94105

Submitted via email to [RHNA@bayareametro.gov](mailto:RHNA@bayareametro.gov)

**Re: Proposed RHNA Methodology and Subregional Shares - Concern Regarding Overallocation to Unincorporated Counties**

Dear President Arreguin and ABAG Executive Board,

The undersigned organizations write today to express concern regarding the significantly increased allocations to unincorporated areas in the recommended housing allocation methodology - Option 8A - for the Regional Housing Needs Allocation (RHNA) Cycle 6 and its potential to impact the natural and working lands of our region. Thank you for this opportunity to communicate our views.

Since its first adoption in 2013, Plan Bay Area has served as the urban growth blueprint for the Bay Area, which focuses regional growth around transportation infrastructure through its Priority Development Area (PDA) program, and strives to provide equitable outcomes to all Bay Area residents. The Priority Conservation Area (PCA) program has created avenues to enhance regionally significant natural landscapes, public access, and habitats surrounding the built environment, and to provide respite for the densifying PDAs (Attachment 1). The vision set out by Plan Bay Area is one that seeks balance between growth in the built environment and sound stewardship of the vital resources provided by our natural and working lands, such as clean air, clean water, food, and access to nature. These Priority Conservation Areas also provide critical ecosystem services to support denser urban and suburban areas that recharge groundwater aquifers, uptake millions of tons of carbon from the atmosphere while producing oxygen, reduce downstream flooding risk, maintain clean fresh water within creeks and waterways, support local food production, and protect sensitive/rare/endemic plants and wildlife including key pollinators. The vision set out by Plan Bay Area is one that seeks balance between growth in the built environment and the vital resources and services provided by our natural and working lands.

Supporting regional and statewide objectives to address the housing crisis we face in California is vitally important. To this end, we strongly support strategies to promote urban infill, support climate smart transportation initiatives, and to leverage nature-based solutions to climate threats, which are solutions that typically provide multiple benefits to communities, such as increased livability, more equitable access to nature, and improved habitat for wildlife, water, and food production. We support continued evaluation of housing needs and further refinement of Plan Bay Area to better meet SB 375 (Steinberg, 2009) goals. **However, we see within the recommended housing allocation methodology, an enormous increase of housing allocations to**

**unincorporated counties, which will inevitably pressure local governments and cities into zoning lands that are inappropriate for housing in order to meet those requirements.**

For example, in unincorporated Santa Clara County alone, the allocation of housing units increased from 277 units in RHNA 5 to 4,137 for RHNA 6, representing a nearly 1,400 percent increase. Other unincorporated counties are projecting similar drastic increases through the proposed methodology:

<b>Unincorporated County</b>	<b>RHNA 5 Allocation</b>	<b>RHNA 6 Allocation</b>	<b>% Increase</b>
Alameda	1,769	4,530	156%
Contra Costa	1,367	5,827	326%
Marin	185	3,820	1,965%
Napa	180	792	340%
San Mateo	913	2,933	221%
Santa Clara	277	4,137	1,394%
Solano	103	1,016	886%
Sonoma	515	5,257	921%

**We are very concerned that such high allocations for unincorporated areas, which are primarily rural, agricultural, or open space, will significantly increase pressure to zone for housing in areas at high risk for fire, over PCAs, on productive agricultural lands, or proximate to critical habitat linkages (Attachment 2).** We also know the proximity of concentrated growth near critical habitat raises a host of issues, like the potential loss of adjacent habitat, habitat fragmentation, and increased use of rodenticides with their collateral effects on predators like mountain lions and bobcats in the vicinity.

**Furthermore, we see these allocations as running counter to objectives stated in state housing element code Section 65584(d)(2)<sup>1</sup>:**

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

The goal of Plan Bay Area, per SB 375, is to reduce greenhouse gas emissions by focusing housing near jobs and transit. The allocation of significant increases in housing units to the unincorporated (rural) counties accelerates sprawl, which is exactly counter to the strategic goals Plan Bay Area is trying to achieve. **Housing allocations must be consistent with the intent to stop greenfield development, and instead practice smart growth strategies that apply infill construction within the existing urban footprint of our communities.**

Importantly, with the latest megafires serving as a backdrop, the potential for wildland fire embers to be carried by winds for miles into the built environment is well-documented. Homes in and near the wildland-urban interface (the WUI) are at particular risk if adequate defensible spaces and home hardening measures have not been taken (please see Attachment 3,4). **Increased, concentrated development in the WUI, incentivized by the pressure of high RHNA**

<sup>1</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65584.&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65584.&lawCode=GOV)

**allocations to unincorporated areas, does not follow best practices in mitigating the threat of catastrophic wildfire that risks lives and property.** A 2017 insurance analysis shows that almost 350,000 homes in the Bay Area are in areas at high or extreme risk of wildfire already.<sup>2</sup> We must avoid exacerbating this deadly problem by unintentionally spurring development in the WUI.

**For all of the reasons stated, while we support Option 8A and believe it furthers our environmental goals on the whole, we request that the additional housing allocations for unincorporated counties across the region be significantly reduced or eliminated, to maintain consistency with climate goals and strategies with Plan Bay Area and the State of California.**

We appreciate your consideration for these concerns and look forward to speaking with you should you have any questions.

Sincerely,

Ana M. Ruiz  
General Manager  
Midpeninsula Regional Open Space District

Annie Burke  
Executive Director  
TOGETHER Bay Area (Attachment 5)

Andrea Mackenzie  
General Manager  
Santa Clara Valley Open Space Authority

Megan Fluke  
Executive Director  
Green Foothills

Walter Moore  
President  
Peninsula Open Space Trust

Attachments:

1. Bay Area PCA Map (ABAG)
2. Bay Area Critical Habitat Linkages (MROSD)
3. HCD/TCAC High Opportunity Areas and Wildland-Urban Interface Map (MROSD)
4. Bay Area Fire Hazard Severity Zone Map (CalFire)
5. Member list of TOGETHER Bay Area

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<sup>2</sup> <https://www.sacbee.com/news/california/fires/article216076320.html>