



Orange County Council of Governments (OCCOG)
200 Civic Center, Mission Viejo, CA 92691
info@occog.com

August 22, 2026

The Honorable Sheila Hanson
Presiding Judge
Superior Court of California, County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response of the Orange County Council of Governments to the 2025–2026 Orange County Grand Jury Report, “California State Housing Mandates: The Unintended Reshaping of Orange County Neighborhoods”

Dear Presiding Judge Hanson:

Pursuant to Penal Code sections 933 and 933.05, the Orange County Council of Governments (“OCCOG”) respectfully submits this response to the findings and recommendations directed to OCCOG in the above-referenced report. This response was reviewed and adopted by the OCCOG Board of Directors at a special meeting held on August 17, 2026.

OCCOG appreciates the Grand Jury’s attention to the regional housing planning process and its effects on Orange County communities. OCCOG is a voluntary joint-powers agency and one of fifteen subregions of the Southern California Association of Governments (“SCAG”); it serves as a forum for the County’s jurisdictions and as the designated subregional lead for sustainable communities planning under Senate Bill 375. OCCOG welcomes the opportunity to strengthen its technical and coordinating role in advance of the 7th Cycle Regional Housing Needs Assessment (“RHNA”), and several of the report’s recommendations align with steps OCCOG is prepared to take.

As required by Penal Code section 933.05, OCCOG’s responses to each finding and recommendation directed to it are set forth below.

RESPONSES TO FINDINGS

Finding F3. *OCCOG coordinates RHNA regional planning in partnership with the SCAG for Orange County. OCCOG lacks adequate influence with SCAG.*

Response. OCCOG agrees in part and disagrees in part. OCCOG agrees that it coordinates RHNA regional planning for Orange County in partnership with SCAG, and that, as one of fifteen SCAG subregions, its influence over regional methodology is structurally limited relative to SCAG’s six-county scale. OCCOG disagrees with the finding to the extent it implies that OCCOG has not actively exercised the influence available to it. OCCOG has pursued every avenue available to a subregional council of governments. In 2021, OCCOG’s Board of Directors voted unanimously to challenge the 6th Cycle regional determination, and OCCOG led a coalition of Southern California jurisdictions in litigation contending that the determination overstated the region’s housing need

and lacked adequate evidentiary support. The Court of Appeal held that regional housing need determinations are not subject to judicial review, and the California Supreme Court declined further review — a holding that itself confirms the structural constraint this finding identifies: no jurisdiction, however substantial its objections, may test a regional determination in court. Influence must instead be exercised through the statutory objection process under Government Code section 65584.01, methodology development, and sustained engagement in SCAG bodies — channels OCCOG has pursued through its formal objection to the 6th Cycle regional determination, the work of its Technical Advisory Committee, and its representation on SCAG bodies, and will strengthen for the 7th Cycle, as described in its responses to Recommendations R5 and R6.

Finding F4. *Meaningful participation by Orange County cities in both OCCOG and SCAG meetings is critical to ensuring that local perspectives are represented during the development and implementation of Housing Mandates policies.*

Response. OCCOG agrees. Consistent and meaningful participation by Orange County cities in both OCCOG and SCAG proceedings is essential to ensuring that local perspectives are represented during the development and implementation of housing mandate policies. While participation cannot alter state statute, the RHNA methodology, its data inputs, and the weighting of allocation factors are shaped in regional forums, and the influence of Orange County jurisdictions in those decisions depends directly on consistent member engagement. OCCOG will undertake the measures within its authority to facilitate such participation, as described in its response to Recommendation R11.

Finding F5. *SCAG's 6th Cycle RHNA assigned Orange County a questionable total of 183,861 housing units for the 2021–2029 planning period, with higher allocations concentrated in cities with major population and employment centers.*

Response. OCCOG agrees. SCAG's 6th Cycle RHNA assigned Orange County a total of 183,861 housing units for the 2021–2029 planning period, with higher allocations concentrated in jurisdictions with major population and employment centers, consistent with the weight SCAG's adopted methodology placed on job access and transit proximity.

OCCOG agrees that the total is questionable in the specific sense that Orange County jurisdictions could not independently verify how it was derived. The figure is the product of two sequential steps performed by two different agencies: HCD determines the regional housing need for the six-county SCAG region under Government Code section 65584.01, and SCAG then allocates that regional need among its member jurisdictions under Government Code section 65584.04. The California State Auditor's 2022 review addressed the first step, finding significant deficiencies in HCD's regional determination process, including inadequate documentation, data-entry errors, and insufficient justification for key assumptions. The Auditor did not review SCAG's allocation methodology; that methodology relied on technical inputs that were themselves difficult for member jurisdictions to interpret or independently verify, as described in OCCOG's response to

Finding F12. OCCOG further notes that the Auditor concluded that correcting the identified deficiencies could affect regional determinations in either direction.

Accordingly, OCCOG's focus for the 7th Cycle is the transparency and verifiability of both the regional determination and the allocation methodology, together with the realistic capacity and feasibility of identified housing sites, as described in its responses to Recommendations R3, R5, and R6.

Finding F12. *The 6th Cycle RHNA methodology included numerous technical inputs published by SCAG and HCD; however, these inputs were highly complex and difficult for cities to interpret or independently verify.*

Response. OCCOG agrees. The 6th Cycle methodology included numerous technical inputs published by SCAG and HCD that were complex and difficult for member jurisdictions and their technical staff to interpret or independently verify. OCCOG will address this concern, including through the analysis described in its response to Recommendation R3.

Finding F13. *The California State Auditor's 2022 review found significant deficiencies in HCD's regional determination process—including inadequate documentation, data-entry errors, and insufficient justification for key assumptions—raising concerns that similar issues may affect the 7th Cycle process.*

Response. OCCOG agrees. The California State Auditor's 2022 report identified significant deficiencies in HCD's regional housing-need determination process, including inadequate documentation, data-entry errors, and insufficient justification for key assumptions. OCCOG shares the concern that comparable issues could affect the 7th Cycle, and will work to mitigate that risk through early engagement, as described in its responses to Recommendations R5 and R6.

Finding F14. *OCCOG's current resources and organizational structure are insufficient to fully advocate for Orange County jurisdictions during RHNA methodology development, especially when compared with larger or more heavily resourced regional councils of governments that also influence SCAG.*

Response. OCCOG agrees. As a voluntary joint-powers agency that relies on member participation and contracted technical partners, OCCOG's current resources and organizational structure limit its capacity to fully advocate for Orange County jurisdictions during the development of RHNA methodology, particularly relative to more heavily resourced organizations. This finding informs OCCOG's responses to Recommendations R2, R3, R4, and R7.

Finding F15. *Demands on HCD are anticipated to materially alter methodology for the 7th Cycle, but Orange County jurisdictions have not yet received clear guidance on how these allocations will be translated into SCAG policy or local impacts.*

Response. OCCOG agrees. Demands on HCD — including those reflected in HCD’s statewide planning guidance and the revised RHNA timelines established by Assembly Bill 1275 and Senate Bill 233 (2025) — are anticipated to materially alter the methodology for the 7th Cycle, and Orange County jurisdictions have not yet received clear guidance on how the resulting allocations will be translated into SCAG policy or local impacts. OCCOG will request that guidance (Recommendation R5) and convene the subcommittee described in its response to Recommendation R6.

Finding F17. *The large number of committees, subcommittees, and advisory groups involved in SCAG and OCCOG’s RHNA processes promotes broad participation but diffuses accountability, making it difficult to determine who is responsible for specific analytic inputs or process decisions.*

Response. OCCOG agrees. The large number of committees and advisory bodies involved in the combined SCAG and OCCOG processes can diffuse accountability and make it difficult to trace responsibility for specific analytic inputs. OCCOG notes that it does not control SCAG’s committee structure. Within its own purview, OCCOG — not its advisory bodies — is accountable for the analytic inputs it develops or transmits; the Technical Advisory Committee serves as the forum for technical review of those inputs. OCCOG will address the traceability of analytic inputs within its purview, including through the analysis described in its response to Recommendation R3.

RESPONSES TO RECOMMENDATIONS

Recommendation R1. *OCCOG should expand its technical-assistance and training programs, by September 30, 2026, to ensure that all Orange County jurisdictions understand RHNA methodology, statutory obligations, and the implications of noncompliance.*

Response. This recommendation has not yet been implemented, but will be implemented on a modified timeframe. OCCOG notes that the recommended date of September 30, 2026 is not feasible within OCCOG’s current staffing and resources, for the reasons described in its response to Finding F14. By December 31, 2026, OCCOG will establish a baseline technical-assistance program directed at the objectives identified in the recommendation — jurisdictions’ understanding of RHNA methodology, their statutory obligations, and the implications of noncompliance — by curating and publishing a library of existing training resources, including the California Association of Councils of Governments’ Housing Inventory Program (HIP) Exchange and technical-assistance materials developed by peer regional bodies, and by delivering an initial training session through its Technical Advisory Committee, with Orange County-specific data context provided by OCCOG partner agencies. These materials will include resources member jurisdictions may use in their own local public-education efforts. The scope and schedule of a fuller ongoing training program will be determined by the OCCOG Board of Directors in light of the resource considerations described in OCCOG’s response to Recommendation R7.

Recommendation R2. *OCCOG should coordinate a countywide review of sites identified in local Housing Elements, by December 31, 2026, to evaluate whether each site meets state*

requirements for realistic capacity and development feasibility, supported by a standardized, version-controlled change log.

Response. This recommendation requires further analysis. A countywide review of Housing Element sites is beyond OCCOG's current resources, as described in OCCOG's response to Finding F14, and its value depends on member participation. OCCOG will first review the responses of member jurisdictions to this report, and will then survey its member jurisdictions to determine their interest in participating in a countywide site review. The results, and whether to pursue a further study leading to implementation, will be discussed by the OCCOG Board of Directors no later than November 27, 2026, within the six-month period provided by Penal Code section 933.05(b)(3).

Recommendation R3. *OCCOG should develop and publish a comprehensive RHNA Inputs Catalog, by April 30, 2027, prior to drafting the 7th Cycle methodology, documenting all datasets used, their sources, methodological assumptions, and a version-controlled record of changes.*

Response. This recommendation requires further analysis. Developing and maintaining a comprehensive RHNA Inputs Catalog is beyond OCCOG's current resources, as described in OCCOG's response to Finding F14. OCCOG will assess the scope, cost, and staffing required to produce the catalog, in consultation with OCCOG partner agencies, and the OCCOG Board of Directors will consider the assessment and whether to proceed no later than November 27, 2026, within the six-month period provided by Penal Code section 933.05(b)(3).

Recommendation R4. *OCCOG should create a public-facing RHNA Accountability Dashboard, by April 30, 2027, displaying deadlines, responsible agencies, dataset readiness, and upcoming SCAG decision points, to ensure transparency and timely action by jurisdictions.*

Response. This recommendation will not be implemented, because it is not reasonable within OCCOG's current resources. OCCOG acknowledges that a public-facing RHNA Accountability Dashboard could be a helpful resource for member jurisdictions and the public if such a tool were made available. Creating and maintaining a dashboard of this kind, however, would require technology implementation and sustained staffing beyond OCCOG's current resources, as described in OCCOG's response to Finding F14. OCCOG may consider a dashboard at a later time if member demand and available resources support it.

Recommendation R5. *OCCOG should request that SCAG and HCD, by December 31, 2026, provide written guidance explaining how HCD's recommendations will be applied in shaping the 7th Cycle RHNA methodology so that jurisdictions can prepare proactively.*

Response. This recommendation has not yet been implemented, but will be implemented well in advance of the recommended date. OCCOG will transmit its written request for 7th Cycle guidance to SCAG and HCD on or about August 25, 2026 — approximately four months in advance of the recommended December 31, 2026 date — requesting written guidance explaining how HCD's recommendations will be applied in shaping the 7th Cycle RHNA methodology.

Recommendation R6. *OCCOG should convene a 7th Cycle Technical Working Group, by December 31, 2026, composed of planners, data analysts, and transit experts to pre-evaluate methodology scenarios and deliver unified, countywide recommendations to SCAG.*

Response. This recommendation will be implemented. By December 31, 2026, OCCOG will convene the 7th Cycle Technical Working Group described in the recommendation, constituted as an ad hoc 7th Cycle RHNA Subcommittee of OCCOG's Technical Advisory Committee and augmented with data and transit expertise, to evaluate anticipated methodology changes and to develop unified countywide recommendations for transmittal to SCAG. The subcommittee will conclude upon completion of the 7th Cycle methodology.

Recommendation R7. *OCCOG, all Orange County cities and the County of Orange should reassess the current dues structure, by September 30, 2026, to ensure that OCCOG has the resources necessary to effectively represent Orange County jurisdictions in SCAG processes, including RHNA methodology development and appeals.*

Response. This recommendation has not yet been implemented, but will be implemented as to the actions within OCCOG's authority, on a modified timeframe. OCCOG will consider its resource needs, and whether any adjustment to its dues structure is warranted, as part of its fiscal year 2027–28 budget preparation process. That consideration will be informed by specific project and program needs as they are identified, including through the analyses described in OCCOG's responses to Recommendations R2 and R3. OCCOG acknowledges that this timeframe extends beyond the September 30, 2026 date recommended by the Grand Jury; in OCCOG's judgment, resource and dues questions are most effectively addressed through the regular budget process in which its member agencies act on OCCOG's work program and funding. OCCOG notes that the adoption of any revised dues structure is a decision of its member agencies under the joint-powers agreement; the member cities and the County are responding separately to this recommendation.

Recommendation R9. *By September 30, 2026, the Orange County Board of Supervisors should strengthen its engagement with OCCOG and increase staff support to develop a shared, countywide database of potential housing sites and key development-feasibility factors.*

Response. This recommendation is directed primarily to the Orange County Board of Supervisors. As to the actions within OCCOG's authority, the recommendation will be implemented: OCCOG will participate in the development of a shared countywide housing-sites database, with the scope of any OCCOG coordinating role to be informed by the analyses described in its responses to Recommendations R2 and R3 and by the level of County staff support, which is a matter for the Board of Supervisors.

Recommendation R11. *The County of Orange and each city should ensure consistent participation in SCAG and OCCOG committees by September 30, 2026, including the Technical*

Advisory Committee (TAC), to strengthen regional representation during RHNA-methodology development.

Response. This recommendation is directed primarily to the County and the member cities. As to OCCOG's role, the recommendation will be implemented: OCCOG will implement the measures within its authority to support consistent participation in OCCOG and SCAG committees, including formalizing Technical Advisory Committee membership expectations, improving meeting scheduling and notice, providing orientation for new representatives, and tracking participation. Consistent attendance remains the responsibility of the participating agencies.

Recommendation R13. *OCTA should provide an official, data-frozen countywide transit dataset (GTFS + GIS), by September 30, 2026, to meet OCCOG's analytical needs for 7th Cycle RHNA planning.*

Response. This recommendation is directed to the Orange County Transportation Authority, and the decision whether to produce the dataset is OCTA's. As to OCCOG's role, should OCTA choose to implement the recommendation, OCCOG will assist OCTA and coordinate with it to define the specifications and integration requirements for an official, data-frozen countywide transit dataset (in GTFS and GIS formats) to support the analytical needs of 7th Cycle planning, and will incorporate any dataset OCTA produces into its work under Recommendation R6.

OCCOG appreciates the opportunity to respond to the Grand Jury's report and thanks the Grand Jury for its service to the residents of Orange County. Please direct any questions regarding this response to the undersigned.

Respectfully submitted,

Signed by:

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Lauren Kleiman
Chair, OCCOG Board of Directors
Orange County Council of Governments

cc: OCCOG Board of Directors
Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701