

April 8, 2021

Karla Martinez, Policy Advocate
Leadership Counsel for Justice and Accountability
2210 San Joaquin St, Fresno, CA 93721

Ms. Martinez:

Fresno COG has received and thanks Leadership Counsel for Justice and Accountability for its March 25, 2021 letter addressing participation in the Sixth Cycle RHNA process. Respectfully, Fresno COG offers the following responses to the comments and concerns raised in the letter.

Comment 1:

Public participation and feedback is an essential tool that must be employed to create fair and equitable housing policies and outcomes and is a mandatory component of the 6th Cycle RHNA methodology development process. Gov. Code Sec. 65584.04. Specifically, Government Code Section 65584.04(d) requires FCOG to make diligent efforts to achieve public participation of alleconomic segments of the community and classes protected by the Fair Employment and Housing Act in the development of the RHNA methodology and in the process of drafting and adoption of the allocation of the regional housing needs. However, the 6th Cycle RHNA is falling short of meeting this public participation duty at the beginning of the process, and without alteration, the process is unlikely to result in achievement of meaningful participation.

Response 1:

Fresno COG has an open process for the Sixth Cycle RHNA Plan development and encourages public participation. Fresno COG will continue to post agendas publicly on our website and distribute via email to those who have requested to be on our email distribution list, per Gov. Code Sec. 65584.04. Fresno COG will also continue to provide updates to its monthly RTP Roundtable, TTC, PAC, and Policy Board meetings. We are also already planning to conduct stakeholder workshops in May.

To expand outreach to those who may be interested in participating in the RHNA Subcommittee meetings and the stakeholder workshops, Fresno COG will distribute the Subcommittee meeting agendas and announcements about the stakeholder workshops to our full email distribution list, which includes approximately 250 contacts.

We will appreciate Leadership Counsel's efforts to help inform their contacts of the RHNA process, and to encourage them to participate by attending RHNA Subcommittee Meetings and the stakeholder workshops.

Comment 2:

The lack of meaningful participation and efforts by FCOG to solicit it is most recently highlighted by the first RHNA subcommittee meeting held on January 21st, 2020. As one of the three at-large members at the meeting, my presence was met with confusion and reluctance. Action Item 4A of the agenda gave subcommittee members the opportunity to review and adopt the Subcommittee Charter during this meeting. However, during this item one of the subcommittee members questioned why a CBO was provided a seat on the committee and why were we allowed to have a vote. None of the other two at large members were questioned or minimized. Leadership Counsel is currently the only CBO **out of twenty members** in the subcommittee and the only confirmed non-agency member which works

City of Clovis
City of Coalinga
City of Firebaugh
City of Fowler
City of Fresno
City of Huron
City of Kerman
City of Kingsburg
City of Mendota
City of Orange Cove
City of Parlier
City of Reedley
City of San Joaquin
City of Sanger
City of Selma
County of Fresno

directly with protected classes based to advance their interests as a central component of its mission. Gov. Code Sec. 12955 lists and protects the following classes of people which differ in: race, color, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status yet, except for my organization's presence on the committee as a representative of communities of color and immigrant communities, none of these protected classes are being represented through an organization or individually to express their housing needs. Fresno has a notable number of organizations and community based organizations that would properly represent said protected classes such as Barrios Unidos, Faith in the Valley, or Fresno Building Healthy Communities to name a few. In addition, Fresno has numerous independent community leaders who advocate for the needs of specific protected classes. We would be more than happy to provide additional recommendations to FCOG of CBOs and community leaders which it could invite to have a seat on the RHNA sub-committee in order to expand representation of protected classes in accordance with the law.

Response 2:

The voting members on the RHNA Subcommittee are the 16 jurisdictions in Fresno County and three at-large members, who include Leadership Counsel. The other two at-large seats have been confirmed by the Fresno Housing Authority and Building Industry Association of Fresno/Madera Counties. RHNA Subcommittee meetings are open to the public, and we encourage public participation by representatives from other CBOs.

In order to encourage the widest possible participation, Fresno COG has requested that Leadership Counsel and other RHNA Subcommittee members provide additional stakeholders that should be added to our contact list. We made requests at the following times:

- January 12, 2021 email to Karla Martinez from Meg Prince of Fresno COG.
- January 21, 2021 RHNA Subcommittee meeting.
- January 22, 2021 follow-up email to RHNA Subcommittee attendees from PlaceWorks.

This is the first time Leadership Counsel has provided Fresno COG additional organizations that they think should be included, and we will gladly add Barrios Unidos and Fresno Building Healthy Communities to our email distribution list and contact list for the planned stakeholder workshops. We ask that Leadership Counsel please provide us additional contacts, as previously requested, or encourage your contacts to reach out to Fresno COG directly for more information and to be added to our email list.

We also thank you for connecting us with Janine Nkosi from Faith in the Valley in early January, and for Janine's participation in our first subcommittee meeting on January 21, 2021.

Comment 3:

Along with the lack of community based organizations at the meeting, there was also a significant lack of public awareness and participation at the first subcommittee meeting even by one of our own at large members who had no knowledge of holding a seat. At our first subcommittee meeting, the Fresno Housing Authorities representative did not show up, which is not unusual but upon further discussion with several representatives from the Fresno Housing Authority, we were informed that they were unaware they held a seat on this committee and even asked us how they could participate in the RHNA process. We had previously been informed by Fresno COG staff that all at large seats had been filled and accepted, which was a reason why they could not invite another CBO onto the subcommittee.

Response 3:

Fresno COG has provided regular updates to our monthly RTP Roundtable, TTC, PAC, and Policy Board meetings notifying interested stakeholders and individuals that the development of the Sixth Cycle RHNA Plan was about to begin since June of 2020. Those who may be interested in participating in the process or being added to the email distribution list were encouraged to contact Fresno COG staff.

Regarding the Housing Authority seat on the subcommittee, Michael Duarte, Director of Real Estate Development of the Fresno Housing Authority, confirmed with Meg Prince from our staff via email on December 23, 2020 that he or an alternate from the Housing Authority would participate in the RHNA Subcommittee. On February 25, 2021, Preston Prince, CEO of the Fresno Housing Authority, contacted Fresno COG to confirm that the Housing Authority had a seat on the subcommittee, at which time we informed him that Michael Duarte was the representative. Preston Prince stated that Michael must have informed him, but he had forgotten.

Comment 4:

Our Subcommittee Charter states that “Members of the public are welcome to attend and observe meetings,” but no prior outreach and promotion of the meeting occurred. If one of our members of the subcommittee was not informed, how then has the general public been informed? Having language in the subcommittee charter alone is not sufficient and does not satisfy the City’s obligation to make a “diligent effort.” There must be a consistent and strong approach to engaging the public in this process.

We recommend and urge the Fresno COG to publicly advertise and promote the sub-committee meetings and public hearings throughout the whole RHNA process. This can consist of advertising in both English and foreign language media such as radio, print, or TV which oftentimes allow for free public service announcements. Or partnering with FUSD, CUSD, and other school districts throughout the county that can inform parents on this important process.

Having the agendas on the COG website simply is not enough. Finding and attending a meeting should not be difficult. Meetings should have interpretation services available, all materials should be available before each meeting and documents should be translated. Community workshops should be held throughout the whole process. We also recommend that the subcommittee and FCOG prepare a public participation plan to guide the RHNA process. There should be a timelines, specific actions commitments, and public participation goals put in place in order to hold the subcommittee and the Fresno COG accountable for meeting goals and making sure there is a diligent effort in engaging the protected classes in Gov. Code Sec. 12955.

Response 4:

Fresno COG always seeks to ensure an open and inclusive process. As stated in response to Leadership Counsel’s first comment, Fresno COG will expand the email distribution list for meeting agendas to Fresno COG’s entire email distribution list. We encourage all interested stakeholders to attend the meetings and provide input on the development of the RHNA Plan.

In response to your generalized request for translation services, we would direct you to Fresno COG’s *Public Participation Plan*, which documents the steps that Fresno COG regularly follows to provide opportunities for participation for people who are less than proficient in English. To address your concerns in this regard, Fresno COG will provide translation services at meetings if requested by members of the public requiring those services (as we always do). Project resources do not currently allow translation of written materials into languages other than English, we have had no requests for such materials from non-English speakers, and we are not aware of any Metropolitan Planning Organization (MPO) who has translated RHNA process meeting materials.

As Leadership Counsel and the RHNA Subcommittee have been informed, stakeholder workshops will be held to receive additional input on the RHNA Plan development. Given that there are limited issues to be discussed in the RHNA process, we do not believe that workshops at various junctures are needed, and they are not required by law.

Given the relatively limited scope of this project, we do not believe it is necessary to develop a stand-alone Public Participation Plan, nor are we aware of any other MPO in California that has done so for its RHNA process. The public and stakeholder involvement process is described in this letter, has been explained to the RHNA Subcommittee, and is documented in the scope of work for the RHNA Plan, which is attached to this letter.

We thank you for your involvement in the Sixth Cycle RHNA Plan development and your efforts to engage local stakeholders in the process. Please feel free to contact me or my staff Meg Prince at mprince@fresnocog.org should you have any further questions or comments regarding the Sixth Cycle RHNA process.

Sincerely,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive, flowing style.

Tony Boren, Executive Director
Fresno Council of Governments

Attachment:

Sixth Cycle RHNA Plan Scope of Work and Schedule

SCOPE OF WORK AND SCHEDULE

This exhibit describes the scope of services and schedule for the Regional Housing Need Allocation (RHNA) consultant assistance for the Fresno Council of Governments (COG) to be conducted by PlaceWorks.

SCOPE OF SERVICES

This section describes the scope of services to be completed by PlaceWorks as it assists Fresno COG with the RHNA process.

A summary of the work program is presented in **Table 1**.

TABLE 1 WORK PROGRAM SUMMARY	
Task 1: Project Kickoff and RHNA Subcommittee Formation	
1.1 Project Kickoff Meeting	1.4 RHNA Subcommittee Meeting 1: Project Kickoff and "RHNA 101"
1.2 RHNA Subcommittee Formation	1.5 Initial Data Collection
1.3 Scope and Timeline Refinement	
Task 2: HCD Consultation	
2.1 HCD Consultation	
Task 3: Member Jurisdiction RHNA Survey	
3.1 Survey Preparation and Administration	3.2 Summary Report
Task 4: RHNA Methodology	
4.1 Stakeholder Input Sessions	4.4 Proposed Methodology and Income Tier Distribution (Including Subcommittee Meeting 4)
4.2 Data Assembly and Review (Including Subcommittee Meeting 2)	4.5 Public Comment Period, Public Hearing, and Presentations
4.3 Potential Allocation Factors, Weighting, and Formulas (Including Subcommittee Meeting 3)	4.6 Final Methodology
Task 5: RHNA Plan	
5.1 Draft RHNA Plan (Including Subcommittee Meeting 5)	5.3 RHNA Plan Adoption and Additional Presentations
5.2 Final RHNA Plan	
Task 6: Ongoing Project Management	
Task 7: Appeals – As Needed	

Task 1. Project Initiation and RHNA Subcommittee Formation

1.1 Project Kickoff Meeting

PlaceWorks staff will attend a project initiation meeting with Fresno COG staff. The purpose of this meeting will be to establish communication protocols, identify and discuss

opportunities to streamline the schedule, finalize the deliverables schedule, obtain all relevant background data and documentation, and resolve any other outstanding scope and cost issues.

1.2 RHNA Subcommittee Formation

PlaceWorks will assist Fresno COG staff in identifying stakeholders to participate in the RHNA Subcommittee and will draft the Subcommittee’s charter and rules for review by Fresno COG staff and adoption by the Subcommittee.

Over the course of the project, PlaceWorks will lead and prepare materials for seven meetings of the RHNA Subcommittee. Specific meeting junctures are indicated in this scope of work. In advance of each Subcommittee meeting, PlaceWorks will prepare materials that clearly articulate the information needed by participants to prepare for the meeting.

1.3 Scope and Timeline Refinement

PlaceWorks will refine this scope of work and the project schedule to reflect any changes arising from the Project Kickoff meeting for distribution to the RHNA Subcommittee.

1.4 RHNA Subcommittee Meeting 1: Project Kickoff and “RHNA 101”

PlaceWorks staff will attend a first meeting of the RHNA Subcommittee to introduce the project, adopt the Subcommittee charter and rules, discuss methodology and data needs, explain the basics of the RHNA process and the planned approach, and learn local concerns about the RHNA Plan Update process. The meeting will also include an introduction to the RHNA Survey and committee members will be asked to review and provide input on the draft survey via email after the meeting.

1.5 Initial Data Collection

As a part of the project initiation process, PlaceWorks will begin the process of assembling the data layers that will be needed for the RHNA Plan Update process. PlaceWorks will make data requests to Fresno COG, Fresno County, the cities, and the State of California (as necessary) to identify sources for and assemble data to be used later in the process.

Task Deliverables: Overall process timeline; roster of RHNA Subcommittee members; RHNA Subcommittee charter and rules; and Subcommittee meeting agenda, presentations, and minutes.

Task 2. HCD Consultation

2.1 HCD Consultation

PlaceWorks will lead the consultation process with HCD on behalf of Fresno COG. This process will include seeking agreement on the methodology used for the region's population projection, gaining approval for the regional allocation methodology, and discussing any variances that may be necessary.

Task Deliverables: Meeting minutes and other materials, as needed.

Task 3. Member Jurisdiction RHNA Survey

3.1 Survey Preparation and Administration

As required by California Government Code, Section 65584.04, PlaceWorks will prepare and administer a survey of Fresno COG's member jurisdictions to request information on factors to be considered in developing the RHNA Plan allocation methodology. The survey will address all issues required by State law, including affirmatively furthering fair housing requirements. Once survey results are submitted, PlaceWorks will prepare a summary of information obtained from the survey, consistent with California Government Code, Section 65584.04(c).

3.2 Summary Report

PlaceWorks will develop a report summarizing the survey results. The report will describe common themes and effective strategies employed by cities and the County and identify significant barriers to constructing needed housing at all income levels and affirmatively furthering fair housing.

Task Deliverables: Survey tool and report summarizing the results.

Task 4. RHNA Methodology

In this task, PlaceWorks will undertake the process of developing a new allocation methodology that builds on the previous RHNA Plan methodology, conforms with updated State law, considers all required factors (including the new requirements related to affirmatively furthering fair housing), and enjoys broad regional support.

4.1 Stakeholder Input Sessions

PlaceWorks will hold two input sessions to learn about concerns regarding the allocation methodology from key stakeholders:

- PlaceWorks will convene an informal work session with **community and interest groups**, including developers, housing advocates, and environmental organizations.
- PlaceWorks will conduct a public study session with the Fresno COG Board to hear concerns from both the public and the Board itself.

4.2 Data Assembly and Review (Including Subcommittee Meeting 2)

PlaceWorks will assemble the data needed to understand development patterns and housing-related issues in Fresno County. PlaceWorks will collect up to 20 separate data layers covering the entire County and each of its municipalities, which could include:

- Growth projections
- Existing housing supply
- Availability of suitable land
- Public facilities
- Housing types
- Housing tenure
- Housing affordability at each of the four specified income levels
- Homelessness
- Infill development potential
- Environmental resources
- Agricultural resources
- Fire hazards
- Housing- and job-related VMT
- Transit availability
- Existing and future jobs
- Overall jobs-housing balance
- Jobs-housing match (between low-wage jobs and affordable housing)
- Racial distribution and diversity
- Equity issues, such as children living in poverty and opportunity data prepared by the State Tax Credit Allocation Committee (TCAC)
- Housing cost burden
- Overcrowding
- Farmworker employment, residential locations, and housing need.

Each data layer will be portrayed at the smallest geographical unit for which data is readily available, which will generally be the census tract or municipality.

Once this data is collected, PlaceWorks will present the data and the results of the RHNA survey at **RHNA Subcommittee Meeting 2** to discuss its implications for the RHNA Plan Update process and get preliminary input as to which items should be included in the allocation methodology.

4.3 Potential Allocation Factors, Weighting, and Formulas (Including Subcommittee Meeting 3)

Based on the input from Subcommittee Meeting 2, PlaceWorks will customize its proprietary RHNA Allocation Tool to include up to six selected factors specific to the Fresno COG region as a means to evaluate alternative RHNA scenarios for the region. The Allocation Tool will clearly indicate which factors are being considered and how they are being included mathematically. For each alternative scenario, PlaceWorks will also show the resulting allocations to local jurisdictions.

PlaceWorks will review these alternative allocation formulas with Fresno COG staff and then at **RHNA Subcommittee Meeting 3**, at which RHNA Subcommittee members will provide input and give direction on the preferred allocation formula.

4.4 Proposed Methodology and Income Tier Distribution (Including Subcommittee Meeting 4)

Based on the input received at Subcommittee Meeting 4, PlaceWorks will create an initial proposed methodology, including a distribution of units by income tier for each jurisdiction. The income distribution will be based on a combination of factors, including HCD's income distribution for the RHNA and existing income distribution in Fresno County. PlaceWorks will submit both the overall methodology and the income distribution for review by Fresno COG staff.

PlaceWorks will then integrate comments from Fresno COG staff to create the official proposed methodology for review at **RHNA Subcommittee Meeting 4** for review and comment. In accordance with State law, the proposed methodology will be published on the Fresno COG website and subject to public review and comment. .

4.5 Public Comment Period, Public Hearing, and Presentations

The proposed methodology will be subject to a public review period, as required by law. The duration of the public comment period is not regulated by Government Code, but it must include a public hearing. A senior PlaceWorks staff member will attend a public hearing on the proposed methodology, make a presentation, and solicit comments on it. Once the comment period closes, PlaceWorks will revise the methodology based on input from the Steering Committee, Fresno COG staff, and members of the public to prepare the draft methodology for submission to HCD. The draft methodology will undergo a 60-day review by HCD, as required by State law. During HCD's review period, PlaceWorks will present the draft methodology to Fresno COG's Transportation Technical Committee (TTC), Policy Advisory Committee (PAC), and Policy Board.

4.6 Final Methodology

Based on the results of HCD's draft methodology review and the presentations conducted in Task 4.5, PlaceWorks will develop the final methodology to move into Task 5.

Task Deliverables: Allocation Tool, proposed, draft, and final methodologies, draft and final overall and income tier distributions.

Task 5. RHNA Plan

In this task, PlaceWorks will prepare an updated RHNA Plan, using the 2012 RHNA Plan as a base and adding sections to cover all current State requirements (primarily contained in California Government Code, Section 65584) and the results of the 2020 RHNA Plan process.

5.1 Draft RHNA Plan (Including Subcommittee Meeting 5)

PlaceWorks will prepare an internal draft RHNA Plan for review and comment by Fresno COG staff.

PlaceWorks will integrate Fresno COG staff comments into the draft RHNA Plan to create a second draft that will be circulated with the RHNA Subcommittee for comments and reviewed at **RHNA Subcommittee Meeting 5**.

5.2 Final RHNA Plan

After integrating comments from the RHNA Subcommittee, PlaceWorks will create a final RHNA Plan for adoption by the Fresno COG Board of Directors and subsequent review by HCD. PlaceWorks will assist Fresno COG in coordinating review by HCD.

5.3 RHNA Plan Adoption and Additional Presentations

A senior PlaceWorks staff member will attend a meeting of the Fresno COG Board of Directors Meeting, at which RHNA Plan Adoption will take place. PlaceWorks will also assist in presenting the final Plan to the Fresno COG TTC, PAC, and Policy Board.

Task Deliverables: Draft RHNA Plan and Final RHNA Plan.

Task 6. Ongoing Project Management

Throughout the project, PlaceWorks will ensure that the project is well-managed and remains on schedule and budget. PlaceWorks will maintain and update (as necessary) a project schedule that shows how the work will be completed. PlaceWorks will also identify and respond to issues that may arise.

To ensure effective communication, PlaceWorks will be available for check-in phone calls about the project once every two weeks, and we will also provide monthly progress reports to the project manager.

Task Deliverables: Monthly progress reports.

Task 7. Appeals – As Needed

If needed, PlaceWorks will be available to assist Fresno COG staff in responding to any appeals made of the Plan that might be filed by local jurisdictions. If required by an appeal, PlaceWorks will also be available to help to revise the Plan to match the appeal results. Since the scope of this subtask cannot be known at this time, scope for this task would be developed when work commences. The project budget includes up to \$12,118 for potential Appeals, should appeals needs exceed this amount, a budget amendment would be required.

SCHEDULE

The schedule for completion of the RHNA Plan Update is shown in Figure 1. As shown in the schedule, PlaceWorks anticipates that the project will be completed in 15 months, from October 1, 2020, through December 31, 2021. We can revise this if necessary.

FIGURE 1 SCHEDULE

Task	Timeline
COG-HCD Consultation	October 2020 – April 2021
Convene RHNA Subcommittee	January 2021 – January 2022
Survey Member Agencies	February – March 2021
Publish Report on Survey Results	April 2021
HCD Issues Determination	Summer/Fall 2021
RHNA Subcommittee agrees on Methodology/Methodology Menu	September 2021
60-Day Public Review of Methodology	November – December 2021
COG Selects and Approves One Methodology	January 2022
COG Issues Draft Allocation	February 2022
Decisions on Appeals, Issue Final Allocation	June 2022
Adopt SCS Preferred Scenario	October 2021
COG Adopts RTP/SCS Accommodating RHNA	June 2022
HCD Review/Approval of Final RHNA	August 2022
Member Agency Housing Elements Due	December 2023