



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

REVISED 9/28/21:

This agenda was revised with updated Zoom access links.

Special Meeting Thursday, September 30, 2021 7:00 pm	Mike Uberti, Secretary HAC@cityofberkeley.info
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PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Housing Advisory Commission will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device use: <https://us06web.zoom.us/j/83173578699>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial US: 1-669-900-6833 and Enter Meeting 831 7357 8699. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Agenda Approval**
3. **Commissioner Introductions**
4. **Public Comment**
5. **Approval of the May 12, 2021 Special Meeting Minutes (Attachment 1)**

6. **Presentation on the Upcoming Housing Element Update and Discussion and Possible Action to Elect a Commissioner Representative in the Public Outreach Effort - All/Staff (Attachment 2)**
7. **Discussion and Possible Action to Approve City Funding for a Future Project Homekey Housing Development - All/Staff (Attachment 3)**
8. **Update on Council Items (Future Dates Subject to Change) – All/Staff**
 - a. Commission Reorganization and Housing Advisory Commission/Measure O Bond Oversight Committee Consolidation (Attachments 4 and 5)
9. **Announcements/Information Items**
 - a. Gentrification and Displacement Subcommittee Update
 - b. Income-Qualifying Commissioner Stipend Update (Attachment 6)
 - c. City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2020 (July 2020 through June 2021) (Attachment 7)

10. Future Items

11. Adjourn

Attachments

1. Draft May 12, 2021 Special Meeting Minutes
2. Grace Wu and Alene Pearson, Planning, Overview of the Upcoming Housing Element Update and Commissioner Participation in the Public Outreach Effort
3. Rhianna Babka and Barbara Amaro, HHCS, City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2020 (July 2020 through June 2021)
4. Mark Numainville, City Clerk, Commission Reorganization Update
5. City Council Agenda Report, Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)
6. Mark Numainville, City Clerk, Income-Qualifying Commissioner Stipend Update
7. Rhianna Babka, HHCS, City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2020 (July 2020 through June 2021)

Correspondence

8. July 10 Public Hearing for Redistricting
9. Jeannie Llewellyn, Round Table for TOPA - NOT!
10. Zsanna Samuels-Secrease, Formal Complaint re: denied access to application and processing

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact

information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

Written communications addressed to the Housing Advisory Commission and submitted to the Commission Secretary will be distributed to the Commission prior to the meeting. This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



HOUSING ADVISORY COMMISSION
Wednesday, May 12, 2021

Housing Advisory Commission

Time: 6:03 pm
Held via Video and Teleconference

Secretary – Mike Uberti
HAC@cityofberkeley.info

DRAFT MINUTES

1. Roll Call

Present: Sara Fain, Xavier Johnson, Libby Lee-Egan, Alexandria Rodriguez, Ainsley Sanidad, and Maryann Sargent.

Absent: Mari Mendonca (unexcused) and Leah Simon-Weisberg (unexcused).

Commissioners in attendance: 6 of 8.

Staff Present: Barbara Amaro, Rhianna Babka, Amanda Montez, and Mike Uberti

Members of the public in attendance: 2

Public Speakers:2

2. Agenda Approval

Action: M/S/C (Sargent/Rodriguez) to approve the agenda.

Vote: Ayes: Fain, Johnson, Lee-Egan, Rodriguez, Sanidad, and Sargent. Noes: None.

Abstain: None. Absent: Mendonca (unexcused) and Simon-Weisberg (unexcused).

3. Public Comment

There was one speakers during public comment.

4. Approval of the March 24, 2021 Special Meeting Minutes

Action: M/S/C (Lee-Egan/ Sargent) to accept the February 10, 2021 Special Meeting Minutes.

Vote: Ayes: Fain, Johnson, Lee-Egan, Rodriguez, Sanidad, and Sargent. Noes: None.

Abstain: None. Absent: Mendonca (unexcused) and Simon-Weisberg (unexcused).

5. Officer Elections

Action: M/S/C (Johnson/ Rodriguez) to appoint Commissioner Sargent as Chair.

Vote: Ayes: Fain, Johnson, Lee-Egan, Rodriguez, Sanidad, and Sargent. Noes: None.

Abstain: None. Absent: Mendonca (unexcused) and Simon-Weisberg (unexcused).

6. Discussion on the West Berkeley Service Center's Application for the City of Berkeley's Community Development Block Grant (CDBG) Public Facility
Public Comment: 1

Action: M/S/C (Johnson/Lee-Egan) to recommend to City Council award all available FY2022 CDBG Public Facility Improvement funding to the Public Health Division's West Berkeley Service Center public facility.

Vote: Ayes: Fain, Johnson, Lee-Egan, Rodriguez, Sanidad, and Sargent. Noes: None. Abstain: None. Absent: Mendonca (unexcused) and Simon-Weisberg (unexcused).

7. Update on Council Items (Future Dates Subject to Change)

8. Announcements/ Information Items

9. Future Items

10. Adjourn

Action: M/S/C (Fain/Lee-Egan) to adjourn the meeting at 6:54 pm.

Vote: Ayes: Fain, Johnson, Lee-Egan, Rodriguez, Sanidad, and Sargent. Noes: None. Abstain: None. Absent: Mendonca (unexcused) and Simon-Weisberg (unexcused).

Approved:

_____, Mike Uberti, Secretary



Planning and Development Department
Land Use Planning Division

STAFF MEMORANDUM

DATE: September 23, 2021

TO: Members of the Housing Advisory Commission

FROM: Grace Wu, Senior Planner
Alene Pearson, Principal Planner

SUBJECT: Overview of the Upcoming Housing Element Update and Commissioner Participation in the Public Outreach Effort

RECOMMENDATION

Receive information about the update to the Housing Element of the General Plan, discuss potential community partners to be included on the stakeholder list, and identify a commissioner to participate in public outreach efforts related to the Housing Element Update who will report back to the Housing Advisory Commission at future meetings.

BACKGROUND

The Housing Element Update will serve as the City of Berkeley's housing plan for the next eight-year cycle (2023-2031), consistent with mandates of State law and regional planning efforts. It is an important opportunity for Berkeley's residents and community members to come together on assessing housing needs, identifying policy and resource priorities, and finding solutions to implement a wide range of housing choices. The plan contains goals, policies, and programs that will guide the City's decision-making around the development and rehabilitation of housing and necessary zoning amendments to accommodate a substantial increase in the amount of housing, including affordable housing, in the city.

Racial and social equity, and protections for vulnerable and historically impacted communities, are key factors in this Housing Element Update. State law also requires that the Housing Element affirmatively furthers fair housing and examines its policies and programs to ensure they prevent poverty concentration and segregation.

As part of the outreach effort for the Housing Element Update, 10 boards and commissions were identified as having a role in the outreach and policy preparation process because their recommendations may have direct implications on the City's

housing policies, programs, and residential development standards¹. Each Board or Commission is being asked to identify a member to participate in the public outreach efforts by joining the email list, attending three public workshops over the course of 18 months, and providing project updates at their respective board or commission meetings.

Key Components of a Housing Element

The content of the Housing Element and the methodologies used for analyzing constraints and sites inventory are dictated by State law and guided by the California Department of Housing and Community Development (HCD). The Housing Element includes the following components:

1. *Housing Needs Assessment*: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
2. *Evaluation of Past Performance*: Review the prior Housing Element to measure progress in implementing policies and programs.
3. *Housing Sites Inventory*: Identify available sites for housing development to ensure there is enough land zoned to meet the future need at all income levels.
4. *Community Engagement*: Implement a robust community engagement program, reaching out to all economic segments of the community, and especially underrepresented groups.
5. *Constraints Analysis*: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. *Policies and Programs*: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

State law does not require that jurisdictions *build* or *finance* new housing, but cities are required to identify and zone sufficient sites to accommodate the anticipated growth over the next eight-year period.

Regional Housing Needs Allocation (RHNA)

Overall, the Bay Area must plan for 441,176 new housing units during the 6th cycle, compared with 187,990 for the 5th cycle (2015-2023). Each jurisdiction in California receives a target number of units across income levels, called the Regional Housing Needs Allocation (RHNA)², that must be planned for in the Housing Element Update. Berkeley's draft RHNA is 8,934 residential units. The City did not appeal its draft RHNA allocation, recognizing that the allowable circumstances for appeals outlined in

¹ Commission on Aging; Children, Youth, and Recreation Commission; Commission on Disability; Energy Commission; Housing Advisory Commission; Homeless Services Panel of Experts; Homeless Commission; Landmarks Planning Commission; Planning Commission; Zoning Adjustments Board.

² May 20, 2021. *Final Regional Housing Needs Allocation (RHNA) Methodology and Draft Allocations*. ABAG. https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

Government Code Section 65584.05 were not applicable to the City of Berkeley³. The final target RHNA will be issued by the Association of Bay Area Governments (ABAG) in December 2021.

Table 1 provides a comparison of Berkeley’s RHNA numbers at all income levels during the 5th cycle, the number of new units that have been issued building permits between 2015 and 2020, and the draft RHNA for the upcoming 6th cycle. While the total units issued building permits over the last five years are in line with the 5th cycle RHNA, challenges remain for meeting lower and moderate income housing targets.

Table 1: Berkeley RHNA Allocation, 5th & 6th Cycles

Income Level ⁴	5 th Cycle RHNA Units	Units Permitted 2015-2020 ⁵	6 th Cycle DRAFT RHNA Units
Very Low (< 50% AMI)	532	232	2,446
Low (50 – 80% AMI)	442	41	1,408
Moderate (80 – 120% AMI)	584	91	1,416
Above Moderate (> 120% AMI)	1,401	2,579	3,664
Total	2,959	2,943	8,934

Timeline

Due to strict deadlines imposed by the State and severe penalties for missed deadlines⁶, it is critical that the Housing Element Update stay on schedule and is approved by City Council and certified by HCD by January 31, 2023. This means that the majority of the housing needs analysis and assessment, sites inventory, and rezoning will be *identified* within the first six months of the 18-month project in order to allow for sufficient time to conduct a thorough and legally defensible environmental review (see Figure 1: Housing Element Project Timeline).

³ 2023-2031 RHNA Appeals Process. ABAG. <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation/2023-2031-rhna-appeals-process>

⁴ 2021 income levels by family size are available at <https://www.acgov.org/cda/hcd/documents/2021IncomeandRentLimits.pdf>

⁵ Based on revised 2015-2020 APR unit counts, accepted by HCD on July 14, 2021

⁶ Failure to comply would impact Berkeley’s eligibility and competitiveness for federal, state, and regional affordable housing and infrastructure funding sources. Many state and regional grant and loan programs require a compliant Housing Element, including the Affordable Housing and Sustainable Communities Program (AHSC), the Local Housing Trust Fund Program (LHTF), and Metropolitan Transportation Commission’s (MTC) One Bay Area Grant transportation funding.

Figure 1: Housing Element Project Timeline



Outreach and Engagement

Outreach and engagement are integral parts of this project from initiation to adoption. The overall plan for outreach and engagement includes 20 stakeholder interviews, a community-wide survey, 20 small format meetings, three work sessions with the City Council, and three public workshops. Based in part on the feedback received from the 10 boards and commissions, City staff—working with an outreach consultant—will invite community partners and stakeholders to participate in the interviews and small format meetings.

DISCUSSION

1. Which community partners should be included on the stakeholder list, with the goal to further fair housing and engage racially and socially disadvantaged communities?
2. Which member of the Housing Advisory Commission is interested and able to participate in the Housing Element Update public outreach effort? Participation includes joining the email list, attending three public workshops over the course of 18 months, and providing project updates at future commission meetings.

Prepared by: Grace Wu, Senior Planner, gwu@cityofberkeley.info, 510-981-7484

LINKS

1. April 30, 2021. *Housing Element Off-Agenda Memo*. Berkeley City Council. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Housing%20Element%20Update%20042821.pdf
2. April 28, 2015. *Adopted 2015-2023 5th Cycle Housing Element*. https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-2023%20Berkeley%20Housing%20Element_FINAL.pdf



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Jenny Wyant, Senior Community Development Project Coordinator

Date: September 23, 2021

Subject: **Approve City Funding for a Future Project Homekey Housing Development**

Recommendation

Recommend that Council approve funding for a Project Homekey housing development, to be selected through a competitive process based on applicant qualifications, project feasibility, and assessment of competitiveness for state Project Homekey funds.

Current Situation and Effects

California Department of Housing and Community Development (HCD) released its Notice of Funding Availability (NOFA) for the Homekey program on September 9th, and will accept applications and award funds on a first come, first served basis.

The City is therefore motivated to apply for Homekey funds as early as possible. If the City can submit an application before January 31, 2022, the Homekey project will be eligible for an additional \$10,000 per unit. The City is targeting a December application submission, though that is conditioned on selecting a project that meets the program's threshold criteria.

In order to expedite the City's application for a Homekey project, staff request that the Housing Advisory Commission demonstrate support for a Homekey project generally, and recommend the use of City funds for this purpose. Staff will return with an update on the selected project at a future HAC meeting.

Background

Homekey is a program through the HCD that provides government entities funding to purchase and rehabilitate properties, including hotels, motels, vacant apartment buildings, and convert them into interim or permanent housing. Homekey projects serve people experiencing homelessness or who are also at risk of becoming homeless and

A Vibrant and Healthy Berkeley for All

who are impacted by the COVID-19 pandemic. The program provides funding of up to \$200,000 per unit (depending on unit type), and may increase the subsidy if there's location matching funds. HCD plans to release the NOFA application on September 30th.

The City issued a Request for Qualifications (RFQ) in May 2021, and through that process pre-selected organizations qualified to renovate and operate a Homekey property. Staff reviewed each applicant's experience developing affordable housing and providing services for formerly homeless households. The City plans to release a Homekey Request for Proposals (RFP) in early October. Only the three pre-selected organizations are eligible to apply. The eligible applicants are:

- BRIDGE Housing Corporation / Berkeley Food and Housing Project
- Bay Area Community Services (BACS) / Memar Properties, Inc.
- Satellite Affordable Housing Associates

The City identified approximately \$8.7 million in local funding to support a Homekey project, and will make the funds available through the Homekey RFP. No Housing Trust Funds are contemplated for this project.

Amount	Source	Description of Funding Source
5 M	Measure P	Transfer tax revenues that the City may allocate to support homeless services or programs
2.6 M	HOME ARP	American Rescue Plan funds to support projects benefitting homeless households. This allocation is separate from the City's annual HOME entitlement.
1.1 M	Permanent Local Housing Allocation	State funds generated from real estate document recording fees. The first two years of the City's allocation will be used to support homeless services and programs including Homekey.
8.7 M	Estimated City Subsidy	


Housing staff will review all proposals received through the RFP, prioritizing development team capacity and project feasibility. Staff will make a recommendation to Council on the proposed project and funds.

Prior to or in conjunction with the Homekey approval, Council will need to approve amendments to the City's Annual Action Plan (related to HUD funding and activities) and the Permanent Local Housing Allocation Five Year Plan.



City Clerk Department

July 1, 2021

To: Commission Secretaries
 From:  Mark Numainville, City Clerk
 Subject: Commission Reorganization Update

On June 15, 2021 the City Council took action to direct staff to implement the following reorganization of Berkeley Commissions. Please see the links at the end of this memo for the Council report and the record of the final action taken by the Council.

New Commission Name	Former Commissions to be Reorganized
Commission on Climate and the Environment	Energy, Community Environmental Advisory, and Zero Waste (policy issues)
Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation, Parks and Waterfront, Animal Care
Peace, Justice, and Human Welfare*	Peace and Justice and Human Welfare, Community Action Commissions
Public Health Commission & Sugar Sweetened Beverage Panel of Experts**	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts
Public Works and Transportation	Public Works, Transportation, and Zero Waste (facilities issues)
Planning	Planning and Cannabis

All other commissions will maintain their current structure: Aging, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Police Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth

* Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751. Membership will not include appointments from Berkeley Unified School District

** New commission designated as 18-member commission

Commission Reorganization Update

As part of the action, the City Council also referred to the City Manager and the affected commissions to explore the possible consolidation of the Commission on Disability and the Commission on Aging.

The City Council referral requested that staff bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed in the report discussed at the June 15, 2021 City Council meeting. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

Existing commissions impacted by the reorganization will have an opportunity to weigh in on the revisions to the enabling legislation for the new commissions and the charge/responsibilities of merged commissions. Staff will provide direction and support to the existing commissions on the transition process to new consolidated commissions and the effective date of the changes.

Work on Phase 1 will begin in Summer 2021. Staff will coordinate with commission secretaries to schedule any relevant discussions with the commissions for Phase 1 and Phase 2 in the fall of 2021.

Please relay any questions regarding the consolidation process through the commission secretary.

[Link to Council Report](#)

[Link to Annotated Agenda for Final Action](#)



Office of the City Manager

CONSENT CALENDAR
September 14, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.

FISCAL IMPACTS OF RECOMMENDATION

Reorganizing the oversight of all housing-focused bonds and measures, including Measure O, under the purview of the Housing Advisory Commission (HAC) will reduce staffing costs associated with oversight committees dedicated to specific bonds and measures.

CURRENT SITUATION AND ITS EFFECTS

On June 15, 2021, City Council directed the City Manager and City Attorney to amend commissions' enabling legislation to support a phased reorganization of the existing commission structure. The first phase of the recommendation directs the City Manager to "prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions."

BMC Section 19.44.020.B.10 states, "the Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness."

The Measure O Bond Measure was codified as Resolution No. 68,703-N.S. after its approval by the voters in Berkeley. The requirements set forth by Resolution No. 68,703-N.S. require oversight by an independent oversight committee to ensure funds are being allocated to affordable housing development. This duty is consistent with the

HAC's role as established by BMC Section 19.44.020.B. The HAC oversees and makes recommendations for the various funds that support the Housing Trust Fund (HTF) program consistent with the charge established by the BMC. The HTF program has multiple funding streams with unique requirements that require oversight including General Funds received pursuant to Measure U1, federal HOME, Community Development Block Grant (CDBG), and Emergency Shelter Grant (ESG) funds.

Measure O is the only local affordable housing source not under the oversight of the HAC. Measure O and HTF funds typically need to be combined due to the allowable uses of each funding source, federal match requirements and the amount and timing of funds. This requires staff to seek two different approvals for a single funding commitment or Notice of Funding Opportunity (NOFA). This was recently exhibited in the City Council's commitment of housing funds to Ashby and North Berkeley BART stations on April 27, 2021, which staff brought to both the HAC and Measure O Commissions.

The proposed amendments are to Section 19.44.020.B.10. This amendment will expand the HAC's oversight and recommendations to City funding for housing programs to include all voter-approved bonds and ballot measures dedicated to affordable housing. This includes Measure O and will apply to any future affordable housing focused bonds that require recommendations and oversight, so that any future housing bond funds can also be used in conjunction with existing sources. The BMC amendment will also require the City Manager to provide the Commission with copies of all reporting requirements required by measures under the Commission's purview.

Adopting amendments to BMC Section 19.44.020 is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government.

BACKGROUND

The HAC and its jurisdiction over local housing funding is established by BMC Chapter 19.44.020. The Measure O Bond Oversight Committee (MOBOC) is established by Council Resolution No. 68,703-N.S. Section 6(e) of said resolution states, "all expenditures [of the Measure O Bond proceeds] will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure."

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Consolidating these commissions could reduce vehicle miles travelled and greenhouse gas emissions for staff, commissioners, and members of the public who travel to meetings via automobile.

RATIONALE FOR RECOMMENDATION

The Measure O Bond is dedicated to funding affordable housing. The MOBOC is charged with ensuring these funds are allocated in accordance with the bond's requirements. The HAC is charged with oversight of the City's other affordable housing funding sources, collectively known as the Housing Trust Fund program. Incorporating the MOBOC's charge into the HAC's duties will facilitate uniform analysis and decision making, better coordination of the City's various affordable housing funding sources, and an expedited review process. This recommendation is consistent with the Council's direction on June 15, 2021.

ALTERNATIVE ACTIONS CONSIDERED

No other actions were considered due to the Council's direction June 15, 2021.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, 510-981-5114

Attachments:

- 1: Ordinance
- 2: June 15, 2021 Council Report
- 3: Resolution No. 68,703-N.S.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 19.44.020 HOUSING
ADVISORY COMMISSION

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 19.44.020, Paragraph B is amended to read as follows:

Berkeley Municipal Code Section 19.44.020.B. Jurisdiction.

- B. Jurisdiction. The jurisdiction of the Commission shall extend the following manners and proceedings, as well as to any other matter made subject to its jurisdiction by any other chapter of this code, or by the Zoning Ordinance.
1. The Commission shall hear and determine appeals of all matters respecting the abatement of substandard or deficient buildings pursuant to the provisions of Chapter 19.40 of this code.
 2. The Commission shall review and advise the Council on matters respecting the Community Development Block Grant and Emergency Shelter Grant Programs.
 3. The Commission shall serve as a General Appeals Board for tenants and landlords regarding the correction of code violations as provided in Chapter 12.48 of this code, providing for periodic inspection of residential rentals and hotels.
 4. The Commission shall make recommendations to the Council defining hardship categories and shall hear appeals concerning the designation of the hardship category. The Commission may grant time extensions for compliance in hardship cases, excepting those violations which pose a clear and present danger to human life, health and safety.
 5. The Commission shall make recommendations to the City Council regarding code enforcement priorities.
 6. The Commission shall monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.
 7. The Commission shall be the Board of Appeals for the Uniform Housing Code. In order to determine the suitability of alternative materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the City's Code Review Task Force shall serve as the Technical Advisory Committee to the Commission. When serving in this

- capacity, the Technical Advisory Committee shall render all recommendations in writing to the Commission with a duplicate copy to the Building Official and the appellant and may recommend such new legislation as is consistent therein.
8. The Commission shall be the Relocation Appeals Board for purposes of Chapter 13.84.
 9. The Commission shall hear appeals brought by any person regarding actions taken by the Building Official pursuant to Division 13, Page 5.5 of the California Health and Safety Code, beginning with Section 19950 (Disabled Access).
 10. The Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness. This includes and is not limited to oversight and recommendations for all voter-approved bonds and ballot measures dedicated to affordable housing to ensure that expenditures are consistent with the intent of the measures. The City Manager shall provide the Commission with copies of all reporting requirements required by measures under the Commission's purview. These recommendations may be made annually or biannually, as the Commission deems appropriate in light of the City's budget cycle and other relevant funding cycles. The Commission's recommendations shall be promptly published on the City's web-site and transmitted to the City Council. The City Council shall consider, but need not follow, the Commission's recommendations, and shall annually inform the Commission as to the extent to which it has implemented the recommendations.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Lori Droste
Berkeley Vice Mayor

ACTION CALENDAR

June 15, 2021

(Continued from May 25, 2021)

To: Honorable Mayor and Members of the City Council

From: Councilmember Lori Droste (Author), Councilmembers Rigel Robinson (Co-Sponsor), Rashi Kesarwani (Co-Sponsor) and Mayor Jesse Arreguín (Co-Sponsor)

Subject: Commission Reorganization for Post-COVID19 Budget Recovery

RECOMMENDATION

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

New Commission Name	Former Commissions to be Reorganized
Commission on Climate and the Environment	Zero Waste, Energy, Community Environmental Advisory, and Animal Care

Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation and Parks and Waterfront
Peace, Justice, and Human Welfare ¹	Peace and Justice and Human Welfare, Community Action Commissions
Public Health Commission & Sugar Sweetened Beverage Panel of Experts	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts
Public Works and Transportation	Public Works and Transportation
Planning	Planning and Cannabis
<p>All other commissions will maintain their current structure: Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p>	

2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
 - Federal, state or other external mandates that might be impacted, and determine how to handle.
 - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted

¹ Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751.

- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

Policy Committee Oversight ²	Commissions
Agenda and Rules	<ol style="list-style-type: none"> 1. Fair Campaign Practices/Open Government Commission 2. Personnel Board
Budget and Finance	(Any legislation that requires funding)
Public Safety	<ol style="list-style-type: none"> 1. Disaster and Fire Safety Commission 2. Police Accountability Board/Police Review Commission 3. Reimagining Public Safety Task Force
Facilities, Infrastructure, Transportation and the Environment	<ol style="list-style-type: none"> 1. Commission on the Environment 2. Parks, Recreation and Waterfront with Marina subcommittee 3. Public Works and Transportation
Land Use and Economic Development	<ol style="list-style-type: none"> 1. Measure O Housing Commission 2. Planning Commission 3. Labor 4. Civic Arts Commission
Health, Equity, Life Enrichment, and Community	<ol style="list-style-type: none"> 1. Peace, Justice, and Civil Rights 2. Health and Sugar Sweetened Beverage Panel of Experts 3. Homeless Services Panel of Experts 4. Mental Health Commission (state/federal mandate) 5. Commission on the Status of Women 6. Disability Commission

² Primary policy committee oversight but legislation may be referred to multiple policy committees.

Other Commissions: Zoning Adjustments Board (DRC), Landmarks Preservation, Board of Library Trustees, BIDs, Independent Redistricting Commission, Loan Administration Board

POLICY COMMITTEE RECOMMENDATION

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

New Commission Name (suggested)	Former Commissions to be Reorganized
Commission on Climate and the Environment	Zero Waste, Energy, Community Environmental Advisory, and Animal Care
Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation and Parks and Waterfront
Peace, Justice, and Human Welfare	Peace and Justice Commission and Human Welfare and Community Action Commission
Public Health Commission & Sugar Sweetened Beverage Panel of Experts	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts

Public Works and Transportation	Public Works and Transportation
Planning	Planning and Cannabis
<p>All other commissions will maintain their current structure: Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p>	

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.

3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.

4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.

5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.

6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

PROBLEM/SUMMARY STATEMENT

Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the uncertainties that our City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on our City staff, it is an appropriate time to consider how best to consolidate our commissions in a manner that helps the City to achieve its core mission.

REITERATION OF PRINCIPLES

Commissions are a fundamental part of the City's policymaking process. Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

- The Public Works Commission, for example, develops the City's five year paving plan which they then present to City Council for approval. Through extensive community outreach and research, the Commission identifies the streets most in need of repaving.
- With the passage of Measure D in 2014, a Panel of Experts on Sugar-Sweetened Beverages has guided the City's spending of over \$5 million in revenue generated from the Measure. Those dollars have bolstered local public campaigns and education initiatives.

These are merely two examples of the powerful role that Commissions play in City policymaking.

CURRENT SITUATION AND ITS EFFECTS

Current Commission Structure

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter)Police Review Commission (ballot measure)
12. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

The Importance of Commissions

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2020, 14 of the 16 commission items submitted to Council passed. From 2016-2020, an average of 34 items were submitted by commissions to Council for consideration.

The City’s Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley’s size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

Commission Structures in Neighboring Jurisdictions

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

Comparable Bay Area City	Population (est.)	Number of Commissions	Links
Berkeley	121,000	37	https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf
Antioch	112,000	6	https://www.antiochca.gov/government/boards-commissions/
Concord	130,000	14	https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi
Daly City	107,000	7	http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm
Fairfield	117,000	7	https://www.fairfield.ca.gov/gov/comms/default.asp
Fremont	238,000	15	https://www.fremont.gov/76/Boards-Commissions-Committees
Hayward	160,000	12	https://www.hayward-ca.gov/your-government/boards-commissions

Richmond	110,000	29	https://www.ci.richmond.ca.us/256/Boards-and-Commissions
San Mateo	105,000	7	https://www.cityofsanmateo.org/60/Commissions-Boards
Sunnyvale	153,000	10	https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804
Vallejo	122,000	17	http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

Staffing and Resources Supporting Berkeley’s Current Commission Structure

Commission Name	Overseeing Department (Total Commissions in Department)
Animal Care Commission	City Manager (8)
Civic Arts Commission	City Manager (8)
Commission on the Status of Women	City Manager (8)
Elmwood BID Advisory Board	City Manager (8)
Loan Administration Board	City Manager (8)
Peace and Justice Commission	City Manager (8)
Solano Ave BID Advisory Board	City Manager (8)
Cannabis Commission	Planning (7)
Community Environmental Advisory Commission	Planning (7)
Design Review Committee	Planning (7)
Energy Commission	Planning (7)
Landmarks Preservation Commission	Planning (7)
Planning Commission	Planning (7)
Zoning Adjustments Board	Planning (7)

Children, Youth, and Recreation Commission	Parks (3)
Parks and Waterfront Commission	Parks (3)
Youth Commission	Parks (3)
Commission on Aging	Health, Housing, and Community Services (HHCS) (10)
Commission on Labor	HHCS (10)
Community Health Commission	HHCS (10)
Homeless Commission	HHCS (10)
Homeless Services Panel of Experts	HHCS(10)
Housing Advisory Commission	HHCS (10)
Human Welfare & Community Action Commission	HHCS (10)
Measure O Bond Oversight Committee	HHCS (10)
Mental Health Commission	HHCS (10)
Sugar-Sweetened Beverage Product Panel of Experts	HHCS (10)
Disaster and Fire Safety Commission	Fire (1)
Commission on Disability	Public Works (4)
Public Works Commission	Public Works (4)
Transportation Commission	Public Works (4)
Zero Waste Commission	Public Works (4)
Fair Campaign Practices Commission/Open Government Commission	City Attorney (1)
Personnel Board	Human Resources (1)

Police Review Commission/Police Accountability Board	Police Review Commission/Police Accountability Board Staff
Reimagining Public Safety Task Force	City Manager *(8) and BPD (2)
Board of Library Trustees	Library (1)

Gray=charter
 Red=state/federal mandate
 Yellow=quasi-judicial
 Blue=ballot initiative
 Orange=state/federal mandate and quasi-judicial
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (7 commissions), and the City Manager’s department (8 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

Policy Committee Structure Expands Opportunities for Public Input

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

Department and Policy Committee alignment

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

Staffing Costs

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work

anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

Commission	Step 5 Rate of Pay	Reported Hours a Month	Total Direct Cost of Commission per Month
Animal Care	\$70.90	8	\$567.20
Landmarks Preservation Commission	\$57.96	80	\$4,636.80
Design Review Commission	\$52.76	60	\$3,165.60
Peace and Justice	\$60.82	32	\$1,946.24

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

Productivity Losses and Administrative Burden

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach.

RATIONALE FOR RECOMMENDATION

At a time when the City needs to demonstrate efficiency and fiscal restraint, the current commission structure is costly and duplicative. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.

FISCAL IMPACTS

Significant savings associated with reduced staffing.

CONTACT

Vice Mayor Lori Droste 510-981-7180

RESOLUTION NO. 68,703-N.S.

AUTHORIZING THE CITY OF BERKELEY TO ISSUE GENERAL OBLIGATION
BONDS TO FINANCE AFFORDABLE HOUSING PROJECTS

SECTION 1. Findings.

WHEREAS, the City Council of the City of Berkeley recognizes the existence of a housing crisis in the City that has caused housing to become increasingly scarce and expensive, to the point that housing is out of reach for many extremely low-, very low-, low-, median-, and middle-income and working families and individuals, including, but not limited to, teachers, seniors, veterans, the homeless, students, people with disabilities, and other vulnerable populations; and

WHEREAS, the City Council has adopted a goal of achieving at least 10% reserved affordable housing by 2030; and

WHEREAS, the housing crisis is causing displacement of long-time communities, impacting local businesses' ability to retain workers, and leading to an increase in homelessness and housing insecurity among Berkeley residents, threatening the public health, peace and safety; and

WHEREAS, homelessness in the City has been increasing, and recent estimates project that there are approximately 1,000 homeless people in the City, almost 1% of the City's population, on any given night; and

WHEREAS, shelter beds are inadequate, and people experiencing homelessness are left to sleep in public spaces throughout the City; and

WHEREAS, providing additional affordable housing options will allow people to live in safe, decent, affordable homes and still have enough money for groceries, medicine, transportation and other basic necessities; and

WHEREAS, improving housing stability and security has been demonstrated to improve health, education, and employment outcomes; and

WHEREAS, the City is in need of safe and affordable housing for Berkeley residents to help extremely low-, very low-, low-, median-, and middle-income and working families and individuals purchase or rent homes and stay in the community, and provide supportive housing for people experiencing homelessness; and

WHEREAS, existing funds and funding sources are inadequate to finance affordable housing projects necessary to address the affordable housing crisis; and

WHEREAS, the City may have the opportunity to leverage state and county funds allocated for affordable housing if it issues bonds to finance affordable housing projects; and

WHEREAS, the City intends to issue general obligation bonds to finance the acquisition and improvement of real property for affordable housing, including the application of bond proceeds by the City directly, or indirectly through third parties as loans, grants, or other disbursements to qualified individuals, not-for-profit entities acting alone or together with tax credit investors, not-for-profit corporations, partnerships, associations, and government agencies, to acquire real property for the purpose of constructing, rehabilitating or preserving affordable housing, or to construct, rehabilitate or preserve affordable housing; including but not limited to supportive housing, nonprofit rental housing, and limited-equity housing cooperatives affiliated with community land trusts, to reimburse City funds for the prior acquisition and improvement of property to be used for affordable housing; and

WHEREAS, the impact on the average Berkeley home assessed at \$425,000 is currently projected to be \$97 per year while Bonds are outstanding, currently estimated to be 36 years.

SECTION 2. Object and Purpose of Bonds. This measure (the "Measure") authorizes the issuance of general obligation bonds (the "Bonds"), the object and purpose of which is to finance, by the City of Berkeley or a third party, the acquisition or improvement of real property for affordable housing for extremely low-, very low-, low-, median- and middle-income and working families and individuals, including teachers, seniors, veterans, the homeless, students, people with disabilities and other vulnerable populations.

The Improvements (as defined below) will be completed as needed, and each is assumed to include its share of costs, including planning, program management and construction costs. The final cost of each Improvement will be determined as real property is purchased, plans are finalized, construction bids are awarded, or projects are completed. In addition, certain acquisition or improvement funds are expected from non-bond sources, including funds which have not yet been secured. Therefore, the City Council cannot guarantee that the Bonds will provide sufficient funds to allow completion of all needed improvements.

Proceeds of the Bonds shall be used to finance the acquisition and improvement of real property for affordable housing (the "Improvements"), including the application of bond proceeds for the City directly, or indirectly through third parties as loans, grants, or other disbursements to qualified individuals, not-for-profit entities acting alone or together with tax credit investors, not-for-profit corporations, partnerships, associations and government agencies, to acquire real property for the purpose of constructing, rehabilitating or preserving affordable housing, or to construct, rehabilitate or preserve affordable housing; including but not limited to supportive housing, nonprofit rental housing, and limited-equity housing cooperatives affiliated with community land trusts, to

reimburse City funds for the prior acquisition and improvement of property to be used for affordable housing.

Proceeds of the Bonds may be used to reimburse the City for amounts advanced from the general fund or other funds or accounts to acquire real property when such purchases are made prior to the availability of Bond proceeds.

SECTION 3. Estimated Cost of Improvements. The estimated cost of the portion of the costs of the Improvements to be paid for from the Bonds is \$135 million. The estimated cost includes legal and other fees and the cost of printing the Bonds and other costs and expenses incidental to or connected with the authorization, issuance or sale of the Bonds. The cost of the Improvements include planning, program management and construction costs.

SECTION 4. Principal Amount of Bonds. The aggregate principal amount of Bonds to be issued is not to exceed \$135 million.

SECTION 5. Maximum Interest Rate. The maximum rate of interest to be paid on the Bonds shall be 12% per annum.

SECTION 6. Accountability Requirements. The following accountability measures apply to the issuance of Bonds pursuant to this Measure:

- (a) The specific purpose of the Bonds is to finance the Improvements for affordable housing; and
- (b) The proceeds from the sale of the City's Bonds will be used only for the purposes specified in this Measure, and not for any other purpose; and
- (c) The proceeds of the Bonds will be deposited into an account to be created and held by the City; and
- (d) The City Manager of the City shall file an annual report with the Berkeley City Council which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the Improvements; and
- (e) All expenditures will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure; and
- (f) All expenditures also will be subject to an annual independent financial audit to confirm that Bond expenditures are consistent with the intent of this Measure.


The foregoing is a true and correct copy of Resolution No. 68,703-N.S., and the same was approved by a vote of the electorate of the City of Berkeley on November 6, 2018.

The foregoing Resolution was adopted by the Berkeley City Council on December 11, 2018 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



City Clerk Department

June 30, 2021

To: Commission Secretaries
 From: Mark Numainville, City Clerk
 Subject: Commission Low-Income Stipend Update

On March 9, 2021, the City Council adopted Resolution No. 69,739-N.S. increasing the qualifying annual household income threshold and the per meeting stipend for eligible members of certain boards, commissions, committees, task forces, and joint subcommittees (eligible recipients). **These changes will go into effect on July 1, 2021.**

The City Clerk Department has updated Administrative Regulation (AR 3.2) to reflect the new stipend amount, the new qualification threshold, and the processing steps in ERMA. Additional funds have been budgeted to cover the expected increase in eligibility and stipend amount. City Clerk staff is working with the Budget Office to determine how departments will access the budget allocation to cover stipend payments and will inform you of the process later in July 2021.

Please share the resolution and A.R. 3.2 with your commissioners.

The qualifying annual household income was adjusted from \$20,000 to the Alameda County 50% Area Median Income (AMI) for a three-person household for stipend and reimbursement in lieu of expenses for eligible recipients. The three-person Alameda County AMI was used to set the Mayor's salary for Measure JJ that was approved by Berkeley voters on November 3, 2020.

Persons in Household	Annual Income Extremely Low (30%)	Annual Income Very Low (50%)	Annual Low Income (80%)	Annual Income Median (100%)
3	\$35,250	\$58,750	\$94,000	\$117,500

Commission Low-Income Stipend Update

The meeting stipend amount was also increased from \$40 to \$100 per meeting (not to exceed four meetings per month) with an annual Consumer Price Index (CPI) inflator. Reimbursement for actual expenses incurred including child care, paid attendant services for elderly care, and support services as a disabled member for meeting participation remain unchanged.

Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

To establish eligibility, Commissioners must still file the Annual Declaration Form with the secretary. Claims for reimbursement will still be filed with the secretary and processed pursuant to procedures established in AR 3.2.

If you have any questions, please e-mail the Commission Inbox, commission@cityofberkeley.info.

Attachments:

1. Resolution No. 69,739-N.S.
2. Revised A.R. 3.2



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Rhianna Babka, Community Service Specialist III

Date: September 24, 2021

Subject: **City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2020 (July 2020 through June 2021)**

The City's Draft PY20 Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2020 (July 1, 2020 to June 30, 2021) was available for public comment between September 8, 2021 and September 23, 2021. The CAPER is a report required by the U.S. Department of Housing and Urban Development (HUD) which tells HUD and the public how the City spent its federal funds in the prior year.

The draft is still available for public review on the City's website at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=15574>, but the comment period is now closed. While staff make every effort to have as much of the information be as complete and accurate as possible for the available draft CAPER, some areas remain unfinished until final submission. The final CAPER is due to HUD on September 30, 2021 and the final submitted CAPER will be available for public review also at the website listed above.

The City must complete the CAPER and submit it to HUD no later than September 30th of each year, including City responses to all written public comments.

Should you have any questions or comments about the final submission of the PY20 CAPER, please contact rbabka@cityofberkeley.info.

A Vibrant and Healthy Berkeley for All

From: [Housing Advisory Commission](#)
Bcc:
Subject: July 10 Public Hearing for Redistricting
Date: Friday, July 2, 2021 2:15:00 PM
Attachments:

Hello Commissioners,

Please see the message below from the City Clerk. Please help the City get the word out through your networks.

Thanks! Mike

HELP SHAPE THE FUTURE OF BERKELEY'S COUNCIL DISTRICTS
Learn about the redistricting process and give input at a public hearing

Join us July 10 as we kick off the once-a-decade process of redrawing Berkeley's City Council district boundaries at the first public hearing of the Independent Redistricting Commission - a body charged with creating a new district map that ensures fair and equal representation for all using factors such as population data, geography, demographics, and direct testimony from community members.

Saturday, July 10, 10:00 am

Join on Zoom: <https://us02web.zoom.us/j/82055634140>

Participate by phone: (669) 900-9128; Meeting ID: 820 5563 4140

After a presentation covering the redistricting process and timeline, history of Council districts in Berkeley, and the laws and regulations that govern the redistricting process, community members will have an opportunity to give testimony to the Commission directly.

Even if you can't join this meeting, we hope you will participate in future redistricting meetings in the coming months. For questions or requests for accommodation, contact the City Clerk Department at redistricting@cityofberkeley.info or (510) 981-6908.

Please share this event widely. We ensure better representation for all of Berkeley when more voices are heard in the redistricting process.

[Independent Redistricting Commission webpage](#)

Mark Numainville, City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Uberti, Mike

From: Jeannie Llewellyn <jk.llewellyn.designs@gmail.com>
Sent: Sunday, June 20, 2021 8:00 PM
To: Berkeley Mayor's Office; All Council; City Clerk; Housing Advisory Commission; Health, Housing & Community Services; bnc50@berkeleyneighborhoodscouncil.com
Subject: Round Table for TOPA - NOT!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Mayor, et al,

I attended the Round Table on the Truth about TOPA, and yet, didn't see anyone from the city council there. It concerns me when a poorly thought-out program has to go through several iterations even while being presented, has dire consequences to many small property owners, and has such a "loosey-goosey" approach to putting out "The Truth about TOPA!" Jacquelyn McCormick was uber particular in how details were being misrepresented by Anti-TOPA participants, and yet, this Round Table begins with absolutely the most incorrect inflammable messaging (eg. how tenants who live in a building that is sold would be evicted)! I didn't want to stay to hear more miscommunication by the group.

It just shows me that TOPA proponents repeatedly show a lack of genuine outreach in pushing a far-reaching and damaging policy. Many local neighbors - both tenants and property owners - and I strongly oppose TOPA and the dubious process in which it is rolled out without dialogue and proper community input.

Berkeley's city budget and residents cannot afford to support this ridiculous program that's yet to be proven to WORK. Tenants also really do NOT own the property they hope to purchase if they use any method of getting funds to do so.

I oppose and will not support any council member who attaches their name to this destructive policy.

NO on TOPA!

Jeannie Llewellyn

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"So long as a cutting from a fig tree can grow from the ground,
the world is not fated to end."
--- Anon

Uberti, Mike

From: Zsannass@aol.com
Sent: Monday, September 20, 2021 10:14 PM
To: info@edenir.org; cityauditor@oaklandca.gov; Housing Advisory Commission; contact.center@dfeh.ca.gov
Subject: Formal Complaint re: denied access to application and processing
Attachments: Emergency Housing Vouchers 0821.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Complaint Department, 211 Alameda County and All-

Please consider this email a formal complaint.

My family and I are homeless. My family includes an young adult with a disability and a minor child with mobility issues. At or about 9:01pm on 9/20/2021, I called 211 after being referred to your office for housing services by the Family Justice Center. The representative, during intake, asked where we slept last night and when I told her that we were allowed to stay one night at a relatives home she stated that we 'were not considered homeless'. I explained that that was not the information given in the flier we received from the FJC and that our situation qualified us in more than 1 category, according to the flier, that we qualified as being homeless and in need. (see attached flyer)

Although the representative stated that she agreed and we both conceded that these were not questioned that she "made up, but were the questions of 211", I let her know that I would like to continue with the call. The representative then stated that, "I do not feel comfortable continuing the call". I asked to continue with the questions and she refused.

I feel that my family and I were treated in a discriminatory manner. I also feel that if this call was a demonstration of how families are treated when calling 211, the operators of 211 are contributing to the homeless crisis in the Bay Area.

I am requesting a formal a investigation into this call and the results to be reported to myself and those cc'd in this email. I am also requesting that my family receives a letter of apology and the EHV (Emergency Housing Voucher), that we are eligible for.

Thank you for your consideration and time.

Regards,

Zsanna Samuels-Secrease



Oakland Housing
Authority

Announcement and Public Notice

The Oakland Housing Authority (OHA) announces the availability of a limited number of **Emergency Housing Vouchers (EHVs)** awarded through the American Recovery Plan Act of 2021.

Who is Eligible?

Individuals or families in at least one of the following categories are eligible:

- experiencing homelessness;
- at risk of experiencing homelessness;
- fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
- were recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

How do I get an EHV?

Alameda County Coordinated Entry will refer eligible families to OHA. If you are experiencing homelessness, at risk of homelessness or experiencing any of the conditions listed above, you can call 2-1-1 or stop by one of the resource centers listed below for an assessment.

<p>BACS Keep Oakland Housed Families and Individuals who are sheltered but facing a crisis 510-613-0330 ext. 2</p>	<p>Downtown Oakland Housing Resource Center Serving Adults & Young Adults Operated by BACS Messages: 510-238-5091</p>
<p>Downtown Oakland: BACS Unsheltered Adults 510-658-9480 629 Oakland Ave. Mon, Tues, Wed 1-4pm</p>	<p>East Oakland Housing Resource Center Serving Adults & Young Adults Operated by EOCP Messages: 510-532-3211</p>
<p>West Oakland BOSS Coordinated Entry 510-844-8221 2811 Adeline St. Oakland Mon, Tues, Thurs, Friday – 10am-2pm</p>	<p>Tri-Valley Housing Resource Center Serving Families, Adults & Young Adults Operated by Abode Services Message Line: 510-371-0447</p>
<p>Family Front Door Unsheltered Families (with child < 18) 510-808-7410 ext. 282</p>	<p>Call 2-1-1 or 800-799-7233 or 800-787-3224 (TTY) if fleeing domestic violence, sexual assault or human trafficking</p>

When will vouchers be issued?

If you are referred, OHA will contact you to schedule an appointment and gather information needed to complete the eligibility process. Estimated dates are July – Dec. 2021.

Language translation services are available in 151 languages at all offices at no cost.

所有辦公地點都會免費提供151種的外語翻譯服務。

Los servicios de traducción en 151 idiomas están disponibles en todas las oficinas sin ningún costo.

Chương trình thông dịch đầy đủ cho tới 151 tiếng nói miễn phí cho quý vị đang có tại nhiều văn phòng gần đây.

To request interpretation services call (510) 874-1653. TDD number (510) 832-0633.