

Housing Advisory Commission

HOUSING ADVISORY COMMISSION

Regular Meeting
Thursday, April 7, 2016

Time: 7:00 p.m.

South Berkeley Senior Center
2939 Ellis Street – Berkeley
Secretary Amy Davidson, (510) 981-5406

AGENDA

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.*

PRELIMINARY MATTERS

1. Roll Call
2. Agenda Approval
3. Public Comment
4. Approval of the March 3, 2016 Draft Meeting Minutes (*Attachment 1*)

UPDATES / ACTION ITEMS

5. **Debrief on April 5th City Council Meeting, including the Mayor's Housing Plan, Tiny House Programs, the Homeless Shelter Crisis, the Housing Trust Fund Guidelines, and Other Housing-Related Items – All**
6. **Discuss and Adopt HAC Work Plan and Form New Related Subcommittees– All (*Attachment 2*)**
7. **Recommendation to the City Council to Endorse Several State Legislative Items Related to Housing – Igor Tregub (*Attachment 3*)**
8. **Correspondence to the Commission on Aging Regarding Senior Homeless Needs – Marian Wolfe (*Attachment 4*)**
9. **Human Welfare and Community Action Commission, Request to Review Commission Process Improvement – (*Attachment 5*)**
10. **Update on Council Items – All/Staff**
 - a. April 5 Predevelopment loans
11. **Future Items – all items and dates are tentative**
 - a. Smoke-free housing ordinance evaluation – July
12. **Announcements**
13. **Adjourn**

ATTACHMENTS

1. Draft March 3, 2016 Meeting Minutes
2. Work Plan Summary
3. Recommendation on State Legislative Items Related to Housing
4. Memo to the Commission on Aging
5. Human Welfare and Community Action Commission Report on Commission Process Improvement
6. Information: Marian Wolfe shared The Eviction Economy

Links to April 5, 2016 City Council Meeting Agenda and Selected Reports:

1. April 5th Council Meeting Agenda:
<http://records.cityofberkeley.info/Agenda/Meetings/ViewMeeting?id=178&doctype=1>
2. Mayor's Housing Plan:
[http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20\(Public\)%3B%20MAYOR%3B%20%3B%20REGULAR%3B%20ADDRESSING%20THE%20HOUS.pdf?meetingId=178&documentType=Agenda&itemId=1994&publishId=2900&isSection=false](http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20(Public)%3B%20MAYOR%3B%20%3B%20REGULAR%3B%20ADDRESSING%20THE%20HOUS.pdf?meetingId=178&documentType=Agenda&itemId=1994&publishId=2900&isSection=false)
3. Tiny House Program:
[http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20\(Public\)%3B%20DISTRICT%207%3B%20%3B%20REGULAR%3B%20HOMELESS%20COMMI.pdf?meetingId=178&documentType=Agenda&itemId=1993&publishId=2911&isSection=false](http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20(Public)%3B%20DISTRICT%207%3B%20%3B%20REGULAR%3B%20HOMELESS%20COMMI.pdf?meetingId=178&documentType=Agenda&itemId=1993&publishId=2911&isSection=false)
4. Homeless Shelter Crisis:
[http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20\(Public\)%3B%20DISTRICT%204%3B%20%3B%20REGULAR%3B%20CITY%20RESPONSE.pdf?meetingId=178&documentType=Agenda&itemId=1991&publishId=2909&isSection=false](http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20(Public)%3B%20DISTRICT%204%3B%20%3B%20REGULAR%3B%20CITY%20RESPONSE.pdf?meetingId=178&documentType=Agenda&itemId=1991&publishId=2909&isSection=false)
5. Housing Trust Fund Guidelines:
[http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20\(Public\)%3B%20DISTRICT%204%3B%20%3B%20REGULAR%3B%20AMENDING%20HOUSI.pdf?meetingId=178&documentType=Agenda&itemId=2082&publishId=2885&isSection=false](http://records.cityofberkeley.info/Agenda/Documents/ViewDocument/4_5_2016%3B%20CLK%20%2D%20Report%20(Public)%3B%20DISTRICT%204%3B%20%3B%20REGULAR%3B%20AMENDING%20HOUSI.pdf?meetingId=178&documentType=Agenda&itemId=2082&publishId=2885&isSection=false)

Written material may be viewed in advance of the meeting at the Housing Department, 2180 Milvia Street, 2nd Floor, during working hours.

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.





**HOUSING ADVISORY COMMISSION
Regular Meeting
Thursday, March 3, 2016**

Housing Advisory Commission

Time: 7:02 p.m.

**South Berkeley Senior Center
2939 Ellis Street – Berkeley
Secretary – Amy Davidson, (510) 981-5406**

DRAFT MINUTES

PRELIMINARY MATTERS

1. Roll Call

Present: Heidi Abramson, Diego Aguilar-Canabal, Tor Berg, Brendan Darrow, Kathleen Crandall, Jill Martinucci, Alejandro Soto-Vigil (7:04pm), Igor Tregub, and Marian Wolfe.

Commissioners in attendance: 9 of 9

Staff Present: Buddenhagen, Davidson, Scott, Wyant, and Vasquez.

Members of the public in attendance: 4

Public Speakers: 1

2. Agenda Approval

Action: M/S/C (Crandall/Abramson) to approve agenda

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Aguilar-Canabal, Martinucci, Tregub, and Wolfe. Noes: None. Abstain: None. Soto-Vigil-(Not present at this time).

3. Public Comment

1 speaker. The speaker expressed concern over the housing shortage and offered a solution to resolve the supply/demand mismatch. His suggestion was to build more housing for lower income persons and referenced his complete strategy in a document he prepared.

4. Approval of February 4, 2016 Minutes

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

Vote: Ayes: Abramson, Berg, Crandall, Aguilar-Canabal, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: Darrow.

UPDATES / ACTION ITEMS

5. Housing Trust Fund Loan Modification Request: Resources for Community Development's MLK House – Jenny Wyant, HHCS (Attachment 2)

Action A: M/S/C (Tregub/Martinucci) to approve staff's recommendation provided that there is more detail in a report to Council regarding the option of forgiving the loan and the option of keeping an interest rate. In addition, staff will consider also consider these two alternatives in future situations.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Aguilar-Canabal, Martinucci, Soto-Vigil, Tregub. Noes: None. Abstain: None. Wolfe (recused-on RCD's Board).

6. CDBG Funding Recommendations – *Jill Martinucci, HAC and Jennifer Vasquez, HHCS (Attachment 3)*

Action: M/S/C (Wolfe/Abramson) to approve CDBG Funding Recommendations.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Aguilar-Canabal, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None.

7. Recommend Approval of Annual Action Plan – *Jennifer Vasquez, HHCS (Attachment 4) (AAP available online at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>)*

Action: M/S/C (Tregub/Berg) to approve Annual Action Plan with the provision of comments to make all pages legible, provide more detail on the number of households served for each program, and other comments provided to staff in email correspondence.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Aguilar-Canabal, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None.

8. Information item: Multifamily housing insurance and relocation – *Tor Berg, HAC*

Tor Berg corrected his statements made at the February 4, 2016 meeting regarding relocation coverage in landlord insurance. Mr. Berg stated that neither his current nor prior insurance carrier offer relocation insurance for landlords. Ms. Crandall also called several insurance companies and discovered that they did not offer relocation insurance for landlords.

9. Housing Trust Fund Priorities – *Amy Davidson (Attachment 5)*

Amy Davidson discussed the priorities of the Housing Trust Fund that are outlined in a memo that will go to Council on April 5, 2016. The memo discusses the projected amount in the Housing Trust Fund, establishing a certain amount for predevelopment funds, the National Housing Trust Fund, Scattered Sites, and Berkeley Way. Various members discussed their views on current and future priorities. There was a discussion about the minimum amount of predevelopment funding given the developers need and the process of getting funds approved through either the City Manager or Council. If the amount is no more than \$50K, the City Manager can approve it; greater amounts must be approved by Council.

Action: M/S/C (Soto-Vigil/Tregub) to approve a correspondence from the HAC that will be a supplement to staff's memo at the April 5, 2016 Council meeting stating that the maximum amount of predevelopment funds be \$250K per project,

for a maximum of 4 projects if Council approves \$1M going into the Housing Trust Fund.

Vote: Ayes: Darrow, Soto-Vigil, Tregub, and Wolfe. Noes: Abramson, Berg, Crandall, Martinucci. Abstain: Aguilar-Canabal.

10. Update on Council Items – All/Staff

- a. February 16 Council special meeting on housing
- b. February 23 Mayor's proposal on the Housing Mitigation Fee
- c. Housing Trust Fund Guidelines revisions related to labor requirements – will go to Labor Commission March 16
- d. April 5 Predevelopment loans

11. Future Items – all items and dates are tentative

- a. Changes to the Community Agency RFP Process – April
- b. Smokefree housing ordinance evaluation – July
- c. Work Plan

12. Announcements

- a. Plan Bay Area Meeting February 20
- b. Federal approval for higher local Fair Market Rents

13. Adjourn

Action: M/S/C (Tregub/Martinucci) to adjourn the meeting at 9:00 p.m.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Aguilar-Canabal, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None.

Approved on DATE, April 7, 2016

_____, Amy Davidson, Secretary

Housing Advisory Commission – Work Plan Meeting (March 4, 2016) Strategic Priorities

| Priorities | Total Dot Count | Examples of Strategies Recommended by Members |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Increase Resources for the Housing Trust Fund | 29 | Continue to work to increase revenue sources, such as the allocation of a portion of the Transfer Tax revenues to the HTF, providing support for the Windfall Business License Tax Measure, exploring the possibility of allocating a portion of the TOT to be charged to short-term rentals to the HTF. |
| Increase Supply of Moderate- and Middle-Income Housing Units | 18 | Streamline permitting process, review Condominium conversion Ordinance to understand future potential for BMR units upon conversion of rentals to condos, explore alternative forms of housing ownership, such as co-ops, small site projects, and expanding the creation of ADU's. |
| Explore Additional Housing Affordability Strategies | 13 | Expand use of land trusts, explore use of surplus public land, and pursue acquisition/rehabilitation strategies. |
| Expand HAC's Role in Planning and Political Process to Promote more Low- and Middle-Income Housing and Address Housing Issues Related to the Homeless Population | 13 | Monitor Specific Plans, major zoning changes, Inclusionary Requirements, and lobbying City Commissions and Council on key housing-related issues, including the role of BHA. |
| Lobbying the City | 9 | Work with the City to encourage support for state and county ballot measures that would expand funding for affordable housing and other policies that could combat the housing affordability crisis. |
| Housing for the Homeless | 6 | Support and Encourage Short Term and Long Term Strategies to Provide Housing and Services for the Homeless |

Housing Advisory Commission – Work Plan Meeting, March 3, 2016

Shading indicates broader categories which include the unshaded topics below them.

| Topic | 3/3 dot count | Space for notes / follow up: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------|
| More funding for Housing Trust Fund, other housing activities | 29 | |
| Transfer tax | 9 | |
| Business license tax | 7 | |
| Short-term rental fees | 5 | |
| Policy discussions and recommendations to the Council on different ways to raise money for the Housing Trust Fund in order to fund BMR rental units and ownership housing | 5 | |
| Alameda County GO Housing Bond | 2 | |
| Considering a variety of possible economic trends, look at possible new or expanded sources of funding for the Housing Trust Fund that would diversify its income | 1 | |
| BMR and Middle Income Condos | 18 | |
| BMR and Middle Income Condos | 4 | |
| Streamlining planning process to get units build | 8 | |
| Condo conversion ordinance review | 6 | |
| Affordability Strategies | 13 | |
| Research other, proven effective options to provide housing and advocate for those. (Look at a variety of housing levels, including workforce housing, affordable ownership housing, co-op ownership housing, small site projects, | 6 | |

Attachment 2 – complete notes from March work plan meeting

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------------------------|
| accessory dwelling units – and assess impacts to overall housing affordability and availability.) | | |
| Ways to lower cost of housing, such as -reduce land costs through use of land trusts and surplus public land -acquisition/rehabilitation strategy to expand affordable housing supply | 5 | |
| Work to maintain the existing affordable housing and also expand the amount of affordable housing in the City. | 2 | |
| Specific Plans, Zoning and Other Non-HAC Regulations | 13 | |
| Work more closely with ZAB and the Planning Commission to help promote building more housing for low and middle income housing | 7 | |
| Inclusionary/BMR | 6 | |
| Lobbying the City | 9 | |
| Lobbying the City | 7 | |
| Other efforts on the state, county (through recommendations on bills/proposals) and city to combat the housing crisis | 2 | |
| HAC’s role. Is the HAC included in current policy discussions surrounding housing? How can the HAC become more pro-active in shaping future policy? How can the HAC work with the BHA? | 7 | |
| Transitional housing and homelessness | 6 | |
| Support the BHA with its request | 1 | HAC report tentatively on Council agenda 4/26 |
| Relocation ordinance | | Added due to general interest after the special meeting |

Attachment 2 – Roster of Current Subcommittee Membership

Housing Advisory Commission – Subcommittee Membership 3/4/2016

| Name | Short Term Rentals | CDBG | Density Bonus | HTF | | | |
|-----------------------|--------------------|------|---------------|-----|--|--|--|
| Jill Martinucci | X | X | | | | | |
| Tor Berg | | X | | | | | |
| Igor Tregub | X | X | X | | | | |
| Brendan Darrow | X | | | X | | | |
| Heidi Abramson | | | X | X | | | |
| Marian Wolfe | | | X | | | | |
| Alejandro Soto-Vigil | | | X | X | | | |
| Diego Aguilar-Canabal | | | | X | | | |
| Kathleen Crandall | X | X | | | | | |

Notes:

Short term rental is inactive and will sunset one month after the item goes to Council.

CDBG is done with its work and will sunset after Jill presents its recommendations to Council.

Density bonus is on hold until staff or Planning Commission work picks up, or the HAC decides to initiate work.

HTF will start meeting soon on this year’s HTF funding activities.

All Commissions require a specific charge and an end date.

HOUSING ADVISORY COMMISSION
4/7/16

To: Housing Advisory Commission
From: Igor Tregub, Vice Chair
Subject: Recommendation to the City Council to Endorse Several State
Legislative Items Related to Housing

Recommendation

The Housing Advisory Commission (HAC) recommends to the Berkeley City Council to endorse the following pending state legislation: AB 2502 (Palmer fix), AB 2817 (State Low Income Housing Tax Credits (LIHTC)), SB 873 ("Certificated" LIHTC), AB 2734 (Dedication of General Funds), AB 2031 (Affordable Housing Bond), and AB 2406 (Accessory Dwelling Units).

Background

The following provides a brief summary of each legislative proposal and its author(s). All are in line with advancing the HAC's mission and would support the City of Berkeley's efforts to produce and fund additional housing, particularly for lower-income families.

AB 2502 (Asm. Mullin and Chiu). From the Non-Profit Housing Association (NPH): "This is the 'Palmer Fix' bill to clarify that local jurisdictions may require, as a condition of approval, inclusion of affordable units in a multiple unit rental development. In 2013, NPH cosponsored AB 1229 (Atkins), an identical bill that was vetoed by Governor Brown. In his veto message, [here](#), Governor Brown wrote that he sought the benefit of the thinking of the California Supreme Court before making adjustments to this area of law. In June of last year, the California Supreme Court ruled unanimously to uphold the right of San Jose, through its police power, to enforce its inclusionary zoning ordinance in the *California Building Industry Association (CBIA) v. City of San Jose* case. Find the full Supreme Court opinion [here](#). Find the text of the bill [here](#), and the [AB 2502 Fact Sheet here](#)."

AB 2817 (Asm. Chiu). From NPH: "This is a reprise of NPH-cosponsored AB 35 (Chiu) from last year, a bill that was ultimately vetoed by Governor Brown after receiving nearly unanimous and bipartisan support in the Legislature. The bill would increase the value of the State Low Income Housing Tax Credit and increase the annual amount of available credits by \$100 million per year for five years. Find the text of the bill [here](#)."

SB 873 (Sen. Beall), From NPH: "[This] would increase the value of the State Low Income Housing Tax Credit by allowing credits to be "certificated" by nonprofit

affordable developers. The legislation is a reprise of SB 377 (Beall) which was sponsored by the California Housing Partnership Corporation and supported by NPH last year. SB 377 had no fiscal impact to the state's general fund, received unanimous and bipartisan support in the Legislature but, nonetheless, was vetoed by Governor Brown. Find the text of the bill [here](#) and the [fact sheet here](#)."

AB 2734 (Asm. Atkins): This recently introduced bill would dedicate 50% of state general fund savings from the dissolution of redevelopment agencies to affordable housing. Find the text of the bill [here](#).

AB 2031 (Asm. Bonta and Atkins). From NPH: "Conceived and cosponsored by NPH, **this** legislation would authorize local jurisdictions to issue affordable housing bonds against the revenue stream of "boomerang funds" which are a portion of "net available revenue" received by cities and counties after the dissolution of redevelopment. The bill does not redirect property taxes from any other taxing entity and has no state general fund impact. The City of Oakland is also cosponsoring the bill. Find the text of the bill [here](#) and the [fact sheet here](#).

AB 2406 (Asm. Thurmond) – Will incentivize the creation of and provide standards for regulation of junior accessory dwelling units in municipalities as part of a strategy to address the housing crisis.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2406

DATE: April 7, 2016

TO: Commission on Aging

FROM: Bren Darrow, Chair, Housing Advisory Commission

RE: **HAC Participation in Joint Subcommittee on Senior Homeless Needs**

Thank you for contacting the Housing Advisory Commission. The mission of the Housing Advisory Commission (HAC) is as follows:

Advises Council on housing matters; advises Council on Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) programs and funding allocations; hears and determines matters regarding the abatement of substandard and deficient buildings; serves as an appeals board for tenants and property owners regarding relocation and correction of code violations; advises Council on Housing Trust Fund (HTF) allocations.

The areas where the Commission on Aging and the HAC overlap regarding senior homeless needs could be in how CDBG funds are allocated and the use of HTF funds for permanent, affordable housing. Recommendations for CDBG funds for the upcoming fiscal year have already been provided to the City Council. The HAC has less discretion in how CDBG funds are allocated and more discretion in the awarding of HTF funds for both predevelopment and permanent financing of affordable housing.

First, here is a brief description of how the HAC awards HTF loans and grants. While the City of Berkeley will sometimes make building sites available and invite developers to submit applications for affordable housing developments (the Berkeley Way project is an example of this), the majority of projects that the HAC evaluates for funding are brought forward to the City (and to the HAC) by nonprofit developers. So, the City primarily responds to housing proposals brought to it.

In making the decision of what projects to fund, the HAC works with guidelines that are already established. These guidelines describe the process of evaluating and selecting projects to receive Housing Trust Fund resources. We can re-examine those guidelines and see if there are ways to prioritize affordable senior housing projects.

At this time, HAC participation in a joint subcommittee on homeless senior issues may not be the most feasible approach, but we can schedule a review of these Guidelines for a future meeting.

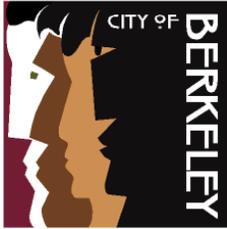
Wyant, Jenny

From: Wong, Wingyin
Sent: Wednesday, March 02, 2016 10:38 AM
To: Al-Hadithy, Nabil; Allen, Shannon; Amoroso, Alexander; Brannigan, David; Brenman, Eric; Bryant, Ginsi; Burns, Anne M; Bustamante, Tanya; Davidson, Amy; DeSnoo, Neal; Funghi, Amelia; Geiken, Delfina M.; Greene, Elizabeth; Hollander, Eleanor; Iyengar, Savith; Javandel, Farid; Klatt, Karen; Klein, Jordan; Lee, Katherine; Merker, Mary Ann; Miller, Roger; Molina, Raquel P.; Pollard, Beth; Powell, Greg; PRC (Police Review Commission); Ramirez, Manuel; Rejwan, Carmella; Reynoso, Sarah; Rose, Sean; Schneider, Andrew; Talley, Leah; Torres, Jonathan; Tsering, Dechen; Wicker, Andrew; Wong, Wingyin; Zarnowitz, Sally
Cc: Lee, Kristen S.
Subject: Report from HWCAC
Attachments: Commission improvement policy.pdf

Hi Commission Secretaries,
My name is Wing and I am the secretary for the Human Welfare and Community Action Commission (HWCAC). Our commissioners find that the current Berkeley Municipal Code regarding the operations of the city commissions is unclear in several areas and therefore, has submitted a report and a resolution to amend this Municipal Code. Attached is the report/resolution for your commission to review.
Thank you.

Wing Wong
City of Berkeley
Department of Health, Housing & Community Services
Phone: (510) 981-5428
Fax: (510) 981-5450
wywong@cityofberkeley.info

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Human Welfare and Community Action Commission

ACTION CALENDAR

April 26, 2016

To: Honorable Mayor and Members of the City Council
From: Human Welfare and Community Action Commission
Submitted by: Praveen Sood, Chairperson, Human Welfare and Community Action Commission
Subject: Commission Process Improvement

RECOMMENDATION

Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley municipal that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

FISCAL IMPACTS OF RECOMMENDATION

There are minimal costs associated with the actions recommended beyond amending the policy as appears in city publications.

CURRENT SITUATION AND ITS EFFECTS

The city of Berkeley has a unique system of commissions that acts on a consultative basis with city council on a variety of topics. Like most organizations, commissions need to constantly look at ways to improve their process. The current code regarding the operations of the city commissions is unclear in several areas and this resolution attempts to find solutions to these needs.

BACKGROUND

On 9/16/2015 the HWCAC held a public meeting with a resolution on Divestment from Israel as one of the agenda items. Just before the start of that meeting, Cheryl Davila, the commissioner who had brought the resolution forward was informed that she was being removed by her appointing councilperson, Darryl Moore. According to Ms. Davila, Councilperson Moore had a conversation with her a day before the meeting and had warned her to pull the resolution or face the consequences. This dismissal just before the meeting effectively removed Ms. Davila from the debate that night and from any potential vote on the resolution.

In addition to the dismissal, several members of the council appointed new commissioners to the HWCAC just before a vote on the resolution. One of these last minute appointments was for only one meeting, which happened to be the one on 10/21/2015 where the divestment resolution was being voted on. Two other last minute appointments, including one by Darryl Moore, provided votes against the resolution,

consistent with what their council appointer had wanted. Other appoints didn't even show up for the meetings, and were eventually removed. Whether these appointments were made to purposely manipulate the vote is a separate discussion, but they gave that impression to many commissioners and members of the public. We firmly believe that whatever your feelings are in regards to a topic, in this case Divestment from Israel, the rights of commissioners and the public to engage in open debate and to a fair vote on the topic should not be compromised. These actions by city council highlight how the current code is vague on dealing with some aspects of commissioner dismissals and appointments and how that lack of clarity may be used to exert influence on commissioners and manipulate open debate. This resolution recommends several changes to the code regarding commissions in an effort to clarify these points and protect the role of the commissioner and improve the performance of these valuable groups.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated the action suggested in this report.

RATIONALE FOR RECOMMENDATION

As a member of the commission system the Human Welfare and Community Action Commission has a vested interest in the improved operations of the commission system. In addition, we believe that clarifying certain parts of the process will help the commission system to better serve the community by providing the opportunity for people to tackle difficult subjects.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Wingyin Wong, Commission Secretary, HHCS, (510)981-5428

Attachments:

1: Resolution

RESOLUTION NO. ##,###N.S.

Commission Improvement Process

WHEREAS, the Human Welfare and Community Action Commission is organization with the city's commission program and has a vested interest in the approved function of the commissions.

WHEREAS, here is potential for the commission appointment process to be used in ways that it may not have been intended.

WHEREAS, the set of rules regarding the removal of commissioners by their appointing city council member is not clearly defined.

WHEREAS, we believe the system could be improved with closer contact between commissioners and their appointing city councilpersons.

NOW THEREFORE BE IT RESOLVED by the City Council of the city of Berkeley that the city manager examine the feasibility making changes to the existing city code to improve the operations of the commission process.

BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section A Sentence 2 be amended with the following or similar language. "Vacancies on the board shall result when a member notifies the City Clerk of his/her resignation, or when an elected member moves and establishes residence outside of his/her election district, or when a commissioners appointment is revoked by the appointing city council member in writing with a minimum of 30 days' notice." This will ensure that any terminations of appointment are done with advanced notice and will ensure against the conflicts of interest that may arise from last minute removals of commissioners.

BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section B Sentence 1 be amended with the following or similar language.."..finish the unexpired term of the appointment. This vacancy appointment may not vote on commission items till the 2nd meeting following their appointment." This will ensure against the conflicts of interest that may arise from that last minute appointments made to affect the outcomes of votes.

BE IT FURTHER RESOLVED that BMC 3.78.040 Temporary Vacancies Sentence 3 shall be amended with the following language.."..remaining representatives of the poor, as long as that appointment is approved by a minimum of 3 representatives of the poor, if three representatives of the poor are not available then the temporary appointment may be voted on by a quorum of commissioners and may be approved by a majority of the quorum." This change ensures that any temporary vacancies on the Human Welfare

and community Action Commission are approved by a minimum number of members of the commission, currently there is no defined number of voting members required.

BE IT FURTHER RESOLVED that BMC 3.78.050 officers, meeting, and procedures be amended with the following or similar language “E. City Council members will meet with the commissioner appointees in person, or via a phone call or online meeting every 6 months starting on the day of their appointment.” This will help ensure better communication between council members and their appointees.

BE IT FURTHER RESOLVED by the city council of the city of Berkeley that the city manager and city attorney examine and changes necessary to apply the appropriate changes to the code in regards to all of the city’s commissions.

Davidson, Amy

From: Marian Wolfe
Sent: Sunday, March 06, 2016 3:29 PM
To: Davidson, Amy
Subject: Article to Send to Housing Commissioners
Attachments: The Eviction Economy.docx

Dear Amy,

I normally do not send out articles or editorials to our Housing Commissioners, but I think that this opinion piece is very important. So, if possible, could you send it to the Commissioners?

Please include this note:

This opinion piece places a price tag on making the Housing Voucher Program a universal entitlement program similar to Food Stamps. The price tag for this program (an additional \$22,5 billion) assumes that eligible households would use existing housing provided by the private market.

I am familiar with at least one study that compares the costs over time between building subsidized housing with the cost of providing vouchers to very low-income households. While, initially, the voucher approach is more cost effective, over the long run, subsidized housing is less costly.

Finally, to be successful, a voucher approach assumes an adequate housing supply. In tight markets, property owners may decide not to rent to voucher holders given that rents allowed under the voucher program may be lower than the market rate rents. This is the situation in Berkeley's rental market today.

Our work on the HAC is so important, since affordable housing is such a critical component of life.

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SundayReview | OPINION

The Eviction Economy

By **MATTHEW DESMOND** MARCH 5, 2016

198 COMMENTS

Photo



The College Mobile Home Park complex in Milwaukee. Credit Joshua Lott for The New York Times

I FIRST met Lorraine when we both lived in a trailer park on the far South Side of Milwaukee. Fifty-four, with silvery brown hair, Lorraine loved mystery novels, “So You Think You Can Dance” and doting on her grandson. Even though she lived in a mobile home park with so many code violations that city inspectors called it an “environmental biohazard,” she kept a tidy trailer and used a hand steamer on the curtains. But Lorraine spent more than 70 percent of her income on housing — just as one in four of all renting families who live below the poverty line do. After paying the rent, she was left with \$5 a day.

Under conditions like these, evictions have become routine. Lorraine (whose name has been changed to protect her privacy) was evicted after she borrowed from her rent money to cover part of her gas bill. The eviction movers took her stuff to their storage unit; after Lorraine was unable to make payments, they took it to the dump.

Those of us who don't live in trailer parks or inner cities might think low-income families typically benefit from public housing or some other kind of government assistance. But the opposite is true. Three-quarters of families who qualify for housing assistance don't get it because there simply isn't enough to go around. This arrangement would be unthinkable with other social services that cover basic needs. What if food stamps only covered one in four families?

America stands alone among wealthy democracies in the depth and expanse of its poverty. Ask most politicians what we should do about this, and they will answer by calling for more and better jobs. Paul Ryan, the Republican speaker of the House, thinks we need to do more to "incentivize work." Hillary Clinton, the front-runner for the Democratic presidential nomination, thinks we should raise the minimum wage. But jobs are only part of the solution because poverty is not just a product of joblessness and low wages. It is also a product of exploitation.

Throughout our history, wage gains won by workers through organized protest were quickly absorbed by rising rents. As industrial capitalists tried to put down the strikes, landlords cheered workers on. It is no different today. When incomes rise, the housing market takes its cut, which is why a two-bedroom apartment in the oil boomtown Williston, N.D., was going last year for \$2,800 a month and why entire capital-rich cities like San Francisco are becoming unaffordable to the middle class. If rents rise alongside incomes, what progress is made?

Poverty is no accident, an unintended consequence from which no one benefits. Lorraine's rent money went to Tobin (also a pseudonym). A second-generation landlord, Tobin was 71, unsmiling and fit. His tenants waited tables at diners or worked as nursing assistants. Some received disability like Lorraine or other forms of welfare, sometimes supplementing their checks by collecting aluminum cans.

Running one of the poorest trailer parks in the city had its challenges, like dealing with mental illness, addiction and domestic violence. Every so often, tenants wrecked their trailer the night before being evicted. Tobin had a way of dealing with that. He'd pay one of his tenants \$20 to clean up the mess, then offer prospective new families the "Handyman Special," a free mobile home as long as they paid "lot rent." Lot rent was the same amount as rent, except the new "owners" would be responsible for maintenance. A family could move their trailer elsewhere, but in reality no one could afford to. When families fell behind in lot rent and were evicted, they inevitably left their trailer behind. Tobin would reclaim it as "abandoned property" and give it to someone else.

Tobin bought the mobile home park, 131 trailers parked on asphalt, for \$2.1 million in 1995, paying off the mortgage nine years later. After reviewing Tobin's books and expenses (property taxes, utility bills, missed payments), I estimated that he netted roughly \$447,000 a year. Some of Tobin's tenants called him "greedy," but others called him "fair" and "a good man," especially those he had spared from homelessness when they fell on hard times. He bailed tenants out of jail, lent money for funerals and let

some missed payments slide. In a year, he also made 30 times what his tenants getting minimum wage earned.

Landlords like Tobin aren't making money in trailer parks or ghettos in spite of their poverty but because of it. Depressed property values offer lower mortgage payments and tax bills. In poor areas of the cities, rents are lower, too — but not by much. In 2010, the average monthly rent in Milwaukee's poorest neighborhoods was only \$50 less than the citywide median.

Landlords renting to poor families can charge slightly reduced rents but, owing to far lower expenses, still command handsome profits. As a landlord with 114 inner-city units once told me, speaking of an affluent suburb near Milwaukee: "In Brookfield, I lost money. But if you do low-income, you get a steady monthly income."

Poor families are stuck. Because they are already at the bottom of the market, they can't get cheaper housing unless they uproot their lives, quit their jobs and leave the city. Those with eviction records are pushed into substandard private housing in high-crime neighborhoods because many landlords and public housing authorities turn them away. When poor families finally find a new place to rent, they often start off owing their landlord because they simply can't pay the first and last month's rent and a security deposit.

When tenants are behind, protections designed to keep housing safe and decent dissolve. Tenants in arrears tempt eviction if they report housing problems. It's not that low-income renters don't know their rights. They know that exercising those rights could cost them. So many go on paying most of what they have to live with lead paint, exposed wires and broken plumbing. Saving and stability become wishes, and some days children go hungry because the rent eats first.

Expanding our current housing voucher program to cover all low-income families would rebalance landlords' desire to make a living and tenants' desire to have a home. Eligible families would dedicate 30 percent of their income to rent, allowing them to pursue education, start a savings account and buy enough food.

When families finally receive housing vouchers after years on the waiting list, the first place many take their freed-up income is to the grocery store. Their children become healthier in the process.

A universal housing voucher program would fundamentally change the face of poverty in the United States. Evictions would plummet, and so would the other social problems they cause, like family and community instability, homelessness, job loss and depression. Suicides attributed to evictions and foreclosures doubled between 2005 and 2010. A universal housing voucher program would help reverse this disturbing trend.

Exploitation is not confined to the housing sector alone. It thrives when it comes to other essentials, like food. Inner-city bodegas take advantage of families' lack of transportation to increase grocery prices, effectively reducing the value of food stamps.

The payday lending industry exploits poor people's lack of access to credit by offering high-interest loans and collecting over \$7 billion a year in fees.

Most Americans who take out high-interest payday loans do so not to buy luxury items or cover unexpected expenses but to meet regular bills like rent or gas. When James Baldwin observed how "expensive it is to be poor," this is what he meant.

Payday loans are but one of many financial techniques — from overdraft fees to student loans subsidizing for-profit colleges — specifically designed to pull money from the pockets of the poor. This problem generally goes unrecognized by policy makers. But until we confront the fact that people make a lot of money off the poor, our efforts to reduce inequality will always come up short.

WE can start with housing, the sturdiest of footholds for economic mobility. A national affordable housing program would be an anti-poverty effort, human capital investment, community improvement plan and public health initiative all rolled into one. It would especially benefit mothers and children, the face of today's eviction epidemic.

This solution is not as expensive as we might think. If we did nothing to make the voucher program more cost-effective — and there is much we could do on this score — expanding housing vouchers to all renting families below the 30th percentile in median income for their area would likely require an additional \$22.5 billion a year. The actual figure is likely to be somewhat less, as this estimate does not account for potential savings in the form of reducing homelessness, lowering health care costs and curbing other costly consequences of the affordable-housing crisis.

We have the money. We've just made choices about how to spend it. In 2008, the year Lorraine was evicted, federal expenditures for direct housing assistance totaled more than \$40 billion, but homeowner tax benefits exceeded \$171 billion, a figure equivalent to the budgets for the Departments of Veterans Affairs, Homeland Security, Justice and Agriculture combined.

If we are going to spend the bulk of our public dollars on the affluent — at least when it comes to housing — we should own up to that decision and stop repeating the canard about this rich country being unable to afford more. If poverty persists in America, it is not for lack of resources. We lack something else.

[Matthew Desmond](#), a sociologist at Harvard, is the author, most recently, of "Evicted: Poverty and Profit in the American City."