



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting

Thursday, April 4, 2019
7:00 pm

South Berkeley Senior Center

2939 Ellis Street
Acting Secretary Mike Uberti
HAC@cityofberkeley.info

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. Public Comment
4. Approval of the March 13, 2019 Special Meeting Minutes (*Attachment 1*)
5. **Discussion and Possible Action to Appoint a Subcommittee – All (*Attachment 2 & 3*)**
 - a. **City-Owned Property at 1281 University Avenue**
 - b. **Housing Trust Fund**
6. **Presentation on Educator/Workforce Housing Initiatives by BUSD & BeHome Berkeley – Julie Sinai, BUSD & David Mayer, BeHome Berkeley**
7. **Discussion and Possible Recommendation to Revise the Housing Trust Fund Guidelines & Provide the Berkeley Unified School District a Planning and Predevelopment Grant to Support Local Teacher Housing – Xavier Johnson, Alex Sharenko & Igor Tregub (*Attachment 4*)**
8. **Discussion and Possible Recommendation on Operating Funds for Community Housing Development Organizations – Housing Trust Fund Subcommittee & Jenny Wyant, HHCS (*Attachment 5*)**
9. **Discussion and Possible Recommendation on Predevelopment Loan Proposal for 2527 San Pablo Avenue (Satellite Affordable Housing Associates) – Housing Trust Fund Subcommittee & Jenny Wyant, HHCS (*Attachment 6*)**
10. **Discussion and Possible Action on the Bi-Annual Housing Policy Report Subcommittee Recommendations – Marian Wolfe/Thomas Lord (*Attachment 7*)**
11. **Discussion and Possible Action to Determine Next Steps Towards a Social Housing Summit and Possible Fund – Thomas Lord (*Attachment 8*)**

12. Discussion and Possible Recommendation to Address Climate Change Implications for Housing – Thomas Lord (Attachment 9)

13. Update on the Multi-Family Building Smoking Ban Subcommittee – Thomas Lord

14. Update on Council Items (Future Dates Subject to Change) – All/Staff

- a. Missing Middle Housing (3/26)
https://www.cityofberkeley.info/Clerk/City_Council/2019/03_Mar/Documents/2019-03-26_Item_22_Missing_Middle_Report.aspx
- b. Resources for Community Development's 2001 Ashby Avenue Predevelopment Loan Application (4/23)
- c. Endorse Senate Constitutional Amendment 1 and Assembly Bill 10 (4/23)
- d. Community Agency Funding Recommendations (4/23)
- e. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding (5/14)

15. Announcements/Information Items

- a. Berkeley Considers Smoke Free Housing Survey Results (*Attachment 10*)
- b. Lord, How to Fund Rebuilding Together and Inter-City Services (*Attachment 11*)
- c. Alameda County AC Boost Down Payment Assistance Program (*Attachment 12*)

16. Future Items

- a. Presentation on Rental Housing Safety Program by the Resilient Buildings Program Manager (May 2019)
- b. Presentation on the Metropolitan Transportation Commission (MTC) Committee to House the Bay Area (CASA) Planning Initiative (May 2019)
- c. Presentation on Adeline Corridor Draft Specific Plan (June 2019)

17. Adjourn

Attachments

1. Draft March 13, 2019 Special Meeting Minutes
2. Current Subcommittee Roster
3. Mike Uberti, HHCS, 1281 University Avenue Subcommittee
4. Johnson, Tregub, Sharenko, Educator Housing
5. Jenny Wyant, HHCS, CHDO Operating Funding
6. Jenny Wyant, HHCS, Satellite Affordable Housing Associates 2527 San Pablo Avenue Predevelopment Loan Application
7. Lord, U1 Subcommittee - A Correction to the Record
8. Lord, Next Steps Towards a Social Housing Summit and Possible Fund
9. Lord, Taking Action on Climate Change Implications for Housing
10. Berkeley Considers Smoke Free Housing Survey Results

11. Lord, How to Fund Rebuilding Together and Inter-City Services
12. Alameda County AC Boost Down Payment Assistance Program

Correspondence

13. Theo Ferguson, Consider Ground Solutions to Attain "Permanently Affordable Housing"; Plus Next Steps
14. Elaine Belkind, Support for Rebuilding Together

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https://www.cityofberkeley.info/Housing_Advisory_Commission/

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HOUSING ADVISORY COMMISSION
Special Meeting
Wednesday, March 13, 2019

Housing Advisory Commission

Time: 7:07 pm

South Berkeley Senior Center
2939 Ellis Street – Berkeley
Acting Secretary – Mike Uberti, (510) 981-5114

DRAFT MINUTES

1. Roll Call

Present: Xavier Johnson, Thomas Lord, Maryann Sargent, Alex Sharenko, Leah Simon-Weisberg, Igor Tregub, and Marian Wolfe.

Absent: Darrell Owens (unexcused) and Amir Wright (unexcused)

Commissioners in attendance: 7 of 9

Staff Present: Rhianna Babka, Mike Uberti, Jenny Wyant

Members of the public in attendance: 19

Public Speakers: 18

2. Agenda Approval

Action: M/S/C (Sharenko/Tregub) to approve the agenda.

Vote: Ayes: Johnson, Lord, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe.

Noes: None. Abstain: None. Absent: Owens (unexcused) and Wright (unexcused).

3. Public Comment

There were no speakers during public comment.

4. Approval of the March 7, 2019 Regular Meeting Minutes

Action: M/S/C (Tregub/Lord) to approve the minutes.

Vote: Ayes: Johnson, Lord, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe.

Noes: None. Abstain: None. Absent: Owens (unexcused) and Wright (unexcused).

5. Discussion and Possible Action to Revise the Adopted Community Development Block Grant (CDBG) Subcommittee Recommendations for FY2020 Community Agency Request for Proposals Funding

Public Speakers: 18

Action: M/S/C (Tregub/Sharenko) to extend the meeting 15 minutes to 9:30pm.

Vote: Ayes: Johnson, Lord, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe.

Noes: None. Abstain: None. Absent: Owens (unexcused) and Wright (unexcused).

Action: M/S/C (Johnson/Tregub) to extend the meeting 30 minutes to 10:00pm.

Vote: Ayes: Johnson, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe. Noes: Lord. Abstain: None. Absent: Owens (unexcused) and Wright (unexcused).

Action: M/S/C (Simon-Weisberg/Tregub) to revise the March 7, 2019 recommendation to City Council to support the CDBG subcommittee's recommendations for the FY 2020 Community Agency Request for Proposals, with the following amendments:

1. Adjust the CDBG Subcommittee funding recommendations as follows:
 - a. Fund Inter-City Services' Employment, Training and Education program at \$100,000 (General Fund, Public Services)
 - b. Recommend no funding for YMCA of the East Bay's Early Childhood Apprentice program (General Funds, Public Services);
 - c. Fund Rebuilding Together East Bay-North's Safe Home Project at \$120,750 (CDBG, Housing Services);
 - d. Fund Habitat for Humanity East Bay/Silicon Valley's Housing Rehabilitation Grant program at \$129,250 (CDBG, Housing Services);
 - e. Fund Rebuilding Together East Bay-North's Community Facility Improvement program at \$35,300 (CDBG, Public Facilities);
 - f. Fund the City of Berkeley Community Facilities RFP at \$35,300; and
2. Recommend to establish a standard of accountability in community agency contracts that is achievable and worthy of the funding; and
3. Recommend to Council to allocate additional funds to the community agency process to expand funding for similar programs in the future.

Vote: Ayes: Johnson, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe. Noes: None. Abstain: Lord. Absent: Owens (unexcused) and Wright (unexcused).

6. Adjourn

Action: M/S/C (Sharenko/Tregub) to adjourn the meeting at 9:51pm.

Vote: Ayes: Johnson, Lord, Sargent, Sharenko, Simon-Weisberg, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Owens (unexcused) and Wright (unexcused).

Approved on April 4, 2019

Mike Uberti, Acting Secretary

HAC Subcommittee Appointments
April 2019

Subcommittee	Members	Assignment	End date
Bi-Annual Housing Policy Report	<ul style="list-style-type: none"> • Xavier Johnson • Thomas Lord • Maryann Sargent • Marian Wolfe 	<ul style="list-style-type: none"> • Review “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.” 	April 30, 2019
CDBG	<ul style="list-style-type: none"> • Thomas Lord • Maryann Sargent • Leah Simon-Weisberg 	<ul style="list-style-type: none"> • Review and make recommendations on the CDBG applications 	End of the funding cycle
Housing Trust Fund	<ul style="list-style-type: none"> • Xavier Johnson • Igor Tregub 	<ul style="list-style-type: none"> • Advise the HAC on Housing Trust Fund related matters 	June 30, 2019
Multifamily Housing Smoking Regulations	<ul style="list-style-type: none"> • Thomas Lord • Igor Tregub 	<ul style="list-style-type: none"> • Study multifamily smoking regulations 	April 30, 2019
Student Housing	<ul style="list-style-type: none"> • Marian Wolfe • Amir Wright • Xavier Johnson (alternate) 	<ul style="list-style-type: none"> • Explore and make recommendations on student housing strategies identified in the HAC’s FY2019 work plan • Council Referral (1/30/18): Refer to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding Streams for Student Housing 	June 30, 2019



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Mike Uberti, Community Development Project Coordinator

Date: March 28, 2019

Subject: **1281 University Avenue Subcommittee**

At the March meeting, staff will ask the Commission to appoint an ad-hoc subcommittee to work on 1281 University Avenue. This memo provides a history of the project to date.

On March 28, 2017, Council directed staff to develop a Request for Proposals (RFP) to “create small residential units, with appropriate on-site common spaces and services, affordable to very, very low income persons, with incomes below 30% of Area Median Income (AMI)” at the City-owned site at 1281 University Avenue. This site is an approximately 1,000 square foot vacant lot. Staff developed a RFP to meet Council’s direction as well as City and State requirements, including the Surplus Lands Act (AB 2135).

The City received two proposals in response to the RFP:

- *OpenDoor Group’s University Avenue Co-living*
OpenDoor proposed a “co-living” model that provides small, private bedrooms and baths with shared kitchen and living space. Their development model emphasizes shared communal spaces and activities. Their proposal featured 28 units (two studios and 26 co-living bedrooms), with seven units (25%) set aside for 50% AMI.
- *Resources for Community Development’s (RCD) UA Permanent Supportive Housing*
RCD proposed a residential development specifically targeting the homeless, with 16 studios targeting 20-30% AMI and onsite homeless services.

The Housing Advisory Commission (HAC) appointed a subcommittee to work with staff to review responses to the RFP. The subcommittee was comprised of four commissioners: Luis Amezcua, Matthew Lewis, Thomas Lord and Igor Tregub. The

1281 University Avenue Subcommittee
Page 2 of 2

subcommittee held three meetings with staff to review the RFP, Surplus Lands Act, the proposals, and staff's technical analysis before formulating its recommendation. On July 11, 2018, the HAC voted to adopt the subcommittee's recommendation to recommend the City Council select RCD's proposal:

Action: M/S/C (Owens/Amezcuca) to recommend the Resources for Community Development (RCD) proposal with reservations regarding the proposal's financial feasibility (especially in regards to its reliance on project-based Section 8), reliance on tax credits leveraged in combination with other RCD projects, RCD's past performance, the level of homeless provided services on site, detail available about the service plan, and proposed reduction of open-space, and recommend the site provide a temporary use for short term housing while a viable long term project is determined.

Vote: Ayes: Amezcua, Holman, Johnson, Kesarwani, Lewis, and Winters. Noes: Lord. Abstain: Owens. Absent: Tregub (excused), Wolfe (excused), and Wright (excused).

On September 25, 2018, the City Council authorized staff to negotiate and enter in a Memorandum of Understanding (MOU) with RCD to provide a framework for further developing the proposal and addressing the issues raised by the HAC. Staff drafted an MOU and discussed the project with RCD. On December 13, 2018, RCD informed the City they do not believe the financial resources needed for the proposed project would be available in a timely way, and formally withdrew from the negotiation process.

Staff are requesting the HAC form a new subcommittee to review and make a recommendation to Council related to the RFP and the future of the site.

CALENDAR

To: Housing Advisory Commission
From: Xavier Johnson, Chairperson, Housing Advisory Commission, Igor Tregub, Housing Advisory Commissioner, and Alexander Sharenko, Housing Advisory Commissioner
Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission
Subject: Educator Housing

RECOMMENDATION

I recommend that the Housing Advisory Commission recommends that the Berkeley City Council do the following actions:

1. Amend the Housing Trust Fund and other relevant City of Berkeley housing policies to foster workforce housing for educators by expanding income eligibility to include up to 120% AMI.
2. Support BUSD with an allocation of \$150,000 from the General Fund/U1/Measure O and/or other appropriate sources for a planning and pre-development grant to conduct planning and pre-development, including, but not limited to, site evaluation and regulatory compliance, housing capacity, projected cost and timeline, property governance, transparent community process, financing structure options, and preparing of development RFP
3. Work with the District to identify possible financing opportunities for capital development, including but not limited to, U1, Measure O, Developer Fees, and/or County or State sources and utilizing the appropriate processes for public and expert feedback for these allocations.

SUMMARY

The Berkeley City Council should allocate \$150,000 in pre-development funding to the Berkeley Unified School District (BUSD) for the purposes of developing employee housing. State law, through SB 1413, authorizes school districts to work to provide employees of school districts housing to their teachers and employees. Our BUSD employees have already demonstrated a need and interest in employee housing and the City of Berkeley can help push the process along for additional resources to enable the development and management of employee housing for BUSD.

FISCAL IMPACTS OF RECOMMENDATION

\$150,000 allocated out of the city's General Fund/U1/Measure O as well as the appropriate staff time.

CURRENT SITUATION AND ITS EFFECTS

Local Berkeley Situation:

Through surveys of BUSD employees, the district has identified that “42% of employees own their residence and 58% are renters and that only 30% actually live in the City of Berkeley.^{1,2} The younger employees tend to be more likely to be renters at a ratio of about 3.76 to 1.³ Based on estimates from the district, more than half of all renters are cost burdened and 20% are severely cost burdened.⁴ Survey data indicates that 74% of renters would be interested in living in BUSD-owned employee housing and 67% of renters think the option of BUSD housing would increase the likelihood that they continue to work in the district.⁵ This figure is even higher among employees under 35 with 83% stating they would be interested in living in employee housing.⁶

Potential Sites

BUSD already owns four potential properties that may provide opportunity to develop affordable housing for teachers and staff. The District commissioned a study to identify properties that were conducive to housing.⁷

West Campus: 1222 University Avenue

Lot Size: Approximately 40,000 Sq Ft

Zoning: General Commercial (C-1) part of University Ave Plan Overlay area.
Restricted Multifamily Residential (R-2A)

Development Capacity: Three Stories at 35 Feet.

Potential of fourth story up to 50 feet if density bonus is included.

Potential Yield: 150-200 units.

Unit Mix: Studio, 1, 2 & 3 bedroom apartments

Estimated Cost: \$48 - \$64 Million

Oregon/Russell St Maintenance Facility: 1720 Oregon/1707 Russell Street

Lot Size: Approximately 60,000 Sq Ft

Zoning: Restricted Two Family Residential (R-2) on Oregon St frontage

Restricted Multifamily Residential (R-2A) on Russell St frontage

Development Capacity: Three Stories at 35 feet

Potential Yield: 50-60 units Unit Mix: 1,2 & 3 bedroom apartments

Estimated Cost: \$32 Million

¹ Page 26; BUSD report

² Page 28; BUSD report

³ See Page 26; BUSD report

⁴ page 32; BUSD report

⁵ BUSD Report; page 42

⁶ BUSD Report Page 47

⁷ http://citiesandschools.berkeley.edu/uploads/Doocy_2018_School_District_Housing_final.pdf

Berkeley Adult School Parking Lot: 1701 San Pablo Avenue

Lot Size: Approximately 35,000 Sq Ft
Zoning: General Commercial (C-1)
Development Capacity: Four Stories at 50 feet
Potential Yield: 100-150 units
Unit Mix: Studio, 1, 2 & 3 bedroom apartments
Estimated Cost: \$42 - \$56 Million

Berkeley High School Tennis Courts: 2309 Milvia Street

Lot Size: Approximately 37,000 Sq Ft
Zoning: Commercial-Downtown Mixed Use (C-DMU) Buffer
Development Capacity: Five Stories at 60 feet
Potential Yield: 50-100 units
Unit Mix: Studio 1, 2 bedroom apartments
Estimated Cost: \$59 - \$74 Million

BACKGROUND

Legal Background: SB 1413, drafted by State Senator Mark Leno, signed into law on September 27, 2016.⁸ SB 1413, recognized that “existing law authorizes the governing board of any school district, when leasing a building for housing of school district employees, to lease the building for any period they deem necessary.”⁹

“The supply of new preschool through grade 12 teachers in California has hit a 12-year low, and enrollment in educator preparation programs has dropped by more than 70 percent over the last decade, and this shortage most impacts schools serving more low-income and minority students.”¹⁰ The provided in its text the following statements:

53573.

A school district may establish and implement programs that address the housing needs of teachers and school district employees who face challenges in securing affordable housing. To the extent feasible, the school district may establish and implement programs that, among other things, do the following:

(a) Leverage federal, state, and local public, private, and nonprofit programs and fiscal resources available to housing developers.

⁸ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1413

⁹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1413

¹⁰ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1413

(b) Promote public and private partnerships.

(c) Foster innovative financing opportunities.

53574.

This part specifically creates a state policy supporting housing for teachers and school district employees, as described in Section 42(g)(9) of the Internal Revenue Code, and, further, permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers and school district employees on land owned by school districts, so long as that housing does not violate any other applicable laws.

ENVIRONMENTAL SUSTAINABILITY

An allocation of predevelopment funding will not have an environmental impact at this stage of the decision making process. However, it is acknowledged that for any project to move forward to any stage of decision making authority past pre-development funding a more rigorous environmental analysis will be required. As much as possible, the predevelopment funding will be tied to identifying and addressing the environmental impacts of a proposed project. That being said, generally it is understood that having more BUSD employees living locally could possibly decrease vehicle miles traveled and therefore reduce greenhouse gas emissions from internal combustion engines known to contribute to global climate change.

RATIONALE FOR RECOMMENDATION

BUSD recently cut \$2 million from its General Fund budget to cover increasing pension, health care and general operating costs. The District does not have any unrestricted dollars that could pay for planning and pre-development. BUSD is prohibited from using its facilities bonds for this purpose because housing was not one of the voter approved purposes of the bond measure. To take advantage of the District's SB 1413 authority and the availability of District-owned property, combined with the evidence of support from Berkeley voters for teacher housing with the passage of Measure O (which specifically enumerated teacher housing as a possible use for the housing bond), the HAC supports the use of City of Berkeley General Fund/U1/Measure O/other appropriate funding for planning and pre-development of educator and education employee housing.

ALTERNATIVE ACTIONS CONSIDERED

An allocation of more, less, or no funding was also considered, but given the benefits of pre-development funding these actions are not recommended as the best actions to take.

Attachments:

1: BUSD letter to Mayor and Council

2: Opinion: I've taught in Berkeley schools for 12 years. Here's why I'm leaving

3: To Live in the Community You Serve: School District Employee Housing in California:
http://citiesandschools.berkeley.edu/uploads/Doocy_2018_School_District_Housing_final.pdf

February 26, 2019

Dear Mayor Arreguín and Honorable Members of the Berkeley City Council:

On behalf of the Berkeley Unified School District (“BUSD”), with more than 1,200 employees, and almost 10,000 students, the Berkeley School Board would like to thank you for your unanimous decision to place Measure O on the November 2018 ballot. That measure—which passed with over 77% of the vote—enables the City “to issue \$135 million in bonds to create and preserve affordable housing for low-income households, working families, and individuals including teachers.”

The success of Measure O was due in no small part to its explicit inclusion of funding affordable housing for teachers. The explicit support of housing for teachers was in part why the Berkeley School Board unanimously supported Measure O, and it was why the Berkeley Federation of Teachers supported and actively campaigned for Measure O.

To address this housing crisis, the Board held its third Work Session on February 6th, which focused on Educator Workforce Housing on District property. I am pleased to report to you that the Berkeley School Board unanimously voted to move forward. We specifically decided the following:

- Designate Director Julie Sinai and Superintendent Evans (or designee) to establish communication with the City, and to investigate sites, financing models and timelines and report back to the Board at its April 10, 2019 meeting.*
- Submit a letter to the Mayor and Council requesting Measure O support for educator workforce housing, as articulated in the measure, by expanding income eligibility to include up to 120% AMI.*
- Design a process to narrow the BUSD opportunity sites.*
- Engage the City in exploring a partnership to develop workforce housing for district staff - including but not limited to, financing from Measure O, timelines, and planning for site selection.*

With the above direction, we respectfully recommend the Berkeley City Council consider the following:

- 1. Amend the Housing Trust Fund and other relevant City of Berkeley housing policies to foster workforce housing for educators by expanding income eligibility to include up to 120% AMI.*
- 2. Support BUSD with an allocation of \$150,000 from Measure U1 or other appropriate sources for a planning and pre-development grant to conduct planning and pre-development work, including site analysis and selection, design and engage in a transparent public process, and to refine a timeline for project development.*
- 3. Work with the District to identify possible financing opportunities for capital development, including but not limited to, U1, Measure O, Developer Fees, and/or County or State sources.*

Background:

The need for teacher housing, as well as housing for our classified employees, is urgent and is well documented. BUSD recently contracted with the Center for City and Schools at UC Berkeley to help conduct a housing survey of all district employees, certificated and classified employees. Over 800 employees responded, which corresponds to over 60% of all district employees. The survey results

make clear that the current affordability crisis is creating significant housing security pressures on BUSD employees. In fact, over half of the households for District employees who rent are “cost burdened” (i.e., they spend more than 30% of their family income on rent) and 20% are “severely cost burdened” (i.e., they spend more than 50% of their family income on rent). Additionally, 78% of District employees who are not homeowners experience financial pressures due to high housing costs, which impacts their ability to stay with BUSD long-term. Combined with the financial burden, the survey showed social and physical health issues related to a significant number of BUSD employees driving long distances to get to Berkeley. These long commutes are resulting in increased health and wellness burdens, and reduced student and community engagement. One of the key statistics that the School Board and District Administration are grappling with is the fact that of District employees who don’t own their own homes, 78% indicated that housing insecurity is impacting their ability to stay with BUSD long-term. Not surprisingly, then, there is significant interest among District employees in workforce housing.

Income Eligibility:

We recognize that for Measure O to fund housing for teachers, as described in the Measure, it must expand income-eligibility from household income of 60% of AMI or below to up to 120% of AMI for Workforce Housing. The income level for the vast majority of District teachers is higher than 60% of AMI; yet, as the results from the survey show, they still cannot afford to live in or near the community in which they teach.

The Berkeley School Board respectfully requests that the City Council explicitly allow the use of Measure O funds to finance affordable housing for District educators (teachers and classified staff) through income-eligible units at up to 120% AMI.

Financing:

At our work session, we discussed the financial building blocks needed to actualize educator workforce housing. With the contribution of land by BUSD, the ability to attract tax credits due to favorable State of California Laws (the Leno Law), and the fact that educators are working middle class and can pay rent, the core elements of financing are in sight. However, there will be a missing funding gap that must be filled in order to ensure that our educator housing is available to all levels of BUSD educators today and into the future.

Site Selection:

In 2016-2017, the District commissioned a study to identify District owned opportunity sites that could accommodate housing. While the initial study identified four potential sites, it was only a preliminary inquiry and did not provide the Board with the information needed to narrow the sites. To conduct the necessary planning and public input process, the District needs Planning and Pre-development funds as soon as possible.


Timing:

At this time, the District’s capital budget does not include housing development as an allowable use of funds, and the Board is in the process of making \$2 million in reductions of our General Fund due to inadequate State funding for public education and increasing costs. Once we get the planning stage compete, the Board can narrow the sites and select a transparent process to move forward with design and financing strategies.

We are seeking a partnership with the City. With the possibility of District land combined with feasible financing, together, we have the opportunity to provide 100 or more units of affordable educator workforce housing. We hope that the Council will seek avenues to secure funding in the first phase of Measure O bonds and/or other appropriate funding source such as U1, to support planning, predevelopment and development of educator housing.

Once the Board approves the site selection, we intend to move quickly to prepare a proposal for funding with the intention of completing a meaningfully educator (teachers and staff) workforce housing development by Spring 2022. Given the scale of our intended project, and the funding that can be secured outside of the City, providing the "gap" funding will allow the City to leverage the public financing tool available while meeting the ballot commitment in an efficient way. We look forward to partnering with you to make this a reality.

Sincerely,



*Donald Evans, Ed.D
Superintendent*



*Julie Sinai
School Board Director*

CC: Dee Williams, City Manager

BerkeleySide

OPINION

Opinion: I've taught in Berkeley schools for 12 years. Here's why I'm leaving

There's so much I'll miss about teaching in Berkeley. But the truth is I can't afford to live here.

200

By Steve Conley, June 1, 2018, 1:11 p.m.

I love teaching in Berkeley. I have been teaching here for 12 years. I have won a teaching award, seen King Middle School voted one of the 25 coolest schools in the country, and run a number of clubs and school events. I consider myself very lucky being a King and Berkeley Public school teacher. I love the students. They are unique, inquisitive, bright, caring, silly, kind, and it is a joy to find ways of challenging them and meeting all of their needs.

Sadly, I will be moving on next year.

It is not because my classroom breaks a hundred degrees 10 to 15 days a year. It is not because we have had four major curriculum changes in two years and none of them were ever tested to determine if these changes were effective. It is not because I believe teachers are not robots being programmed and need the freedom to teach to the students in a manner that fits them.

The reason I am moving on is because my rent has gone up almost \$800 in four years and will continue to go up for the foreseeable future. The insulting raises the district has deigned to give us barely cover the increase in insurance for families, let alone rent.

I am not like other teachers. I am not married. I do not have a house nor will I ever be able to

afford one in this area, nor will I inherit a house. I did not have a previous career that allowed me to become established before becoming a teacher. I am not willing to have multiple roommates (especially when raising kids on my own) and I am tired of working multiple jobs.

Many teachers are commuting long hours or working multiple jobs, but this cuts down on field trips and assignments that are difficult to grade, but give me a great deal of insight into the students and their skills. Long commutes or working multiple jobs cut down on clubs I can run, student activities I can go to, depth of grading, and time spent lesson planning. It also cuts down on time with my kids, time to try and lose weight, time to have a social life.

I am not the only one. One of the best special ed teachers I have seen refuses to take a permanent job here, because she can't see starting a family on a BUSD's teacher salary.

I will miss King. I will miss Berkeley. I will desperately miss the students, past and present. I desperately wish I could afford to teach here.

Steve Conley teaches at King Middle School. He has taught in BUSD for 12 years.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission (HAC)
From: Jenny Wyant, Community Development Project Coordinator
Date: March 26, 2019
Subject: **CHDO Operating Funding**

Recommendation

On March 25, 2019, the HAC's Housing Trust Fund Subcommittee voted to recommend to the City Manager to implement a competitive process for the allocation of Community Housing Development Organization (CHDO) funding for operating support, with priority given to lower capacity CHDOs that would most benefit from the funding. If, through the competitive process, the HTF Subcommittee and HAC determine that no lower-capacity CHDO is eligible for the CHDO operating support, the CHDO operating set-aside could be reallocated to the City's pool of HOME funds, and General Funds would be recommended. (M/S/C: Johnson/Tregub)

Previous HAC Action

At its March 7, 2019 meeting, the HAC recommend approving the Draft FY2020 Annual Action Plan, which included a reservation of 5% of HOME funds for possible future use as CHDO operating support.

Current Situation and Its Effects

If the City implements a competitive process for allocating CHDO operating funds, it's likely that smaller nonprofits would apply for CHDO certification and operating funds. This would align with the HTF's Subcommittee's policy goal of encouraging the growth of lower capacity developers in Berkeley, but may result in applicants that technically qualify as CHDOs, but are not currently eligible for HOME funding.

HOME program requirements include financial capacity standards, separate from CHDO requirements. In order to be eligible for the CHDO operating funds, a CHDO would need to: 1) have a HOME-eligible project that would be funded within the next 24 months, and 2) demonstrate the financial capacity to manage the proposed HOME project. A CHDO that does not have a HOME-eligible project or does not have sufficient financial capacity could not be funded with CHDO operating funds.

If no lower-capacity developers are eligible for funding through the CHDO competitive process, then the funds would be reallocated to the pool of HOME funds to support a development project. At that time, the HTF Subcommittee and HAC could recommend that Council allocate an equivalent amount of General Funds to eligible CHDOs. The City's draft FY 2020 budget currently includes \$28,115 for this purpose.

Background

Federal HOME program regulations define a CHDO as an organization that meets certain capacity criteria, meets specified board composition criteria, and has certain policies in place. To be "certified" as a CHDO, eligible organizations must provide related documentation to the City for review and approval.

Federal regulations require jurisdictions to commit 15% of HOME funds to a certified-CHDO-sponsored project every year, or those funds are forfeit. A sponsor whose project is awarded HOME funds must remain a CHDO for the HUD compliance period, which lasts up to 20 years. With dwindling HOME funds and increased HOME requirements, the City has funded no more than one HOME project per year, effectively limiting the use of HOME funds to CHDOs. The City's total HOME allocation in FY 2018 was \$583,860.

Jurisdictions have the option of providing 5% of HOME funds to CHDOs as operating support, if the CHDO will be working on a HOME-funded project in the next 24 months. For more than a decade, the City has chosen to do so. The two certified CHDOs have been Satellite Affordable Housing Associates and Resources for Community Development. Initially these funds supported the growth of these two Berkeley-based nonprofits. Over time, both organizations have grown substantially and the City funds encourage both to look for new development opportunities in Berkeley and to continue asset management for existing Berkeley properties. Both organizations continue to participate actively on housing issues and provide input as needed to staff, in addition to completing the annual CHDO documentation process.

Years ago, the City received enough HOME funds to provide \$30,000 in HOME funds to each organization every year. As HOME funds were reduced at the federal level, the City began providing the HOME funds to one organization and a matching amount of General Funds to the other. The Council approves allocating the General Funds in the community agency budget item. This fiscal year both are receiving \$28,115.

The HAC has weighed in on CHDO operating funds for Satellite Affordable Housing Associates and Resources for Community Development each year, but the City has not conducted any application process beyond the CHDO certification.

Bay Area Community Land Trust (BACL T) is in the process of being certified as a CHDO in part due to their interest in CHDO operating funds. BACL T is a small organization, with just a \$120,000 operating budget projected for 2019, which includes a

one-time City grant of \$50,000 provided through the Small Sites Program – Capacity Building Request for Proposals conducted in 2018.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission (HAC)

From: Jenny Wyant, Community Development Project Coordinator

Date: March 18, 2019

Subject: **Satellite Affordable Housing Associates 2527 San Pablo Avenue
Predevelopment Loan Application**

Recommendation

At its March 7, 2019 meeting, the HAC's Housing Trust Fund Subcommittee voted to recommend Satellite Affordable Housing Associates' (SAHA) predevelopment loan application for \$500,000 for its proposed Blake Street Housing development at 2527 San Pablo Avenue. (M/S/C: Johnson/Tregub)

The Housing Trust Fund guidelines allow project sponsors to apply for predevelopment funding at any time, with all recommendations for greater than \$50,000 going to the City Council for consideration. At this time, all the local funding in the Housing Trust Fund has been reserved for the Berkeley Way development so no funds are available. In November, voters passed Measure O, which will provide bond funding for affordable housing. Council has not yet identified priorities for this funding and will be working through its Policy Committee and with the to-be-appointed bond oversight panel to evaluate priorities. If the HAC recommends funding for this project, the Council's options include referring the project to one of those bodies for consideration. In February, the HAC made a similar recommendation for Resources for Community Development's predevelopment loan request for a proposed development at 2001 Ashby.

Housing Trust Fund Guidelines

The City's Housing Trust Fund guidelines:

- Allow predevelopment loan applications to be submitted at any time.
- State that predevelopment loans are "generally" the lesser of \$50,000 or \$5,000 per unit, but in practice the City has often exceeded this guideline.
- Limit predevelopment loans to the lesser of \$100,000 or 10% of funds in any year. Exceeding that limit requires Council action, which has been done before. Council reserved \$29.5M in HTF funding in 2018; Council has not reserved any HTF funds so far in 2019.

A Vibrant and Healthy Berkeley for All

Project Description

SAHA is in contract to purchase 2527 San Pablo Avenue, a fully entitled project, including the building plans, specifications, and a building permit application. The project would require demolishing the existing (and vacant) service station, and construction of a new mixed-use development with 63 residential units and commercial space. The residential portion would be 100% affordable, with 62 units restricted at or below 80% of the area median income and one unrestricted manager's unit. The units would be a mix of studios, one-, and two-bedrooms, and would serve residents with HIV/AIDS (4 units) and intellectual or developmental disabilities (12 units).

SAHA is requesting \$500,000 in predevelopment funds to support due diligence efforts in converting the property from market rate to deed-restricted affordable housing. The majority of the funding request - \$380,000 – would support architectural work. SAHA would also order environmental reports, an appraisal, a market study, and geotechnical studies that would be required by potential lenders. The proposed predevelopment costs are typical and at a reasonable level for a project of this size and this stage of development. SAHA is estimating a total City subsidy of \$12 million.

Summary Analysis

The HTF Subcommittee reviewed the staff analysis of developer capacity, feasibility, and community objectives:

- Staff have no concerns about SAHA's capacity and qualifications to carry out the proposed development. SAHA is an experienced, Berkeley-based nonprofit developer that has constructed or renovated over 650 affordable housing units in Berkeley. There are no unresolved findings or issues with respect to the City's monitoring of existing SAHA developments.
- The project is highly feasible. Staff do not have concerns with the types of funding proposed, the predevelopment budget, or the preliminary development budget. Since the project has secured its planning approvals, there are fewer risks and unknowns than for a typical predevelopment loan. The greatest uncertainty to the project at this stage is the availability of the City development funds proposed by SAHA, since the projected City development funds exceed the balance currently in the HTF, which has no unreserved funds. SAHA proposes an ambitious timeline, starting construction in early 2020, which assumes a near-term award of City development funds in addition to these predevelopment funds.
- This project would help meet City Council's identified need for more affordable housing. Blake Street Housing would help expand the housing supply, create new deed-restricted units, and is consistent with the Housing Element and Consolidated Plan priorities for new affordable housing development. The project would incorporate sustainable building techniques, with a goal of achieving GreenPoint Rated's gold level for new multifamily developments.

Housing Advisory Commission

April 4, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **U1 Subcommittee - a correction to the record**

After carefully reviewing an audio recording of our February meeting, I have come to realize that newer commissioners may have been misinformed by some misstatements about the history of a “U1 Subcommittee”.

During the report-back from the current “U1 Subcommittee”, I will correct the record.

At the core of the issue: Commissioners were informed in February that, in past years, the commission had formed a U1 subcommittee to write the report due under BMC 19.44.020(B)(10). In fact, however, while a U1 subcommittee has been repeatedly formed and has repeatedly sent referrals to council, *none* of those referrals has been passed or implemented and *none* have satisfied our BMC 19.44.020(B)(10) obligations.

I will briefly explain why that is the case and how to correct it moving forward.

It is now nearly three years since the passage of measure U1 and we are beyond late in implementing our end of the bargain, in spite of a Council referral we’ve not implemented, and City Manager memo we’ve ignored, repeatedly.

Housing Advisory Commission

April 4, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Next steps towards a social housing summit and possible fund**

Recommendation

The Housing Advisory Commission begin discussing the implementation of our referral to City Council, *“Communicating and Meeting with Community Stakeholders on Housing Innovations”*

In particular, we’ll briefly recall the Small Sites and Tenants Opportunity to Purchase efforts, key concepts such as “social housing”, and discuss plans for May and June.

Because the biannual budget process is underway, a possible action may be to refer to City Council advice to create an annually renewed fund reserved for small sites and TOPA-related purchases, land-banking, property management of properties in City possession, and further development of social housing strategies.

Background

Outreach Authorization

On March 12, 2019, the City Council unanimously passed our earlier referral to:

“Authorize the Housing Advisory Commission to correspond in writing and to confer in public session directly with various affordable housing organizations for the limited purposes and time, and with the disclaimer described in the report. [...]”

Small Sites

The Small Sites program is a pilot program to preserve affordable housing through acquisition, with an emphasis on converting properties to democratized housing on land-trust property.

TOPA

A Tenants Opportunity to Purchase is a potential ordinance that gives tenants in multi-unit residential property a first right of refusal to purchase such property. Such a right may be transferable to the City (see also *Small Sites*).

Social Housing

In the context of this discussion, “social housing” will refer to a multi-property portfolio of housing, available to all incomes but with a majority of units available below market rate, organized as a democratically operated, municipally controlled land trust. The People’s Policy Project has published a business model for such housing, drawing upon existing examples in other countries: <https://www.peoplespolicyproject.org/2018/04/05/>

A summit

The City has a number of “moving parts” in its housing policy efforts (see the list above) that if harmonized well, could establish a social housing system in Berkeley with the potential to spark companion systems throughout the region. The Commission has been very slowly making progress towards a summit of potential stakeholders to help with the effort.

New fund rationale

While the Housing Trust Fund *could have been* used for the purpose of a small sites / TOPA fund, City Council has made multiple “pre-commitments” of HTF funds to unrelated purposes. Those commitments would presumably preclude reserving new deposits in for small sites purposes.

Housing Advisory Commission

April 4, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Taking action on climate change implications for housing**

Recommendation (adopt a problem statement)

The HAC adopt by resolution an agreement that the City of Berkeley should *[alternatively: should not]* urgently examine its current urban development strategies in light of the October 2018 release of the IPCC Special Report on Global Warming of 1.5°C, and in light of Berkeley’s declared commitment to become a net-negative CO₂ emitter by 2030.

Background

The conceit of Berkeley’s and the State of California’s urban development policy is that it is consistent with, and indeed advances the cause of combating global warming.

The IPCC Special Report on Global Warming of 1.5°C (“IPCC SR-15”) makes it clear that that conceit is not merely false, but destructive of the habitability of the planet for human civilization.

Rationale

The climate science is complex and hard to absorb all at once. Nevertheless, it can be helpful to view policy questions through some “bottom line” lenses - hard constraints on public policy that can be readily understood.

One key concept in climate science is that of a “carbon budget”. The carbon budget is the amount of unmitigated CO₂ (and other “greenhouse gasses”)

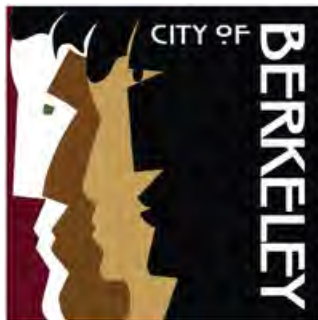
that can be safely emitted in pursuit of emissions reductions sometime later. The carbon budget must also be spent for the basic reproduction of society - the provision of food, shelter, water, medical care and so forth.

There is no remaining carbon budget for “eventual” emissions mitigation in OECD countries. The carbon budget that remains for the basic reproduction of these developed societies will, at current rates of burning, be exhausted somewhere between ~15 years hence at the latest, and some number of years *prior* to today, frankly.

In discussing urban redevelopment in OECD countries, the IPCC suggests that no new urban structure be built that are not fossil free and net zero emissions – that will reduce overall emissions immediately. The IPCC also suggests that retrofitting existing buildings is a very high priority.

If the climate science in the IPCC report is at all correct, it implies that current efforts to stimulate urban redevelopment in this region are incompatible with maintaining a habitable planet – in spite of the “green” reputation of these policies.

This memo does not ask Commissioners or the City to accept the reality of this situation directly. It merely records agreement that the City must prioritize studying and responding appropriately to the climate science published by the IPCC in late 2018. The UN and the IPCC have sounded a very shrill alarm - we must not ignore it.



Smoke Free Housing Survey

March 18, 2019, 2:06 PM

Contents

i.	Summary of registered responses	2
ii.	Survey questions	5
iii.	Individual registered responses	6

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Summary Of Registered Responses

As of March 18, 2019, 2:06 PM, this forum had:	Topic Start
Attendees: 207	February 26, 2019, 3:55 PM
Registered Responses: 91	
Hours of Public Comment: 4.6	

QUESTION 1

Did you know that smoking is prohibited in all multi-unit residential buildings, including in common areas, throughout Berkeley?

		%	Count
Yes		74.7%	68
No		25.3%	23

QUESTION 2

Is protection from exposure to second-hand smoke in your home important to you?

		%	Count
Yes		85.6%	77
No		12.2%	11
Not sure		2.2%	2

QUESTION 3

Have you or someone you know experienced problems with second-hand smoke caused by a resident of the same multi-unit property?

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

		%	Count
Yes		42.2%	38
No		43.3%	39
Not sure		14.4%	13

QUESTION 4

Please explain:

Answered	54
Skipped	37

all apartment berkeley building cigarette do don even from had health his home into live marijuana more neighbor
 neighbors ordinance other out outside people s smell smoke smokers smoking t tenant tenants they through time unit
 WAS where who window

QUESTION 5

Have you ever made a complaint under Berkeley's existing law?

		%	Count
Yes		7.8%	7
No		92.2%	83

QUESTION 6

If so, please comment on the outcome of your complaint.

Answered	7
Skipped	84

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

apartment complaint even **from know one smoking** stopped through up was

QUESTION 7

If you have avoided making a complaint, please comment as to why.

Answered 43

Skipped 48

any being building **complain complaint** didn do don evict from had home **know** landlord **law** more need neighbor ordinance other people **person** police problems really S situation smoke smoking so sure **t** tenant tenants **think** ve want **was** were who

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Survey Questions

QUESTION 1

Did you know that smoking is prohibited in all multi-unit residential buildings, including in common areas, throughout Berkeley?

- Yes
- No

QUESTION 2

Is protection from exposure to second-hand smoke in your home important to you?

- Yes
- No
- Not sure

QUESTION 3

Have you or someone you know experienced problems with second-hand smoke caused by a resident of the same multi-unit property?

- Yes
- No
- Not sure

QUESTION 4

Please explain:

QUESTION 5

Have you ever made a complaint under Berkeley's existing law?

- Yes
- No

QUESTION 6

If so, please comment on the outcome of your complaint.

QUESTION 7

If you have avoided making a complaint, please comment as to why.

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Individual Registered Responses

Name not available

inside District 2

February 26, 2019, 5:03 PM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 8

February 26, 2019, 5:05 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

no problems

Name not shown

inside District 4

February 26, 2019, 5:05 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

The ordinance is totally useless and mostly not enforced. I always have problems with people smoking in their apartment or common areas. A few years ago people below would smoke inside causing issues for me and neighbors next door. Highly disregarded and ignored ordinance. Almost as useless as the no smoking in commercial zones etc that cops never enforce. It should be a fine and ticketable offense.

Question 5

- Yes

Question 6

Not accepted due to how complicated it is to lodge one.

Name not shown

inside District 1

February 26, 2019, 5:09 PM

Question 1

- No

Question 2

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 3

- Yes

Question 4

No response

Question 5

- No

Question 6

Not good for neighbor relations

Name not shown

inside District 5

February 26, 2019, 5:20 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not shown

inside District 2

February 26, 2019, 5:55 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

a person was continuing to smoke even though they knew it was against the law. Furthermore, since the 2013 ordinance nearly everyone now who was a clandestine smoker has stopped.

Question 5

- Yes

Question 6

I made the complaint at the beginning of my taking residence in the senior retirement housing i live in. The smoking has stopped.

Name not shown

inside District 3

February 26, 2019, 5:58 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

a tenant would smoke on the front porch and the smoke would rise up and into my living room window

Question 5

- No

Question 6

no need since the new law and signs

Smoke Free Housing Survey
Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Name not available
inside District 2
February 26, 2019, 7:44 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

Everyone abides without complaint.

Question 5

- No

Question 6

I don't smoke.

Name not shown
inside District 5
February 26, 2019, 8:43 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

We have severe allergies to odors, especially cigarette smoke.

Question 5

- No

Question 6

Not a good idea to do that to people who live near you.

Name not available
inside District 8
February 26, 2019, 8:56 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

I spoke with the person directly

Name not available
inside District 3
February 26, 2019, 9:04 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Smoke Free Housing Survey
Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 4

No response

Question 5

- No

Question 6

The manager sent out a warning text message to entire building and that solved it.

Name not available
inside District 4
February 26, 2019, 9:10 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not available
inside District 3
February 26, 2019, 9:18 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

No problems. I am tired of being discriminated against for being a renter. My home is my home. I have a prescription for medical marijuana. I smell it from several units. It does not bother me. We pay really high rent. I find the ordinance outrageous. Typical Berkeley overreach. Why don't you worry about the horrible shape of the sidewalks instead? I've tripped and been told that "if I had a dime for every person I've seen trip, I'd be rich." I've emailed the mayor about this issue. No response. Typical.

Name not shown
inside District 8
February 26, 2019, 9:19 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not available
inside District 4
February 26, 2019, 10:01 PM

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Other tenants are still smoking near the building, such as standing in front of the main gate, or just smoking standing outside of their apartment when it is raining. We leave our window open for ventilation and cooling and the smoke filters in at least twice a day.

Question 5

- No

Question 6

It's difficult to determine who is smoking and informing the property management company only results in a notice being posted on the building informing tenants about the ordinance.

Name not available

inside District 8

February 26, 2019, 10:17 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Residents of our multi-unit apartment building smoke outside the front and only door so we breathe smoke Everytime we come and go from the building as well as when smoke wafts into our unit when we have our windows open.

Question 5

- No

Question 6

I'm not sure whether my complaint is covered by the law.

Name not available

inside District 2

February 26, 2019, 11:11 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

The prohibition is totally ignored by a few tenants in a large building. Also, frequently ignored by guests and others who don't live here, but get into the building without a key.

Question 5

- No

Question 6

Other tenants repeatedly complain. There are more significant problems in the building.

Name not available

inside District 3

February 26, 2019, 11:47 PM

Question 1

- Yes

Question 2

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- Yes

Question 3

- Yes

Question 4

Official Berkeley's infatuation with recreational drugs other than tobacco is a form of suicide.

Question 5

- No

Name not shown

inside District 3

February 27, 2019, 12:43 AM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

While I abhor the smell of tobacco smoke, I don't really believe that occasional exposure to it will really damage human health. And the last thing we need is more criminalization of people's private conduct in their own homes. Has the government decided that since it can no longer harass cannabis users, it's going after tobacco smokers instead. Really? I hate synthetic perfumes and deodorants too - are people who wear them in public going to be the next target? Think how much revenue can be raised for pet causes...

Question 5

- No

Question 6

It's none of my business?

Name not available

inside District 1

February 27, 2019, 7:00 AM

Question 1

- Yes

Question 2

- Not sure

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not shown

inside District 3

February 27, 2019, 7:02 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

In the past. We own our home now.

Question 5

- No

Name not shown

Smoke Free Housing Survey
Please let us know what you understand about Berkeley's smoke-free housing ordinance.

inside District 3
February 27, 2019, 7:08 AM

Question 1

- Yes

Question 2

- No

Question 3

- Not sure

Question 4

My previous tenant used to smoke those disgusting cloves while she talked on the phone. I hated hearing her talk more than the smoke, but I tolerated both of these because she pulled the weeds during her smoking and talking. I am lucky to get current tenants not to smoke in their doorway, let alone leaving the property.

Question 5

- No

Question 6

I would complain to them, if I really cared.

Name not shown

inside District 8
February 27, 2019, 7:10 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

No response

Question 5

- No

Name not shown

inside District 1
February 27, 2019, 7:35 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

My niece had to move out because of health complications from the second-hand marijuana smoke.

Question 5

- No

Question 6

Not sure this type of smoking was part of this.

Name not shown

inside District 2
February 27, 2019, 7:36 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 4

I have asthma, and the people who lived below us occasionally smoked. Sometimes it was outside, but right below our window

Question 5

- No

Question 6

I didn't know the ordinance existed

Name not shown

inside District 6
February 27, 2019, 7:38 AM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 4
February 27, 2019, 7:59 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 6
February 27, 2019, 8:01 AM

Question 1

- Yes

Question 2

- No

Question 3

- No

Question 4

Any other rights to stamp on?
Luckily, I can afford a SFD and don't have to deal with this BS.

But pot is "medicine", huh?

Question 5

- No

Name not shown

inside District 2
February 27, 2019, 8:39 AM

Question 1

- No

Question 2

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

outside Berkeley Districts
February 27, 2019, 8:45 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

My girlfriend and I purchased a duplex in Berkeley which came with a tenant. The tenant smoked and sometimes the smoke could be smelled by us, especially as we exited our front door (the tenant smoked outside).

Question 5

- No

Question 6

It wasn't that much of a bother. We were never bothered when we were inside.

Bryce Nesbitt

inside District 1
February 27, 2019, 8:56 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Smoking residue in the shared toilets.

Question 5

- No

Question 6

It's entirely pointless to complain. What might work is a revision to the ordinance requiring cigarette smoke alarms. These make a different sound from a fire alarm, and would really stop the behavior quick. The current setup allows people to sneak smokes and leave residues that last for weeks or months.

sam Clune

inside District 3
February 27, 2019, 9:03 AM

Question 1

- No

Question 2

- No

Question 3

- No

Question 4

A man's house is his Castle. Keep nanny laws out of my home!!!! I tend to live in drafty places anyways. More worried about car exhaust, and being able to open my window. Take some cars off the road and achieve more.

Question 5

Smoke Free Housing Survey
Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- No

Name not shown

inside District 5
February 27, 2019, 9:05 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

While I don't live in multi-unit housing, I fully support a prohibition on smoking in such housing. Those who share housing with smokers need to be protected from second-hand smoke just as do people in restaurants, offices and retail spaces.

Question 5

- No

Question 6

I have not had a situation prompting a complaint.

Name not shown

inside District 8
February 27, 2019, 9:12 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

The smoke travels from balcony to balcony or through HVAC systems. It stinks! Property owners should be able to evict any and all smokers.

Question 5

- No

Question 6

Because tenants have too many rights so I am unlikely to win.

Name not shown

inside District 1
February 27, 2019, 9:17 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

I live in a single family home but want to stress that second-hand smoke in our homes is not only a multi-unit residence problem. We had a neighbor that chain-smoked on his back deck where he spent most of his time. It was bad enough to smell his cigarette smoke every time we were out working in the garden but the situation really became a problem in warm weather when we had to open windows. Our entire house would smell of cigarette smoke within minutes due to the airflow between our two houses. What people do in their own homes is their business but when it affects the health and well-being of other people, some type of restrictive legislation is necessary. Our ordinances disallow noise and sunlight for this very reason. It's time to protect the right to clean air. If smokers can't find a way to pursue their habit without subjecting those around them to second-hand smoke and unclean air, they shouldn't be allowed to do it where they can't control where the smoke goes. That may seem unreasonable to smokers, but having cigarette smoke in a smoke-free home is an unreasonable encroachment. Neighbors don't get to do that.

Question 5

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- No

Question 6

I complained to my Councilperson but, since I'm in a single family home, it was not covered under the existing law.

Name not shown

inside District 8

February 27, 2019, 9:28 AM

Question 1

- No

Question 2

- Yes

Question 3

- Not sure

Question 4

Although I live in a smoke-free single family residence, I have been in a number of housing units in and around Berkeley since 2013 where there were people smoking in the hallways, and standing outside the building in front of doors smoking. I find this offensive in general and since I am allergic to cigarette smoke, it creates additional issues for me. The problem I have always had with this is that even with the ordinance, there is virtually no way to enforce it. If I call the police, they will put it as a back burner issue, and by the time they come to a building, the person smoking will have finished the cigarette and generally have moved. If I file any other complaint, I create an unpleasant living situation with a neighbor. It turns out to be a somewhat lose-lose situation. Also, can a landlord evict for smoking in a building? In my experience if that were attempted, the rent board would fight the landlord as hard as possible using city funds to support the tenant.

Question 5

- No

Question 6

If I call the police, they will put it as a back burner issue, and by the time they come to a building, the person smoking will have finished the cigarette and generally have moved. If I file any other complaint, I create an unpleasant living situation with a neighbor. It turns out to be a somewhat lose-lose situation. Also, can a landlord evict for smoking in a

building? In my experience if that were attempted, the rent board would fight the landlord as hard as possible using city funds to support the tenant.

Name not shown

inside District 7

February 27, 2019, 9:32 AM

Question 1

- Yes

Question 2

No response

Question 3

No response

Question 4

No response

Question 5

- No

Question 6

I think you would need to phone the police and the police are way too busy for a "Smoking" violation call

Name not available

inside District 3

February 27, 2019, 9:35 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 4

I lived in an apartment where I could smell smoke from another unit. It was gross!

Question 5

- No

Question 6

I didn't know at the time that it was possible to do so

Name not shown

inside District 1

February 27, 2019, 9:59 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not available

inside District 2

February 27, 2019, 10:03 AM

Question 1

- No

Question 2

- No

Question 3

- No

Question 4

If they do they are imagining it. They do not live in a bubble. "Toxins" come from everywhere, automobile emissions, nearby factories (the recently closed Pacific Steel Casting) and so many other sources that it would be impossible to attribute the state of one's health to a single factor such as a neighbor smoking a cigarette somewhere in the same apartment complex. Unless they lived in a vacuum chamber and someone blew smoke right into it, I don't think it's fair to single out a certain segment of the population for something with literally millions of other factors playing a part.

Question 5

- No

Question 6

The law is stupid and I won't play into it. If more people complain of course there will be more stupid laws. The converse, I should hope, is also true. If nobody complains then can we get rid of laws that nobody cares about?

Name not shown

inside District 3

February 27, 2019, 10:12 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

Friend in Oakland dealt with second hand smoke from neighbor. They complained to the landlord multiple times and he was finally asked to move out.

Question 5

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- No

No response

Name not shown

inside District 1
February 27, 2019, 10:19 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Even the building manager smokes in his unit, my neighbors smoke in theirs. The owners don't care.

Question 5

- Yes

Question 6

Even a sustained complain accomplishes nothing.

Name not shown

inside District 5
February 27, 2019, 10:49 AM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

Question 5

- No

Name not available

inside District 3
February 27, 2019, 10:51 AM

Question 1

- No

Question 2

- Yes

Question 3

- Not sure

Question 4

There has been an ongoing problem with a neighbor (adjacent property, share a property line) who smokes cigars in unconfined spaces - smoke often carried eastward into our common spaces, through open windows, etc. by prevailing west winds.

Question 5

- No

Question 6

Unsure if this situation (described above) falls within the Law's authority.

Name not shown

inside District 8
February 27, 2019, 11:20 AM

Question 1

- Yes

Question 2

- Not sure

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 3

- Yes

Question 4

No response

Question 5

- No

Name not available

inside District 2
February 27, 2019, 11:24 AM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 3
February 27, 2019, 11:41 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

Please update this to include vaping and cannabis smoking which seems to be becoming more and more of an issue.

Question 5

- No

Name not available

inside District 6
February 27, 2019, 11:44 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

No response

Question 5

- No

Question 6

Did not know who exactly was the person who was the source of the smoke.

Name not shown

inside District 2
February 27, 2019, 11:47 AM

Question 1

- Yes

Question 2

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- Yes

Question 3

- No

Question 4

You need to include marijuana smoke.

Question 5

- No

Name not shown

inside District 4

February 27, 2019, 12:12 PM

Question 1

- Yes

Question 2

- No

Question 3

- Yes

Question 4

Some undergrads downstairs were smoking and it went into another neighbors door. The landlord threatened to call the cops on everyone. They stopped but the whole thing was pretty annoying. I don't think this ordinance is enforceable. A waste.

Question 5

- No

Question 6

It would be petty.

Name not shown

inside District 8

February 27, 2019, 12:14 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

smoking on the steps near the entrance to the building.

Question 5

- No

Question 6

dealt with on a personal basis

Name not shown

inside District 3

February 27, 2019, 1:27 PM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

People smoke in their private outdoor area and the smoke has blown into my home. Also, because our 3-unit condo complex is so close to the public sidewalk, I get smoke from people walking by on the sidewalk and/or sitting in their cars that are parked on the street where they are also smoking. I'd love to be able to put up a sign saying it was illegal to smoke within X feet of our condo development. I hope this smoke free housing rule applies to small condo developments like ours.

Question 5

Smoke Free Housing Survey
Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- No

Question 6

When the smoking is done on the deck of one of our condos, I have mentioned this to the owner and on occasion the smoker. On the street/sidewalk, I didn't know that I had any recourse and I wouldn't think that the city could enforce it in a timely manner.

Name not shown

inside District 6

February 27, 2019, 3:17 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

smoking should be allowed in outside areas as long as people are using consideration in regard to others

Question 5

- No

Question 6

I would rather talk to the person and find a solution before making a complaint.

Name not available

inside District 4

February 27, 2019, 3:36 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Both nicotine smoke and marijuana smoke seeping in from units next to one another or from common areas that residents smoke in even though they are not supposed to.

Question 5

- No

Question 6

It's well known that nothing happens. There are times when the city has sent a warning letter to the resident, but nothing much changes. And landlords can't evict a tenant for smoking so their hands are tied as to what to do if the tenant doesn't stop smoking.

Name not shown

inside District 4

February 27, 2019, 4:18 PM

Question 1

- No

Question 2

- No

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

Had no reason to.

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Name not available

inside District 3

February 27, 2019, 4:56 PM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

Smell seeping through into my bedroom. Triggering asthmatic reaction.

Question 5

- No

Name not available

inside District 4

February 28, 2019, 12:28 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

People below me smoked pot. But even worse is that the law doesn't include neighbor complexes which often are closer. The building that's closest to my bedroom on Allston way has people smoke near my bedroom window ALL the time and it's giving me great concern as I have a baby. I live on California St and the unit is on Allston way but I can't complain as it's a different complex.

Question 5

- No

Question 6

Main problem coming from another complex

Name not shown

inside District 5

February 28, 2019, 2:59 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 1

February 28, 2019, 6:19 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

We have lived in an apartment where smoke from the unit below world

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

make up to our place through some means (walls or side of fitting it seemed). This was not in Berkeley but we were frustrated with our inability to deal with the situation that was health and quality of life impacting.

Question 5

- No

Name not shown

inside District 8

February 28, 2019, 9:10 AM

Question 1

- No

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not shown

inside District 5

February 28, 2019, 11:24 AM

Question 1

- Yes

Question 2

- No

Question 3

- Not sure

Question 4

All in all, I don't care. But I have to say it really bothers me that while the tobacco smoking has been stopped, the weed smoking hasn't been - and frankly, seems to be encouraged. No one's forcing a contact high on me with tobacco. Or making everything smell like a skunk was defending itself outside my window.

Question 5

- No

Question 6

I feel it's petty.

Name not available

inside District 3

February 28, 2019, 12:40 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not shown

inside District 5

February 28, 2019, 2:28 PM

Question 1

- Yes

Question 2

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 6
February 28, 2019, 6:09 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

I have lived in a single family home for 33 years.

Question 5

- No

Name not available

inside District 1
February 28, 2019, 10:04 PM

Question 1

- No

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 2
March 1, 2019, 7:48 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

You need to make several complaints even for the offender to receive a citation and the landlord is powerless to evict the offender.

Name not shown

inside District 1
March 1, 2019, 8:27 AM

Question 1

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 2

- No

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 8
March 1, 2019, 8:48 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Our downstairs neighbor used to smoke very often in her apartment, causing smoke to rise through the floor and into our vents. This was quite disconcerting, as I could literally see the smoke entering our apartment. My husband has asthma, I am allergic to cigarette smoke, and at the time our child was very young.

Question 5

- Yes

Question 6

I don't know if this counts as an official complaint, but I let our landlord know about the neighbor smoking in her apartment, and it was mostly stopped. Extremely occasionally, as in about once a year, I can still smell smoke coming up from the apartment. But it is a dramatic change, and I am so grateful!

Name not available

inside District 4
March 1, 2019, 9:04 AM

Question 1

- Yes

Question 2

- No

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 1
March 1, 2019, 11:12 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

I had to grow up and work with smokers. I have terrible allergies now and have experienced breathing problems and asthma in the past when I had to be around it. And it stinks.

Question 5

- No

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 6

I HAVE made a complaint about the proposal to allow pot at Cesar Chavez park - which I think should be against the law. It is a refuge. I don't want to be around pot-smokers or any other smokers.

Name not available

inside District 8

March 2, 2019, 10:18 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

All landlords and landladies should be able to evict smoking tenants.

Question 5

- No

Name not shown

inside District 3

March 3, 2019, 3:19 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

But, a multi-unit right next to me had several smokers and it was awful.

Question 5

- Yes

Question 6

No response at all from City of Berkeley.

Name not available

inside District 8

March 4, 2019, 11:35 AM

Question 1

- No

Question 2

- Yes

Question 3

- Yes

Question 4

My co-worker told me about smoke going through the bathroom vents in his apartment! That is not safe! We should all be allowed to live in a smoke free environment.

Question 5

- No

Name not available

inside District 2

March 5, 2019, 3:13 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 4

Constant headaches and dizziness from multiple smoking neighbors. Would like to see the city require landlords submit to plans for enforcement for all types of smoking. Also look at detectors Fresh Air Sensor (<https://www.freshairsensor.com/>) and allow complainants to remain anonymous. The smokers are never named (privacy) but complainants always are!

Question 5

- Yes

Question 6

"It fell through the cracks" even after talking to the head of enforcement multiple times. I gave up on the city process. Too lengthy and no follow through. Was harassed by one of my smoking neighbors for filing though.

Name not shown

inside District 3

March 6, 2019, 6:10 PM

Question 1

- Yes

Question 2

- No

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

no need - the law is unnecessary

Name not shown

inside District 4

March 7, 2019, 3:24 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 5

March 11, 2019, 9:08 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Frequently people are smoking too close to building entrances. There should be designated smoking areas away from entrances.

Question 5

- No

Name not available

inside District 3

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

March 11, 2019, 11:09 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not shown

inside District 3

March 11, 2019, 6:24 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

My landlord shared with me that the no-smoking regulation is not enforceable even though our leases clearly state no smoking inside our units or outside the building. We are frustrated and don't know what to do

Question 5

- Yes

Question 6

Not enforceable

Name not shown

inside District 7

March 15, 2019, 5:54 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Neighbors smoke outside and smoke drifts over to our living spaces.

Question 5

- No

Question 6

Did not know if smoking outside of multiunit property is illegal or not.

Name not available

inside District 8

March 15, 2019, 8:47 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

Long term tenants don't care about the smoking ordinance because it doesn't apply to them.

Question 5

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

• No

Question 6

It wasn't applicable

Name not available

inside District 1

March 15, 2019, 9:56 PM

Question 1

• Yes

Question 2

• Yes

Question 3

• No

Question 4

This ordinance pits neighbor against neighbor and while I am concerned about second hand smoke why the city does not have the same stance with pot smoke I don't know.

Question 5

• No

Question 6

I don't want confrontation with my neighbor .

Name not available

inside District 5

March 16, 2019, 12:04 AM

Question 1

• Yes

Question 2

• Yes

Question 3

• No

Question 4

No response

Question 5

• No

Name not available

inside District 1

March 16, 2019, 3:48 AM

Question 1

• No

Question 2

• Yes

Question 3

• Not sure

Question 4

Question: is marijuana smoking allowed in public places like parks and the Marina?

Marijuana smoke is so pungent that it should be banned in all areas smoking is banned.

Question 5

• No

Name not shown

inside District 7

March 16, 2019, 8:12 AM

Question 1

• Yes

Question 2

• No

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 3

- No

Question 4

It is not a problem and Berkley is doing overkill.

Question 5

- No

Question 6

not a problem

Name not available

outside Berkeley Districts
March 16, 2019, 9:05 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

inside District 8
March 16, 2019, 9:05 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Name not shown

outside Berkeley Districts
March 16, 2019, 9:43 AM

Question 1

- Yes

Question 2

- Yes

Question 3

- Not sure

Question 4

No response

Question 5

- No

Name not available

inside District 6
March 16, 2019, 4:12 PM

Question 1

- Yes

Question 2

- Yes

Smoke Free Housing Survey

Please let us know what you understand about Berkeley's smoke-free housing ordinance.

Question 3

- Yes

Question 4

I have a share in several multi units. Increasingly over the last 2 years we are receiving complaints about in unit smoking which disturbs roommates and neighbors.

This is inspite of the fact that our leases ban smoking and all occupants are aware of the no smoking policy.

More than that, in 2018 we began receiving Complaints about marijuana smoke.

We have informed all tenants that the non Smoking ban includes marijuana, but the over all permissive attitude towards use of Marijuana in Berkeley creates problems.

This is a potential health hazard that Berkeley city policies have fostered. Supporting public use of marijuana only makes this worse and makes it impossible for owners to protect the environment of a multi unit.

Name not shown

outside Berkeley Districts

March 17, 2019, 2:15 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- Yes

Question 4

No laws regarding Marijuana. No enforcement- current tenants can smoke because there is nothing in their lease to prevent it.

Question 5

- No

Question 6

retaliation form other tennants

Name not available

inside District 4

March 17, 2019, 8:53 PM

Question 1

- Yes

Question 2

- Yes

Question 3

- No

Question 4

No response

Question 5

- No

Question 6

Not sure City of Berkeley would actually do anything...neighbors in the complex next door to me constantly smoke and it prevents me from opening my windows.

Uberti, Michael

From: Thomas Lord <lord@basiscraft.com>
Sent: Thursday, March 21, 2019 6:27 PM
To: All Council; Housing Advisory Commission
Subject: how to fund Rebuilding Together and Inter-City Services

[This is a public communication to the City Council and to the Housing Advisory Commission.]

City Council, fellow HAC commissioners,

The Housing Advisory Commission has completed its process for making recommendations in relation to community agency funding. No doubt you are aware of a controversy: the HAC subcommittee who worked with City staff to form initial recommendations proposed not funding Inter-City Services and not funding Rebuilding together from the general funds and CDBG funds anticipated in this round. The full Commission reversed this recommendation, with a single abstention - me. I also was the only subcommittee member to attend all three meetings of the subcommittee and, after two meetings, I became the subcommittee chair.

Recently, a council member remarked to me "I was sad to hear you voted against Mansour", referring (of course) to Mansour Id-Deen, the executive director of Inter-City Services. That remark alarmed me because I do not believe that I voted against Mr. Id-Deen or ICS. On the contrary, I would like to see the City of Berkeley more fully fund ICS and improve its relation with ICS.

I am writing to explain why I strongly disagree with the full commission's recommendation and to propose an alternative.

First, let's consider the case of Rebuilding Together. The large majority of funding requested by that organization was from federal CDBG funds, not Berkeley General Funds. The General Fund budget available to community agencies is not large enough to replace those CDBG funds without sacrificing other, highly valuable agencies. In my careful discussions with staff, over three meetings, my understanding became that while Rebuilding Together very reliably does the work it sets out to do - and is indeed an incredible asset - that nevertheless they have struggled to produce accurate, on-time, fully auditable reports to the City of Berkeley contract monitor. One likely solution they and staff agree upon (in my understanding) is to expand their capacity with the hiring of a new, permanent executive director. My understanding is that they are having difficulty finding a suitable candidate at the compensation level they can offer.

Critically, the defects in auditable reporting from Rebuilding Together have recently been serious enough that staff is not comfortable qualifying them for CDBG funds. If the perspective of staff is honored, that means the bulk of badly needed funding is not available to Rebuilding Together. This is a crisis for the organization, the community, and the City of Berkeley.

Second, let's consider the case of Inter-City Services. Once again, the organization provides invaluable workforce-training services (and these are only a portion of their service to the community!). I have no doubt about the importance of funding them. Yet there is a similar problem. My understanding, (and if I understand City staff correctly, their understanding as well), is that the quality and accuracy of ICS' reports to the contract monitor, and the contents of their application, need significant improvement going forward. One idea that we discussed with staff, in

subcommittee, was that ICS could benefit from hiring a specialist in grant writing and keeping the records needed for reporting to the contract monitor.

Critically, to fund ICS at more than 50% of its current request would more than strain the current General Funds budget for community agencies. To fund them at that level (or even less as was initially proposed by the first motion maker at the full HAC) would not provide them with the support needed to fix the relationship with the City of Berkeley. As fiduciaries of the City of Berkeley, we have a responsibility to fix this. As with Rebuilding Together, and as I stressed repeatedly at the full commission meeting, this is a crisis for the whole community and the City which we should call upon Council to fix.

With all respect to my colleagues on the full Commission, I believe that they acted hastily without hearing out my proposed solution and that they did not adequately consider what City staff and I had to say about the issues. While I presume they act only with good intentions, nevertheless, I think they produced a recommendation which is inequitable to these organizations, and which would put those organizations and the City at needless risk. This is an example of *systemic* injustice. Genteel, well intended one presumes - yet driven by unjust institutional habit.

I think there is a better way forward. I propose to Council to:

Find that these organizations are extremely valuable to the community.

Find that the difficulties in funding them in this community agency round -- the first *four year* cycle -- is a crisis for the whole community and the City.

Allocate funds adequate to fully fund these organizations, including the needs of each for additional staffing.

Appoint council members to mediate discussions between those organizations and City staff to get the contracts right to avoid repeat problems.

While I did make a substitute motion to that effect during the full meeting, an earlier (and in my opinion premature) motion by another had gained too much momentum to overcome, especially with the lateness of the hour. I hope that in the future the membership of the HAC can act in a collaboratively deliberative manner and listen more fully to what City staff has to say. From past experience I promise my colleagues that that is the most rewarding and productive course. But real life has its bumps -- and this has been one of them.

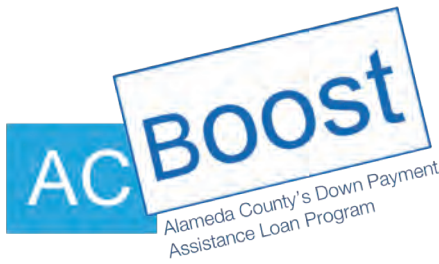
I personally stand by the subcommittee's recommendation and by my proposal that the Council fully fund both organizations in the manner described above. I hope you will find them helpful.

Thank you,.

Thomas Lord

Housing Advisory Commission (District 2) [for identification purposes only]

CDBG (Community Agency) Subcommittee Chair [for identification purposes only]



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AC Boost cung cấp các khoản vay hỗ trợ thanh toán trước lên tới 150.000\$ cho những người mua nhà lần đầu sống hoặc làm việc tại Hạt Alameda hoặc những người phải chuyển nhà khỏi Hạt Alameda. Có hỗ trợ bằng tiếng Việt.

準備購買你的第一間房屋嗎？

AC Boost 提供 \$150,000 首期貸款幫助，給予首次買屋者。購房者要在亞拉米達縣 (Alameda County) 居住或工作，或在亞拉米達縣流離失所者。有中文提供幫助。

Handa na bang bumili ng unang bahay ninyo?

Ang AC Boost ay nag-aalok ng tulong sa paunang pagbayad na mga pautang ng may hanggang \$150,000 para sa mga unang-beses na mamimili ng bahay na nakatira o nagtrabaho sa Alameda County o sinumang napaalis mula sa Alameda County. May pagtulong sa Tagalog na magagamit.

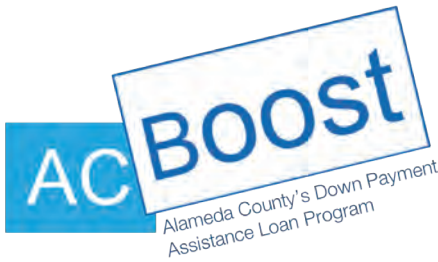


acboost.org
(510) 500-8840
acboost@hellohousing.org



AC Boost is funded by Measure A1 Affordable Housing Bond funds and administered by nonprofit organization Hello Housing on behalf of the County of Alameda.

The County of Alameda and Hello Housing do not discriminate against any person on the grounds of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, marital status, familial status, source of income, genetic information, medical condition, physical disability or mental disability, or any other category protected by law.



Funded by Alameda County Measure A1
and approved by Alameda County taxpayers

Applying for Down Payment Assistance from AC Boost is free, fast, and simple!

- I'm a first-time homebuyer and ready to buy in Alameda County.
- I live in, work in, or have been displaced from Alameda County.
- I have a household annual income of less than 120% Area Median Income.

AC Boost Special Features
Are you a First Responder or Educator in Alameda County? If yes, you may have double the chances to access AC Boost funds.



Income Limits & Loan Amounts

- Buyers earning less than 100% AMI (Area Median Income) have a loan limit of \$150,000.
- Buyers earning between 100% and 120% AMI have a loan limit of \$100,000.

**Income limits below are effective as of June 1, 2018 and are subject to change on an annual basis*

Household Size	1	2	3	4	5	6	7	8
100% AMI*	\$73,100	\$83,500	\$93,950	\$104,400	\$112,750	\$121,100	\$129,450	\$137,800
120% AMI*	\$87,700	\$100,250	\$112,750	\$125,280	\$135,300	\$145,350	\$155,350	\$165,400

¡Solicitar asistencia de pago inicial de AC Boost es gratis, rápido y fácil! Los límites de los préstamos son de \$ 100,000 para el 100% del AMI o de \$ 150,000 para el 120% del AMI. Consulte la tabla para límites por tamaño de hogar.

Bạn có thể đăng ký hỗ trợ thanh toán trước từ AC Boost miễn phí, nhanh chóng và dễ dàng! Giới hạn vay là 100.000\$ ở 100% AMI hoặc 150.000 đô la ở 120% AMI. Hãy xem bảng giới hạn thu nhập theo quy mô hộ gia đình.

申請 **AC Boost** 首期貸款幫助是免費的、快捷的、容易的！100% AMI 的貸款限額是 \$100,000 美元 或 120% AMI 的貸款限額是 \$150,000 。請參閱家庭規模表格。

Ang pag-aplay para tulong para sa unang pambayad mula sa AC Boost ay libre, mabilis at madali! Ang mga limitasyon sa pautang ay \$100,000 para sa 100% AMI o \$150,000 para sa 120% AMI. Tingnan ang talaan ng limitasyon ng kita ayon sa sukat ng sambahayan.

Learn more at acboost.org, email acboost@hellohousing.org, or call (510) 500-8840



FOR IMMEDIATE RELEASE
March 20, 2019

Alameda County Launches \$50 Million AC Boost Down Payment Assistance Program Funded by Measure A1 Affordable Housing Bond

Program expected to help over 350 households purchase their first homes in Alameda County

OAKLAND, CA – Today the Alameda County Board of Supervisors announced the launch of AC Boost, a \$50 million countywide down payment assistance loan program funded by the County’s 2016 Measure A1 Housing Bond. The program offers shared equity loans of up to \$150,000 to first-time homebuyers who live, work, or have been displaced from Alameda County. The program is administered by Hello Housing, a local affordable housing nonprofit organization, on behalf of the Alameda County Department of Housing and Community Development.

“I’m thrilled to see this much-needed workforce housing program be offered to our middle-income County residents. AC Boost will be a critical tool in ensuring that we’re able to provide access to affordable and stable housing for teachers, first responders, and other professionals in our community who have simply been priced out of homeownership in our County.” - Supervisor Chan, Chair of the Board of Supervisors Housing and Homelessness Committee.

Media Contacts:

Beth Fraker
Hello Housing/
MidPen Housing
(650) 356-2913

bfraker@midpen-housing.org

Jennifer Pearce
Alameda County
Housing and Community
Development Department
(510) 670-6474
Jennifer.pearce@acgov.org

Investing in homeownership. AC Boost demonstrates a crucial investment by Alameda County in homeownership, widely considered the primary long-term strategy for building household wealth, which is in turn one of the strongest determinants of health. Benefits of homeownership for individual households include resilience against displacement pressures, the ability to build wealth in the form of home equity, the stabilization of housing and related costs, the pride of ownership, and access to economic opportunities that extend to future generations. At a community level, affordable homeownership has been shown to promote better health and education outcomes, civic engagement, and neighborhood stabilization.

Addressing the racial wealth gap. Many decades of government policies promoting racial discrimination, coupled with discriminatory real estate and lending practices, have contributed to the persistence of profound racial disparities in homeownership. These disparities in turn play an outsize role in perpetuating a staggering racial wealth gap. For example, the rate of African American homeownership lags the rate of White homeownership by 30 percentage points, a key factor in limiting the median wealth of African American households to less than 10% that of White households.

“Homeownership remains the single greatest way to build wealth in America, yet coming up with the 20% down payment needed to break into homeownership requires you already have access to wealth. AC Boost is designed to eliminate this self-perpetuating barrier, opening up the benefits of homeownership to communities of color who have traditionally been excluded.” – Mardie Oakes, President, Hello Housing

Program Requirements. Eligible buyers must currently live or work in Alameda County or have been displaced from a home in Alameda County in the last 10 years. A preference is available for First Responders and Educators, including licensed childcare providers. Loan limits are \$150,000 for households that earn less than 100% Area Median Income (e.g. annual income of \$104,400 for a household of 4) and \$100,000 for households with a median income between 100% and 120% AMI (e.g. annual income of \$125,280 for a household of 4). Loans are shared appreciation loans, with no interest and no monthly payments. Eligible buyers also must be able to provide their own down payment funds of at least 3% of the purchase price and must be qualified for a first mortgage from a participating lender. Eligible homes include single family homes, condos, townhomes and live/work units in Alameda County that will be owner-occupied by the buyer within 60 days of purchase.

Application Process. Interested homebuyers should submit a pre-application on ACBoost.org by April 26th to be entered into a random lottery. Households with top-ranking lottery numbers will be invited to attend a mandatory workshop, then invited to submit a full application with supporting documentation within 21 days of the workshop. Full applications will be considered on a “first completed” basis, and conditionally approved applicants have an initial 90 days to enter into a purchase contract. There is a preference for Educators and First Responders, who will be entered into a preference lottery as well as the general lottery (definitions of those eligible for the preference may be found at <https://www.acboost.org/check-eligibility>). Subsequent application periods are expected to be opened periodically until the funds are exhausted. Loan repayments will recycle back into the program to fund new down payment assistance loans.

For more information and full program details:

Para más información o asistencia ♦ 有關更多信息或幫助 ♦ Để biết thêm thông tin hoặc hỗ trợ ♦ Para sa karagdagang impormasyon o tulong

www.ACBoost.org
(510) 500-8840
acboost@hellohousing.org

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About Measure A1 Countywide Housing Bond:

Measure A1, the \$580 million countywide Housing Bond, was passed by over 73% of the voters in November 2016. Measure A1 is funding 3 homeownership programs: the \$50 million AC Boost Down Payment Assistance Loan Program, the \$25 million Homeownership Housing Development Program to assist the development and long-term affordability of homeownership housing for low-income households, and the \$45 million Housing Preservation Loan Program to help seniors, people with disabilities, and other low-income homeowners remain safely in their homes. In addition, Measure A1 is funding \$460 million in rental housing programs for vulnerable populations.

About AC Boost Program Administrator Hello Housing:

Nonprofit organization Hello Housing, an affiliate of MidPen Housing, was founded to develop and preserve affordable housing for traditionally-underserved communities. Hello Housing has developed unique expertise in all facets of affordable

homeownership, including the development, management and administration of homeownership programs through its flagship program, Hello Stewardship. Hello Housing stewards BMR ownership and loan portfolios with a total market value of over \$500 million in the Bay Area. The organization works in close partnership with local government to help them make and maintain housing investments that break cycles of poverty and benefit low- and moderate-income communities for generations to come. HelloHousing.org



1642 Milvia St. #4, Berkeley, CA 94709, USA • 510-684-9071

March 7, 2019-presentation: 3/8/19-updates

Dear Berkeley Housing Advisory Commissioners:

I have made available for your review the following four documents:

- 1) Presentation and Background from which I will draw several points
- 2) The Philosophy of the House (1642 MSCA)
- 3) A House History covering the 38 years of the Association's history
- 4) Tangible Next Steps and Outcomes—This document

Mr. Johnson's request in his email of 2/11/19 to Commissioners Wolf and Tregub and me reads: "I would love to funnel this energy into some tangible next step and outcomes. Following, I have tangible next steps and outcomes from my perspective.

- 1) What we undertook?
- 2) What "Proof of Concept" did we create?
- 3) What were the goals of the original founders and what are the current goals of participants?
- 4) What were the benefits to participants?
- 5) What were unintended consequences?

What are prospective tangible next steps and outcomes?

- 1) In January and again on February 9th, I asked Dr. Wolfe:
 - a. Is there a survey of old, multiple units houses needing owners to rehab them?
 - b. How would that map with growing homeownership, growing economic development, growing resilience in our community?
 - c. Infusing capital in many small businesses because of homeowner upgrade activities.
 - d. Enable community members to learn how to work together to deal with home capital and maintenance needs
 - e. Decrease the costs of homelessness—porta potties, expensive fences, degradation of community members' self worth, possible costs of clinician care.
- 2) In any housing activity where assistance is provided, part of the "continuum of care" is workforce training. Benjamin Fahrer, farmtheroof@gmail.com, has fulfilled on a great model on Dwight Way. I suggest that now that Benjamin and associates have worked out the soil/amendments roof load issue, that this could be an important part of the workforce training and career development for this area—or anywhere.
- 3) Classes to enable people to:
 - a. Trust and be thoughtful of each other
 - b. Value in working with older houses as homes—stepping stones to other opportunities should move—as each participant learns social, infrastructure exposure and possible capacity development in: plumbing, construction, electricity, accounting, management, communication and functional roles, interaction with their City's zoning personnel and the laws and dynamic interrelationship around housing



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- c. Growth of self-esteem and joy regarding growing relationships, living where there is great food, possibly growing a garden and celebrating a relationship with the fecundity of nature.
- d. Build up Neighborhood Communities—**Possibly with Building Together and Berkeley Tool Library**
- e. Build up middle income economy through these community members and support services
- f. Save money and time and build equity and learnings

4) TIC vs Condominium

#	Tenants-in-Common Positive Aspects	Tenants-in-Common Negative Aspects	Condominium Positive Aspects	Condominium Negative Aspects
1	Ability to choose/confirm other community members	Need to always be “Loan Ready” as one never knows who might sell and the house is owned as a percentage of 100%.	<ul style="list-style-type: none"> • Shared infrastructure overhead. • You don’t buy a property, you buy a contract 	Partners not selling have little say about purchasing owner. Our House Philosophy helps.
2	Safeguard home whenever a member is traveling.	Every time a tenant changes, sell, foreclose, die, the loan must be completely refinanced	Access to HELOCs	A partner can “build out” a unit and charge a lot of money. Most partners leave when they have their second child and they then need a larger house. This is a gentrification dynamic.
3	Ability to undertake legal action partition one's primary residence from indebtedness	Liability for each other’s debts.	Home partitioned from other’s indebtedness.	Responsibility for own financial profile.

Theodosia H. Ferguson
Member, 1642 Milvia St Condo Assn.
(1642 MSCA)

Uberti, Michael

From: Theo Ferguson <theo@healinglivingsystems.org>
Sent: Thursday, March 14, 2019 9:36 PM
To: Uberti, Michael
Subject: Fwd: Consider Ground Solutions to attain "permanently affordable housing"; plus next steps
Attachments: follow through BHAC_update_030819.docx

Michael--

Please forward my email on to all Berkeley Housing Advisory Commissioners noting the potential of revving up a lot of community members!

Best to you all! Theo Ferguson, 1642 Milvia St. Condo Assn.

----- Forwarded message -----

From: Theo Ferguson <theo@healinglivingsystems.org>
Date: Fri, Mar 8, 2019, 4:25 PM
Subject: Consider Ground Solutions to attain "permanently affordable housing"; plus next steps
To: Igor Tregub <ltregub@gmail.com>, <muberti@cityofberkeley.info>, Marian Wolfe <marian.wolfe@gmail.com>

Dear Igor, Marian and Michael--

In this email, I have included [Ground Solutions Network](#) and lightly updated the next steps I distributed to BHA Commissioners last night.

I look forward to working with Vice-Chair Wolfe to produce a streamlined document that presents- with supportive education--a movement of community members prospectively collaborating to upgrade **their** homes from challenged cultural, heritage housing stock in Berkeley. A fine sustainable action on the part of the city!

The goal of my presentation was to inspire the BHAC to action by including background with sufficient depth. With the 1642 Milvia St. Condo Assn.'s 38 year seat of the pants' experience, the Commissioners could understand that community creativity could be both unleashed and harnessed through offers of information sessions to elevate confidence in interested community members to put their thoughts, hearts, and money together to create homes for themselves and other community members.

By elevating community confidence, many more will be housed...actually some manner of systems' body of mentors--what you need to know to be a home owner (certainly including 100% consensus training/Non-Violent communication, possibly trust exercises)--could grow the population inspired.. Useful as well would include Tool Library Training--Taught by Tool Library staff and Rebuilding Together. I think an ED for Rebuilding Together could show up in this process. I, myself, worked with Christmas in April for 4-5 years. Hey! a day of work with solid results is a satisfying volunteer activity.

Please thank Chairperson Johnson for putting out that he wanted to see tangible next steps and outcomes. I look forward to framing a document with Commissioner Wolfe that BHAC could recommend and forward to the Berkeley City Council. Let them be housed!

Best regards to you all,

Theo

Theo Ferguson

Healing Living Systems, Inc., CEO and Founder

Slow Money NoCal SOIL Member

Farm Ecosystem Services Consultants

Millennials Co-Designing a New Economy based on

Cooperative Economic Models the initial focus of
which addresses Community food, farming and
Finance.

Community Cultural and Food Shed Resilience

Architect and Advocate

[SOIL NOT OIL International Conference Globally Streamed
Systems to Heal the Climate](#)

www.healinglivingsystems.org

cell: 510-684-9071

Uberti, Michael

From: Elaine Belkind <izabel261@comcast.net>
Sent: Tuesday, March 19, 2019 11:27 PM
To: Housing Advisory Commission
Subject: Support for Rebuilding Together

I am writing in support of Rebuilding Together's request for funding. I am a disabled person in my 70's on a fixed income. My house is much safer and more comfortable due to the services they have provided. They have enabled me to stay in my home. They do excellent work and are very much part of the Berkeley community. They are familiar with the issues of low-income individuals in Berkeley.

Rebuilding Together is working with a very small budget. They do not get the support that similar agencies in adjacent communities receive. They have taken very seriously the bookkeeping issues that were a recent problem. Practices are now in place that will rectify past problems. The loss of this agency's services will be tragic for many Berkeley citizens who are struggling to keep their homes functional. Please offer them full support. Thank you.

Elaine Belkind