

**RHNA Subcommittee
List of Public Comments**

Received **before** 5pm on Wednesday, August 12, 2026

	Date	Sender Name	Organization	Subject Matter
1.	2026-08-12	Robert J. Higg	Chino Resident	Concerns about the capability, methodology, and transparency in the implementation and enforcement of the Regional Housing Needs Assessment (RHNA) statute

From: Robert Nigg <rncb4@aol.com>
Sent: Wednesday, August 12, 2026 3:39 PM
To: ePublic Comment Group
Subject: Public Comments - REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) SUBCOMMITTEE
Attachments: Comments - SCAG Subcommittee Meeting.pdf

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To. REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) SUBCOMMITTEE

Attached is my public comments for the RHNA Subcommittee meeting scheduled for tomorrow, August 13.

Should you need further details or have any questions or concerns, please feel free to contact me at rncb4@aol.com.

Sincerely,

Robert Nigg

Date: August 12, 2026

Subject: Public Comments - REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) SUBCOMMITTEE
Scheduled for Thursday, August 13, 2026

To: ePublicComment@scag.ca.gov.

Public Comments

My name is Robert J. Nigg. I reside in Chino, CA 91710 in San Bernardino County. I have significant concerns about the realistic capability, methodology, and transparency in the implementation and enforcement of the Regional Housing Needs Assessment (RHNA) statute. The following are my concerns.

Realistic Capability of RHNA Allotments

The Department of Housing and Community Development (HCD) is responsible to determine the total regional housing needs that must be accommodated during each RHNA planning cycle. The total allotment appears to be unrealistic and is not deemed to be achievable.

As example, the 6th Cycle RHNA Progress Report on the HCD website (found at <https://data.ca.gov/dataset/rhna-progress-report>) provided that total 2,495,457 units in all income categories (VLI, LI, Moderate, and Above Moderate) had been calculated by HCD for the entire state for the 6th Cycle. Of these allotments, there were 642,151 RHNA Very Low Income (VLI) allocated units and 384,113 Low Income (LI) allocated units totaling 1,026,264 lower income units. The current 6th Cycle RHNA Progress Report listed only a total of 33,893 VLI units and 57,291 LI units totaling 91,184 lower units planned or in production, representing 8.89% of fulfilling the HCD allocation for both VLI and LI needs. .

State RHNA Totals

VLI UNITS	RHNA VLI	VLI %	LI UNITS	RHNA LI	LI %	MOD UNITS	RHNA MOD	MOD %	ABOVE MOD UNITS	RHNA ABOVE MOD	ABOVE MOD %
33,893	642,151	5.28%	57,291	384,113	14.92%	42,599	419,977	10.14%	338,161	1,049,216	32.23%

Total RHNA Units = 2,495,457

Since the 9 year 6th Cycle is considered over 50% completed, even doubling the RHNA allocation for lower income housing would result in a calculated factor of only fulfilling less than 20% of the RHNA capacity for lower income needs established by the HCD. A 20% achievement of the projected requirement for lower income housing should be considered a failure. Wherein cities are expected under Gov. Code § 65583.2(c) to have the sites identified in the housing element to be realistically achieved, the RHNA allocations being made by HCD are unrealistic.

Recommendation: The methodology used by HCD to determine the RHNA state requirements need to include formulas that incorporate strict economic and financial feasibility analysis

matching actual available land, developer capacity, and/or local funding availability in every specific municipality. Currently it is unrealistic that individual cities or the state as a whole will even come close to meeting the RHNA allocations mandated by the HCD. Greater transparency is needed in the actual process to calculate and determine RHNA allocation by the state and individuals cities.

Methodology Used by HCD to Certify City's Housing Element

The methodology used by HCD in certifying the Housing Element is questionable and unrealistic. The City of Chino's Housing Element, lists the total RHNA Net Capacity for units per acre is identical to the Low/Very Low RHNA allocation. As example, a 5 acre site having an assumed RHNA Capacity of 25 units totals 125 units. Inexplicably, is how HCD then calculates the lower income RHNA allotment as also being 125 units, meaning to avoid a "No Net Loss" consequence, all RHNA development would be to be lower income units. In Chino's Housing Element, the city was allocated 2,113 Very Low Income units and 1,284 Low Income Units, totaling a RHNA allocation of 3,397 for the combine VLI and LI RHNA allocation. The city did build a buffer capacity of 4,958 lower income units of 146% over the RHNA allotment.

However, due to recent court cases such as [*Bankers Hill 150 v. City of San Diego \(2022\)*](#) and the statutory requirements of Gov. Code § 65915, including subsections (b) and (e), it allows developers to build a inclusion with a minimum of 10% low income and 5% for lower income housing in RHNA sites. Since developers will be given one concession and unlimited waivers, the realistic development of lower income housing in RHNA sites will not be much over 10%.

Using a lower income inclusion of 10% of the 4,958 buffer capacity recorded in the Chino Housing Element, only 496 low income units could be expected to be built, and even using a much higher inclusion rate of 20%, an expected total of 992 lower income units would be developed, creating a "No Net Loss" violation by the City of Chino.

Recommendation: The methodology implemented by HCD is unrealistic and numerous cities will be in violation of the state affordable housing laws, including Gov. Code § 65583.2(c). It is recommended that HCD established a more transparent explanation of how cities are to fulfill their RHNA allocations that are unrealistic.

Methodology in SCAG Allocation of RHNA Allocations

SCAG is responsible for allocating the region's housing need among its member jurisdictions. It requires COGs to develop the methodology in consultation with HCD and consider factors in Government Code Section 65584.04(e) such as jobs-housing relationships, projected household and employment growth, access to transit and existing transportation infrastructure, availability of land suitable for residential development, infill and increased-density opportunities,

infrastructure constraints, environmental and agricultural resource constraints, climate-related risks, fair housing, and access to opportunity where sufficient data is available.

Using data from the 6th Cycle RHNA Progress Report on the HCD website, the City of Chino from years 2021 thru 2025 only achieved 0% of its Very Low Income and .78% of its Low Income RHNA housing units. The combined average for other local cities totaled .67% for Very Low Income and .58% for Low Income RHNA housings units. The SCAG allocations for local cities including and adjacent cities to Chino have achieved less than 1% of its RHNA allocation for lower income housing. There is no reasonable expectation that the RHNA allocation for cities within SCAG has been successful. See data tables below.

Local Cities

Jurisdiction	VLI UNITS	RHNA VLI	VLI %	LI UNITS	RHNA LI	LI %	MOD UNITS	RHNA MOD	MOD %	ABOVE MOD UNITS	RHNA ABOVE MOD	ABOVE MOD %
CHINO	0	2113	0.00%	10	1284	0.78%	23	1203	1.91%	1585	2378	66.65%
CHINO HILLS	12	1388	0.86%	21	821	2.56%	24	789	3.04%	263	731	35.98%
EASTVALE	10	1145	0.87%	0	672	0.00%	3	635	0.47%	906	576	#157.29%
MONTCLAIR	0	698	0.00%	0	383	0.00%	0	399	0.00%	860	1113	77.27%
ONTARIO	30	5640	0.53%	20	3286	0.61%	0	3329	0.00%	5412	8599	62.94%
POMONA	0	2799	0.00%	0	1339	0.00%	0	1510	0.00%	0	4910	0.00%
CORONA	52	1752	2.97%	0	1040	0.00%	0	1096	0.00%	937	2200	42.59%
	104	15535	0.67%	51	8825	0.58%	50	8961	0.56%	9963	20507	48.58%

Other Nearby Cities

DIAMOND BAR	55	844	7.00%	85	434	19.59%	8	437	1.83%	25	806	3.10%
CLAREMONT	63	556	11.33%	62	310	20.00%	23	297	7.74%	118	548	21.53%
UPLAND	0	1584	0.00%	0	959	0.00%	221	1013	21.82%	367	2130	17.23%
RANCHO CUCAMONGA	43	3245	1.33%	76	1920	3.96%	50	2038	2.45%	2122	3322	63.88%
LA VERNE	23	414	5.56%	2	239	0.84%	19	223	8.52%	24	470	5.11%
	184	6643	2.77%	225	3862	5.83%	321	4008	8.01%	2656	7276	36.50%

An analysis was also conducted using HCD 6th Cycle Process Report data for the 12 local and nearby cities including Chino. These 12 cities were located in Los Angeles, San Bernardino and Riverside Counties to obtain a representative sample. Again the 12 cities obtained a combined average of only 1.04% Very Low Income and 1.52% Low Income housing units for the 5 year reporting period for the RHNA Process Report. Such dismal totals should be considered by SCAG to be a catastrophe failure.

Total Combined Local and Nearby Cities

Local Cities	104	15535	0.67%	51	8825	0.58%	50	8961	0.56%	9963	20507	48.58%
Nearby Cities	184	6643	2.77%	225	3862	5.83%	321	4008	8.01%	2656	7276	36.50%
Total Combined	392	37713	1.04%	327	21512	1.52%	421	21930	1.92%	22582	48290	46.76%

There is also concern that the 3,397 lower income units allocated by SCAG to Chino is based upon flawed data, not only used in the HCD methodology, but also how SCAG is assigning the RHNA allocation by city. Wherein Chino has achieved a high percentage of overall development, being nearly 67%, much of the growth has occurred in the annexed Preserve developments. These recent developments were in established master planned communities.

Under California Housing Element law (Gov. Code § 65583.2), a site inventory must include only land that is truly available and suitable for residential development during the specific planning period. Land located within a master-planned or specific plan area can only be included if the underlying zoning, general plan designation, and unexpired agreements explicitly permit and encourage housing development on that exact parcel without conflicting with prior binding limitations. It appears much of the land have current development agreements not available under RHNA requirements. There is also a large amount of land in the preserve area which is in flood designated zones, making the land unsuitable for residential development. It is unrealistic that Chino can fulfill its RHNA goals and capacity as it was implemented in the 6th cycle and should be altered in the upcoming 7th Cycle RHNA process.

The city also has implemented an overlay strategy for mixed use and affordable housing sites that appear to be in conflict with recent court decisions, including the *New Commune DTLA LLC v. City of Redondo Beach*, Supreme Court decision. There is also concern that Chino has misrepresented its non-vacant sites in provided data to HCD to certify its Housing Element. Under the enhanced and rigorous requirements of California Government Code Section 65583.2(g)(2), when a jurisdiction relies on nonvacant sites to accommodate 50 percent or more of its housing need for lower-income households, it must provide specific findings based on substantial evidence. An existing use shall be presumed to impede additional residential development absent findings based on substantial evidence that the use is likely to be discontinued during the planning period. If such evidence is not provided, the existing use is presumed to impede additional residential development, and the site cannot be counted toward the RHNA.

Unfortunately a complaint issued to HCD under Case HAU0003331 was unresolved. The HCD closed the case responding:

Thank you for submitting a request for technical assistance to the Housing Accountability Unit (HAU). HCD staff has completed an initial review of your inquiry and regrettably will not be able to provide technical assistance at this time. Due to current staffing and workload constraints, the HAU must limit the number of active cases it is able to take on. Please note that this determination is based solely on resource availability and should not be interpreted as either an endorsement or a rejection of the potential merits of your request.

Recommendation: The SCAG Subcommittee should consider all factors when assigning RHNA allocations by city when implementing the 7th Cycle RHNA. Greater attention must be given for cities to have a realistic opportunity to fulfill their RHNA allotments and that SCAG should make a full determination if the requirements of Gov. Code § 65584.04(e) are satisfied. Greater transparency should be made in how the RHNA determination are made by both SCAG and HCD.

Thank-you for your consideration into these matters. Should you need further details or have any questions or concerns, please feel free to contact me at rncb4@aol.com.

Sincerely,

Robert Nigg