



Housing Advisory Commission

# HOUSING ADVISORY COMMISSION

## AGENDA

<b>Regular Meeting</b> <b>Thursday, October 5, 2023</b> <b>7:00 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Anna Cash, Secretary HAC@berkeleyca.gov
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**Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting** will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

**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. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of September 7, 2023 Meeting Minutes** (Attachment 2)
6. **Approval of July 17, 2023 Meeting Minutes** (Attachment 3)
7. **Receive Presentation from City of Berkeley Community Development Block Grant (CDBG) funded subrecipient: Habitat for Humanity East Bay/Silicon Valley - Housing Rehabilitation Grant Program** – Staff and Habitat for Humanity
8. **Receive Presentation on HUD Program Year 2022 (Fiscal Year 2023) Consolidated Annual Performance and Evaluation Report (CAPER)** – Staff (Attachment 4)
9. **Discussion and Possible Action to Adopt 2023-2024 Workplan** – Chair Potter (Attachment 5)
10. **Discussion and Possible Action on Fair Access and Transparency for Rental Housing Applications Ordinance** – Subcommittee (Attachment 6)
11. **Update on Council Items (Future Dates Subject to Change)**
12. **Announcements/Information Items**
  - a. HAC Scope & Quasi-Judicial Role (Attachment 7)
  - b. Memo Dated January 19, 2023: Return to In-Person Meetings (Attachment 8)

### 13. Future Items

### 14. Adjourn

#### Attachments

1. Land Acknowledgement
2. Draft September 7, 2023 Meeting Minutes
3. Draft July 17, 2023 Meeting Minutes
4. HHCS, Program Year 2022 Consolidated Annual Performance and Evaluation Report (CAPER)
5. Chair Potter and Vice Chair Mendonca, HAC, Draft FY2023-24 HAC Workplan
6. Commissioner Simon-Weisberg, HAC, Draft Berkeley Fair Access Ordinance for HAC
7. Anna Cash, Mariela Herrick, and Mike Uberti, HHCS, Housing Advisory Commission's Quasi-Judicial Role as an Appeals Body
8. Mark Numainville, City Clerk, Memo Dated January 19, 2023: Return to In-Person Meetings

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

#### COMMUNICATION ACCESS INFORMATION:



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

## ATTACHMENT 1

### **Land Acknowledgement Statement**

*The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*



**HOUSING ADVISORY COMMISSION**  
**Thursday, September 7, 2023**

**Draft Minutes**

Housing Advisory Commission

<b>Regular Meeting</b> <b>Thursday, September 7, 2023</b> <b>7:06 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Mariela Herrick, Secretary HAC@berkeleyca.gov
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**1. Roll Call**

Present: Truman Braslaw, Sara Fain, Mari Mendonca, Keyanna Ortiz-Cedeño, and Alexandria Rodriguez.

Absent: Nico Calavita (unexcused), Xavier Johnson (excused), Debbie Potter (excused), and Simon-Weisberg (excused).

Staff Present: Asavari Devadiga, Mariela Herrick, Mary-Claire Katz, Joshua Oehler, and Jenny Wyant.

Commissioners in attendance: 5 of 6

Members of the public: 3

Public Speakers: 3

**2. Land Acknowledgement**

**3. Agenda Approval**

Action: M/S/C (Fain/Braslaw) to approve the agenda.

Vote: Ayes: Braslaw, Fain, Mendonca, Ortiz-Cedeño, and Rodriguez. Noes: None. Abstain: None. Absent: Calavita (unexcused), Johnson (excused), Potter (excused), and Simon-Weisberg (excused).

**4. Public Comment**

There weren't any speakers during public comment.

**5. Approval of the July 17, 2023 Meeting Minutes**

Action: M/S/F (Ortiz-Cedeño/Braslaw) to approve July 17, 2023 Special Meeting Minutes.

Vote: Ayes: Braslaw, Mendonca, and Ortiz-Cedeño. Noes: None. Abstain: Fain and Rodriguez. Absent: Calavita (unexcused), Johnson (excused), Potter (excused), and Simon-Weisberg (excused).

**6. Discussion and Possible Action to Recommend Housing Trust Fund program funding for NCLT 2321 Tenth Street**

Public Comment: 2

2180 Milvia Street – 2nd Floor • Berkeley • CA • 94704 • Tel. 510.981.5400 • TDD: 510.981.6903 • Fax: 510.981.5450  
E-mail: [housing@ci.berkeley.ca.us](mailto:housing@ci.berkeley.ca.us)

Action: M/S/C (Ortiz-Cedeño/ Rodriguez) to recommend the City Council reserve \$1,703,585 of the Housing Trust Fund for Northern California Land Trust's (NCLT) 2321-2323 Tenth Street Project with the following conditions:

1. Waive Sections I.A.1 and IV.C.1 of the Housing Trust Fund (HTF) Guidelines;
2. Apply the Small Sites Program standards to the project's development and operating budgets; and
3. Require partial repayment of the loan through the energy efficiency rebates NCLT pursues.

Vote: Ayes: Braslaw, Fain, Mendonca, Ortiz-Cedeño, and Rodriguez. Noes: None. Abstain: None. Absent: Calavita (unexcused), Johnson (unexcused), Potter (excused), and Simon-Weisberg (unexcused).

**7. Discussion and Possible Action to Recommend Ala Costa Center's Public Facilities Improvements NOFA Application**

Public Comment: 1

Action: M/S/C (Fain/Rodriguez) to recommend City Council award \$150,000 of the FY 2024 CDBG Public Facilities Improvements Funding to the Ala Costa Center.

Vote: Ayes: Braslaw, Fain, Mendonca, Ortiz-Cedeño, and Rodriguez. Noes: None. Abstain: None. Absent: Calavita (unexcused), Johnson (excused), Potter (excused), and Simon-Weisberg (excused).

**8. Update and Discussion on Fair Access and Transparency Subcommittee**

**9. Discussion and Possible Action to Adopt Draft FY2023-24 HAC Workplan**

Action: M/S/C (Fain/Rodriguez) to move the 2023-2024 workplan to the next meeting and discuss item and commissioners interested in providing additional bullet points directly to the Chair and Vice Chair.

Vote: Ayes: Braslaw, Fain, Mendonca, Ortiz-Cedeño, and Rodriguez. Noes: None. Abstain: None. Absent: Calavita (unexcused), Johnson (excused), Potter (excused), and Simon-Weisberg (excused).

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

**11. Announcements/Information Items**

**12. Future Items**

**13. Adjourn**

Action: M/S/C (Fain/Braslaw) to adjourn meeting 9:04 pm.

Vote: Ayes: Braslaw, Fain, Mendonca, Ortiz-Cedeño, and Rodriguez. Noes: None.  
Abstain: None. Absent: Calavita (unexcused), Johnson (excused), Potter (excused), and  
Simon-Weisberg (excused).

Approved: \_\_\_\_\_, Mariela Herrick, Secretary



Housing Advisory Commission

**HOUSING ADVISORY COMMISSION**  
**Monday, July 17, 2023**

**DRAFT MINUTES**

<b>Special Meeting</b> <b>Monday, July 17, 2023</b> <b>7:06 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Mariela Herrick, Secretary HAC@berkeleyca.gov
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**1. Roll Call**

Present: Truman Braslaw, Nico Calavita (left at 9:52), Xavier Johnson, Mari Mendonca, Keyanna Ortiz-Cedeño (arrived at 7:08), Debbie Potter, and Leah Simon-Weisberg.

Absent: Sara Fain (excused).

Staff Present: Mariela Herrick and Mike Uberti.

Commissioners in attendance: 7 of 8

Members of the public: 7

Public Speakers: 5

**2. Land Acknowledgement**

**3. Agenda Approval**

Action: M/S/C (Johnson/Mendonca) to approve the agenda.

Vote: Ayes: Braslaw, Calavita, Johnson, Mendonca, Potter, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Fain (excused), Ortiz-Cedeño (unexcused).

**4. Public Comment**

There was one speaker during public comment.

**5. Approval of the June 1, 2023 Meeting Minutes**

Action: M/S/C (Mendonca/ Simon-Weisberg) to approve the June 1, 2023 Meeting Minutes.

Vote: Ayes: Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: None. Abstain: Braslaw. Absent: Fain (excused).

**6. Receive Presentation from East Bay Community Law Center on Fair Access and Transparency for Rental Housing Applications Ordinance**

Public Comment: 2

**7. Discussion and Possible Action on Fair Access and Transparency for Rental Housing Applications Ordinance**

Action: M/S/C (Johnson/Mendonca) to extend Fair Access and Transparency for Rental Housing Subcommittee until November 2023.

Vote: Ayes: Braslaw, Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Fain (excused).

**8. Receive a Presentation from the Civic Arts Commission on Artist Housing**

Public Comment: 1

**9. Discussion and Possible Action to Collaborate with the Disaster and Fire Safety Commission on Housing and Wildfire Risk**

Public Comment: 1

**10. Discussion and Possible Action to Appoint Subcommittees – All/Staff**

**a. Housing Trust Fund Subcommittee**

Action: M/S/C (Potter/Johnson) to appoint Commissioners Braslaw, Johnson, Mendonca to the Housing Trust Fund Subcommittee, with Chair Potter as an alternate, with the charge of reviewing Housing Trust Fund Applications until July 2024.

Vote: Ayes: Braslaw, Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Fain (excused).

**b. Public Facilities Improvements NOFA Applications Review Subcommittee**

Action: M/S/C (Ortiz-Cedeño/ Mendonca) to appoint Commissioners Braslaw, Ortiz-Cedeño, Mendonca, to the Public Facilities Improvements NOFA Applications Review Subcommittee, with Commissioner Simon-Weisberg as an alternate, with the charge of reviewing the Public Facilities Improvements NOFA applications until July 2024.

Vote: Ayes: Braslaw, Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Fain (excused).

**c. Arts and Housing Subcommittee**

Action: M/S/C (Potter/Calavita) to appoint Commissioners Simon-Weisberg, Potter, Mendonca, to the Housing and Arts Subcommittee, with Commissioner Calavita as an alternate, with the charge to explore affordable housing policy to support artists until July 2024.

Vote: Ayes: Braslaw, Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Fain (excused).

**11. Receive Update on Affordable Housing Requirements Economic Feasibility Analysis**

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

a. Housing Preference Policy (7/11)

b. Prohousing Designation application authorizing resolution (7/11)

c. Discrimination Study Report (7/11)

d. Harriet Tubman Terrace (7/25)



### 13. Announcements/Information Items

- a. Income Qualifying Stipends for Commissioner Participation
- b. Measure O Bond Impacts on Affordable Housing Development in Berkeley Update

### 14. Future Items

- a. Community-Based Organization Presentations for Community Development Block Grant (CDBG) Program
- b. 2023-2024 Workplan Adoption

### 15. Adjourn

Action: M/S/C (Johnson/ Ortiz-Cedeño) to adjourn the meeting at 10:27 PM.

Vote: Ayes: Braslaw, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg.  
Noes: None. Abstain: None. Absent: Calavita (unexcused), Fain (excused).

Approved: \_\_\_\_\_, Mariela Herrick, Secretary

# City of Berkeley

**Program Year 2022  
(July 1, 2022 – June 30, 2023)  
Consolidated Annual Performance  
and Evaluation Report (CAPER)**

**Prepared by the City of Berkeley  
Health, Housing and Community Services Department  
for the U.S. Department of Housing and Urban Development**

September 28, 2023

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### ATTACHMENTS:

1. PR 26 –CDBG & CDBG-CV Financial Summary Reports
2. Sage ESG Report CR-00 and ESG-CV CAPER Bundle
3. Summary of Noticing, Outreach and Public Comments

### **CR-05 - Goals and Outcomes**

**Progress the jurisdiction has made in carrying out its strategic plan and its action plan.**

**91.520(a)**

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Program Year (PY) 2022 is the third year of the five-year strategic plan. In PY 2022, the City of Berkeley received \$2,644,820 in Community Development Block Grant (CDBG), \$839,741 in HOME Investment Partnerships Program (HOME), and \$229,225 in Emergency Solutions Grant (ESG) entitlement funds. An additional \$68,518 in program income and \$503,823-update in prior years' carryover added to the CDBG resources available. An additional \$43,429 in HOME program income was also available. The City used its adopted Public Participation Plan to encourage community input into funding priorities and proposed funding allocations for a variety of housing, homeless, and community development activities. As in years prior, in PY 2022, the City continued to invest a significant amount of City General Funds into related priorities.

Major highlights executed in PY22 in the four goal areas include:

**Affordable Housing Supply and Quality:** The City is on track to meet its affordable housing goals outlined in the five-year Strategic Plan, and currently has 17 projects in its affordable housing pipeline. The City completed one HOME-assisted project in PY 22 - Jordan Court, a 35-unit senior housing development with 17 HOME-assisted units. The City completed four other projects in PY 22 that were supported with local funds. Berkeley Way is a new construction development that includes three projects on one site, including 89 units affordable to households earning 50-60% AMI, 53 units of permanent supportive housing, and 44 shelter beds. Stuart Street Apartments is a renovation project with 8 units at 80% AMI.

Two additional projects were under construction in PY 22. Maudelle Miller Shirek Community is another new construction unit and will provide 87 affordable units to households earning between 20%-80% AMI, including 12 units for formerly homeless households. Construction began on 2527 San Pablo Ave (also known as the Grinnell or Blake Apartments) in PY22, which will provide 63 units of affordable housing with 12 units reserved for people with an intellectual or developmental disability and 7 HOME-assisted units.

In PY22, the City continued to work with projects that received Measure O bond funds and other City funds in PY19, PY20, and PY22. The City approved development funds for two new construction projects in South Berkeley, an area that continues to face gentrification pressures. Those developments were first funded in PY20, and are projecting a combined total of 130 new affordable housing units. The City continued to issue solicitations to allocate its available housing funds, adding five new construction and renovation projects to its pipeline in PY21 and three new construction and renovation projects to its pipeline in PY22.

In addition, the City funded the Center for Independent Living (CIL), completed 2 minor and major residential rental unit's rehabilitation projects that improved accessibility improvements to qualified low-income and disabled persons in PY22.

**Homeowner Housing Rehab (Single Family Rehabilitation - SFR):** The City's Single-Family Rehabilitation (SFR) Programs comprised of the City's Senior and/or Disabled (Home) Loan Program (SDRLP), Center for Independent Living, and Habitat for Humanity East Bay/Silicon Valley resumed their program activities that serves some of the most vulnerable Berkeley residents. However, while small construction activities resumed many SFR programs continue to face various obstacles in completing all their active SFR projects due to higher construction costs, increased materials costs, and contractor availability.

Overall, the SFR Programs completed 17 health and safety repairs and ADA accessibility improvements projects (with an additional 2 renter households supported by CIL as mentioned above in the prior section). There is a combined total of 16 active SFR projects.

**Multi-Family Rehabilitation:** The City re-allocated \$1,963,233 of PY19 and PY20 CDBG public facilities improvement and earlier unused CDBG funds to an emergency multi-family housing rehabilitation need at Lorin Station and Rosewood Manor. Rehabilitation efforts will benefit 49 low-income households by ensuring sustainability of these affordable housing units. The emergency rehabilitation will include upgrades to the plumbing system at both properties and possible roof repair at both sites as funding permits. Construction of plumbing upgrades at Rosewood Manor began December 2022 and is expected to be completed by August 31, 2023. Upgrades to the sewer lateral as required by the City have been completed for both Rosewood Manor and Lorin Station. Construction of plumbing upgrades for individual units at Lorin Station will begin September 5, 2023, and is expected to be completed by October 1, 2023. SBNDP will have sufficient funds to repair or replace the roof at Rosewood Manor and is in process of soliciting bids for the job. The goal is to spend down the CDBG funds by end of calendar year 2023.

**Improve Public Facilities:** In PY22, continuing from the PY19 rolling NOFA, Larkin Street's Turning Point Housing Program was awarded \$415,144, and are in the process of releasing their contractor bid. The Turning Point Housing Program provides temporary housing to approximately 12 at-risk young adults whom HUD describes as 'chronically homeless'. A new NOFA was released in PY23, with Insight Housing's Dwight Way Center (DWC) being awarded \$680,000 to provide people who are experiencing homelessness supportive services and a safe place to live while they build income, skills, and seek permanent housing. DWC operates 24 hours/day, 365 days/year and offers clean, warm beds, meals, shower and laundry facilities, access to computers and telephones, case management, mental health resources, dental and medical health support, and links to mainstream services. DWC is in the process of drafting their contractor bid for release. The West Berkeley Service Center, a prior awardee, is also in the process of finalizing the bid documents for release.

**Public Services:** The City funded homeless and fair housing services in PY22. These programs combined served 545 persons, primarily literally homeless people, living in Berkeley.

**Homeless Prevention, Rapid Re-housing, Outreach and Shelter:** In PY22, Bay Area Community Services (BACS) and Women's Daytime Drop-In Center (WDDIC), the two the Housing Resource Center /Access Points (HRC) in Berkeley, shelters and outreach workers continued to provide services to Berkeley's unhoused population. COVID-19 continued to limit services, operations and the shelter and transitional housing census. Both BACS' and WDDIC's HRC operations were available via telephone and in-person drop-in hours. BACS provided housing navigation services to 147 people, and served 46 people through outreach. BACS and shelter operators convened monthly meetings to coordinate care and housing opportunities for shelter participants. A total of 149 uniquely identified persons were served by ESG funded rapid re-housing, outreach, and shelter activities. Eviction Defense Center administered the City's Housing Retention Program to support households facing COVID related and other economic challenges. Eviction Defense Center served 257 unduplicated households.

**Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee’s program year goals.

Goal	Category	Source / Amount <sup>1</sup>	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete (Strategic Plan)	Expected – Program Year	Actual – Program Year	Precent Complete (PY)
Affordable Housing Supply and Quality	Affordable Housing	CDBG: \$7,915,918 HOME: \$3,410,264	Rental units constructed	Household Housing Unit	17	17	100%	4	17	425%
Affordable Housing Supply and Quality	Affordable Housing	CDBG: \$7,915,918 HOME: \$3,410,264	Rental units rehabilitated	Household Housing Unit	129	8	4%	53	2	42%
Affordable Housing Supply and Quality	Affordable Housing	CDBG: \$7,915,918 HOME: \$3,410,264	Homeowner Housing Rehabilitated	Household Housing Unit	165	44	27%	23	17	74%
Homeless Prevention and Rapid Re-housing	Homeless	ESG: \$1,171,770	Rapid re-housing	Households Assisted	50	133	266%	20	6	30%

<sup>1</sup> The amount is the five-year allocation of funds by Goal Area listed in the City of Berkeley’s 2020-2024 Consolidated Plan.

Goal	Category	Source / Amount <sup>1</sup>	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete (Strategic Plan)	Expected – Program Year	Actual – Program Year	Precent Complete (PY)
Homeless Prevention and Rapid Re-housing	Homeless	ESG: \$1,171,770	Shelter	Households Assisted	0	83	8300%	80	102	127%
Homeless Prevention and Rapid Re-housing	Homeless	ESG: \$1,171,770	Outreach	Households Assisted	450	132	29%	70	52	74%
Improve Public Facilities and Public Services	Non-Housing Community Development	CDBG: \$5,714,135	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2,000	364	18%	1,012	0	0%
Improve Public Facilities and Public Services	Non-Housing Community Development	CDBG: \$5,178,137	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5,525	1,290	23%	875	545	62%



Goal	Category	Source / Amount <sup>1</sup>	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete (Strategic Plan)	Expected – Program Year	Actual – Program Year	Percent Complete (PY)
Prevent, prepare for and respond to COVID-19	Affordable Housing, Homeless, Non-Housing Community Development	CDBG-CV 1&3: \$2,501,926 ESG-CV 1&2: \$6,648,603	Public service activities other than Low/Moderate Income Housing Benefit Tenant-based rental assistance / Rapid re-housing / Shelter / Outreach	Persons Assisted	3,265	257	8%	N/A	N/A	N/A
Prevent, prepare for and respond to COVID-19	Affordable Housing, Homeless, Non-Housing Community Development	ESG-CV 1&2: \$6,648,603	Tenant-based rental assistance / Rapid re-housing	Persons Assisted	100	161	161%	64	65	101%
Prevent, prepare for and respond to COVID-19	Affordable Housing, Homeless, Non-Housing Community Development	ESG-CV 1&2: \$6,648,603	Shelter	Persons Assisted	258	383	148%	147	39	27%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

**Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

The City's continued operation of the following programs was key to making progress on goals in PY22:

**Housing Trust Fund:** In PY22, the City completed 2012 Berkeley Way, 1601 Oxford (now called Jordan Court), and Stuart Street Apartments projects. The City provided HOME funding to Jordan Court in PY20, and the project includes 17 HOME-assisted units. The City approved funding for three new projects through the Housing Trust Fund Program in PY22. They join a pipeline of affordable housing projects, two of which are currently under construction: Maudelle Miller Shirek Community at 2001 Ashby and Blake Apartments (also known as the Grinnell) at 2527 San Pablo Ave. The City provided HOME funding to Blake Apartments / the Grinnell in PY22, and the project will include 7 HOME-assisted units. Five additional projects in the City's affordable housing pipeline (St. Paul Terrace, Ephesian Legacy Court, 1740 San Pablo, Supportive Housing in People's Park, and Berkeley Unified School District Workforce Housing) continue to move towards their development phase.

**Single Family Rehab:** The City has a CalHome reuse account balance of \$977,026 for future Senior and Disabled Rehabilitation Loan Program projects. The City also dedicates \$150,000 annual of CDBG funding for Single Family Rehabilitation projects. The City continued to operate its Senior and Disabled Rehabilitation (Home) Loan Program, fund the Center for Independent Living for minor and major ADA access improvements and modification services, and work with Habitat for Humanity East Bay/Silicon Valley for minor and major housing rehabilitation repairs for low-income Berkeley homeowners' residential properties. These programs served 19 unduplicated households in PY22 which included homeowner and rental rehabilitation.

**Multi-Family Rehab:** In PY22, construction began for South Berkeley Neighborhood Development Corporation's (SBNDC) emergency rehabilitation project involving two properties. After some delays in the permit process, rehabilitation of Rosewood Manor, the 35-unit affordable housing development, began in December 2022. To date, plumbing upgrades for 18 units in Rosewood Manor have been completed. The permit for Lorin Station was recently approved and construction will begin mid-August on the 14 units at this site. The required plumbing upgrades at Rosewood Manor will be completed before end of August, and the plumbing upgrades at Lorin Station are anticipated to be completed in September 2023. Temporary relocation is being implemented at Rosewood Manor according to the relocation plan. After all the plumbing upgrades required by HUD have been completed, it is anticipated there will be enough funding to complete roof repair at Rosewood Manor and Lorin Station, as

recommended by HUD.

Public Facility Improvements: In PY22, continuing from the PY19 rolling NOFA, Larkin Street's Turning Point Housing Program was awarded \$415,144. The Turning Point Housing Program provides temporary housing to approximately 12 at-risk young adults whom HUD describes as 'chronically homeless'. A new NOFA was released in PY23, with Insight Housing's Dwight Way Center (DWC) being awarded \$\$\$ to provide people who are experiencing homelessness supportive services and a safe place to live while they build income, skills, and seek permanent housing. DWC operates 24 hours/day, 365 days/year and offers clean, warm beds, meals, shower and laundry facilities, access to computers and telephones, case management, mental health resources, dental and medical health support, and links to mainstream services. One other application is currently being considered for award by the Housing Advisory Commission.

Public Services: In PY22, there continued to be 12 Housing Resource Centers/Access Points (HRC/AP) in Alameda County for unsheltered adults and families. This includes an HRC/AP in North County to serve unhoused families at Women's Daytime Drop-in Center (WDDIC). In partnership with the County, Berkeley is the lead for the CES implementation in North County, covering the cities of Emeryville, Berkeley and Albany. The HRC/AP, operated by Bay Area Community Services (BACS) and WDDIC` conducts assessments using a countywide standardized tool resulting in dynamic crisis and housing queues that prioritize individuals for a variety of interim housing and supportive and housing services including Housing Navigation, SSI advocacy, rapid re-housing, and Permanent Supportive Housing placements. The North County Adult Housing Resource Center (HRC) served 375 individuals providing flex funds, street outreach assistance, housing navigation and rapid rehousing/shallow subsidies. The North County Adult HRC conducted 845 crisis and housing assessments. The WDDIC Access Point conducted 217 crisis and housing assessments. In PY22, the BACS Stair Navigation Center served six people in six households with ESG Rapid Re-housing Assistance. BACS staff find and cultivate relationships with landlords, resulting in permanent housing placements, though not enough to meet the demand.

The City supported Fair Housing services with ECHO in PY22. These services resulted in 80 persons receiving fair housing services.

The City continued to fund community agencies to operate emergency, transitional and permanent supportive housing, and related services. The City provided approximately \$14.1 million to sustain homeless programs in PY22. The PY22 homeless funding was comprised of City General Fund (75%); federal funds (6%); and other state and local funds (18%).

CR-10 - Racial and Ethnic composition of families assisted

**Describe the families assisted (including the racial and ethnic status of families assisted).**

**91.520(a)**

	<b>CDBG</b>	<b>HOME</b>	<b>ESG</b>
White	152	7	43
Black or African American	239	8	82
Asian	12	0	7
American Indian or American Native	15	0	7
Native Hawaiian or Other Pacific Islander	5	0	3
Other multiracial	<b>35</b>	<b>2</b>	
<b>Total</b>	<b>423</b>	<b>17</b>	<b>149</b>
Hispanic	7	1	18
Not Hispanic	416	16	131

**Table 2 – Table of assistance to racial and ethnic populations by source of funds**

**Narrative**

The City of Berkeley captures the above required race and ethnic categories as well as demographic information for persons identified as Other and/or Multiracial. The Other and/or Multiracial totals *are* captured in the Hispanic/Non-Hispanic totals for all funding sources.

The above CDBG data includes beneficiaries for public services, single family rehabilitation services, community facility improvement and affordable housing projects. In addition to the people listed above, data was not collected or client refused for seven unhoused people.

The City provided HOME funding for Jordan Court, which has 17 new “floating” HOME-assisted units during the program year. Jordan Court was completed in PY22.

ESG only data represents 149 people represents an unduplicated count across ESG programs. In addition to those listed above, 7 identified as multiple races.

## CR-15 - Resources and Investments 91.520(a)

### Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	\$3,837,220	\$ 2,111,777
HOME	HOME	\$859,741	\$ 1,719,676
ESG	ESG	\$229,225	\$ 233,201
Other: CDBG-CV	Other: CDBG-CV	N/A	\$1,685,321
Other: ESG-CV	Other: ESG-CV	N/A	\$2,979,043

Table 3 - Resources Made Available

### Narrative

The total amount of funds expended in PY20 includes resources made available from prior years.

### Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
BERKELEY	100	100	

Table 4 – Identify the geographic distribution and location of investments

### Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG

dollars with the investment of General Funds. In PY22, Berkeley invested a total of nearly \$21 million - in community agency contracts, with approximately 31% of the funding for community agency programs coming from General Funds.

- Approximately \$6.7 million were City General Funds
- More than \$13 million came from other federal, state and local sources
- Few if any agencies are largely dependent on City, CDBG, ESG or HOME funding to maintain their operations. Most agencies providing community services are nonprofit organizations, which raise funds from a variety of sources including individual donations, foundation grants, and other governmental sources of funds, besides those allocated by the City of Berkeley. Each application for City funding requires both an agency and a program budget, so that the diversification of funding sources and leveraging can be evaluated.
- In PY 2022, CDBG-, and ESG- funded community agencies reported a total of \$6.1 million in reported leveraged funds for their CDBG and ESG funded programs. No HOME funded community agencies reported leverage funding for their HOME funded projects.

The City has long-term leases of City-owned property with nonprofit organizations that address the needs of people who are homeless in Berkeley.

Programs operating in leased City-owned properties include:

- Dorothy Day House Emergency Storm Shelter;
- Dorothy Day House Veteran's Building Shelter;
- Dorothy Day House Berkeley Community Resource Center;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' Sankofa House Shelter for homeless families;
- BACS' STAIR Center – navigation center, including a 45-bed emergency shelter for homeless adults;
- Women's Daytime Drop-In Center – a homeless daytime center for women and children; and
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families.

The City met the dollar-for-dollar match requirements for the ESG program by allocating funding to Dorothy Day House Veteran’s Building, Horizon, and Emergency Storm Shelters, totaling \$1,976,501 in City Funds in PY2022.

During Federal Fiscal Year 22, the City did not incur any HOME match liability. The City’s source of HOME match in Federal FY22 were its expenditures through the Square One program, which is a locally funded housing subsidy program with policies consistent with the HOME program.

At this point, the City has over \$9M in surplus HOME match, though a significant portion of that is made up of bond proceeds.

<b>Fiscal Year Summary – HOME Match</b>	
1. Excess match from prior Federal fiscal year	\$8,983,793.52
	\$72,341
2. Match contributed during current Federal fiscal year	
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$9,056,134.52
4. Match liability for current Federal fiscal year	\$0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$9,056,134.52

**Table 5 – Fiscal Year Summary - HOME Match Report**

<b>Match Contribution for the Federal Fiscal Year</b>								
<b>Project No. or Other ID</b>	<b>Date of Contribution</b>	<b>Cash (non-Federal sources)</b>	<b>Foregone Taxes, Fees, Charges</b>	<b>Appraised Land/Real Property</b>	<b>Required Infrastructure</b>	<b>Site Preparation, Construction Materials, Donated labor</b>	<b>Bond Financing</b>	<b>Total Match</b>
Square One	6/30/2022	\$72,341	\$0	\$0	\$0	\$0	\$0	\$72,341

Table 6 – Match Contribution for the Federal Fiscal Year

Program Income – Enter the program amounts for the reporting period - update				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
\$5,206,869	\$43,429	\$ 1,719,676	\$0	\$2 43,429

Table 7 – Program Income



<b>Minority Business Enterprises and Women Business Enterprises Report</b>						
Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
<b>Contracts</b>						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0

<b>Sub-Contracts</b>						
Number	0	0	0	0	0	0
Dollar Amount	\$0		\$0	\$0	\$0	\$0

	Total	Women Business Enterprises	Male
<b>Contracts</b>			
Dollar Amount	0	0	0
Number	0	0	0

<b>Sub-Contracts</b>			
Number	0	0	0
Dollar Amount	\$0	\$0	\$0

Table 8 - Minority Business and Women Business Enterprises

<b>Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted</b>						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

**Table 9 – Minority Owners of Rental Property**

<b>Relocation and Real Property Acquisition</b> – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0	0			
Businesses Displaced		0	0			
Nonprofit Organizations Displaced		0	0			
Households Temporarily Relocated, not Displaced		0	0			
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

**Table 10 – Relocation and Real Property Acquisition**

**CR-20 - Affordable Housing 91.520(b)**

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	65
Number of Non-Homeless households to be provided affordable housing units	3	120
Number of Special-Needs households to be provided affordable housing units	0	0
<b>Total</b>	<b>3</b>	<b>185</b>

**Table 11 – Number of Households**

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	
Number of households supported through the Production of New Units	17	17

	<b>One-Year Goal</b>	<b>Actual</b>
Number of households supported through Rehab of Existing Units	88	16
Number of households supported through Acquisition of Existing Units	0	0
<b>Total</b>	<b>438</b>	<b>406</b>

**Table 12 – Number of Households Supported**

Numbers in Table 12 represent households served through affordable housing development/rehabilitation and the City’s Single Family rehabilitation program which included homeowners and rental rehabilitation. In addition to the above CDBG and HOME supported affordable housing programs the City supported Rental Assistance through, ESG, ESG-CV and CDBG-CV in PY20.

**Discuss the difference between goals and outcomes and problems encountered in meeting these goals.**

With the completion of five new construction and renovation projects in PY22, including Jordan Court and its 17 HOME-assisted units, the City has met its goal to support 3-4 federally-funded new construction units this program year.

As reported in last year’s CAPER, the City has encountered challenges in using HOME funds for rehabilitation, particularly in finding a project than can satisfy all of the HOME criteria, including rent levels, rehabilitation scope, and organizational capacity, to manage federal funds. As in years past, availability of low-cost funds for development and site acquisition within a built-up city, were challenges to new housing construction. This program year brought the added challenge of the COVID-19 pandemic, which disrupted work routines for many organizations.

In PY22, the City completed 5 projects that created 177 new units, 44 shelter beds, and 8 newly renovated units to low-income Berkeley residents. The City continues to support an additional 17 active projects in its pipeline The renovation activities include projects converting from market-rate to affordable, and the preservation of the City’s existing affordable housing portfolio.

Due to two local ballot measures (U1 in 2016 and O in 2018), the City has more local funds available than ever before to support affordable housing activities. The City is currently funding 17 projects in its affordable housing pipeline that are in various stages of development. These projects are anticipated to create 969 new homes and renovate 205 existing units. The City has provided most of these projects with local predevelopment loans to support early-stage activities and expects the investments will pay off in the coming years, as more projects are completed.

**Discuss how these outcomes will impact future annual action plans.**

Berkeley’s City Council has frequently expressed concern about the housing crisis and demonstrated commitment to addressing it through their support of various programs and City actions. Staff expect

that future annual action plans will continue to reflect a strong local commitment to housing affordability. Since HOME funds are not available at a level that can fully fund new construction or rehabilitation, the City will continue to use HOME funds in combination with local funds. Two aspects of the HOME program combine to limit the use of HOME funds to Community Housing Development Organization (CHDO)-sponsored projects:

- The City must use 15% of the HOME allocation for a CHDO-sponsored project.
- 15% of the HOME allocation (and actually even 100% of the HOME allocation) is not enough to fully fund the local portion of a housing development.

Therefore, the City must limit the use of HOME funds to CHDOs, or risk forfeiting the CHDO portion. Fortunately, the City has certified two CHDOs and the commitment deadline for recent HOME funds was extended.

The City expects to exceed its Consolidated Plan goals for affordable housing units supported with HOME funds through its support for the Grinnell / Blake Apartments project, which will include 7-HOME assisted units.

**Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.**

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	38	9
Low-income	17	8
Moderate-income	22	0
<b>Total</b>	<b>77</b>	<b>17</b>

**Table 13 – Number of Households Served**

The numbers in Table 13 represent households served through the City’s Single Family Rehabilitation program, and Multi-Family rehabilitation projects, and HOME funded multi-family developments.

The City’s goal for PY22 was to create 3-4 new federally funded affordable housing units. This is an average of units created by the Jordan Court project over the Consolidated Plan period. As noted above, Jordan Court has 17 HOME-Assisted units, and was completed in PY22. Jordan Court has 34 restricted affordable units (all rental), and will serve 7 households at 20% AMI, 5 at 30% AMI, 11 at 50% AMI, and 11 at 60% AMI. In addition, the Grinnell / Blake Apartments project will create 63 restricted affordable rental units serving extremely low-income and low-income households, seven of which will be HOME-assisted. 12 of the units will serve people with an intellectual or developmental disability.

The City continues to make progress on producing on critically needed affordable rental housing for extremely-low and low-income households through its non-federally funded Housing Trust Fund projects, most of which address worst case housing needs. For instance, three of the projects are

located in South Berkeley, an area that continues to face gentrification pressures, and will help serve community members who have been involuntarily displaced and extremely low-income renters. Two of the projects, Supportive Housing in People's Park and Berkeley Way Hope Center, are creating over 172 units of permanent supportive housing and 44 shelter beds for people experiencing homelessness.

Three of City-funded projects mentioned above – Berkeley Way, Jordan Court, and Maudelle Miller Shirek - are creating a combined total of 40 No Place Like Home units for formerly homeless households with mental illnesses. No Place Like Home is a program funded through the California Housing and Community Development Department (HCD) and assists Berkeley in serving “worst case needs” serving homeless persons with a mental illness/disability. In addition to the restricted units, the program requires a commitment of services (including case management) to support the residents.

In order to produce more rental housing for moderate income households, the City is working with Berkeley Unified School District and their development team on an educator housing project that would include units available to households earning up to 120% AMI. The project is in predevelopment and received its entitlements in PY22.

At present, Berkeley does not have a homeownership program outside of the City's Senior and Disabled (Home) Rehabilitation Loan Program and Single Family Rehabilitation (SFR) programming which is carried out by contracted community agencies to serve homeowners and renters whose annual gross households' income is below 80% AMI. As part of the City's SFR portfolio, the City continues to contract with the Center for Independent Living to provide ADA access improvements to homeowners and renters' housing units and Habitat for Humanity East Bay/Silicon Valley to provide housing rehabilitation repairs. While small construction activities resumed many SFR programs continue to face various obstacles in completing all their active SFR projects due to higher construction costs, increased materials costs, and contractor availability. Additionally, in regards to homeowners, the City's Housing Trust Fund program can fund limited equity and non-equity cooperative projects. Stuart Street Apartments, a major renovation of 8 vacant units, was completed in PY22. The project will operate as a non-equity cooperative serving households earning up to 80% AMI. The City also reserved predevelopment funding in PY22 to Woolsey Gardens, which will provide 65 units of permanently affordable homeownership units for low and moderate-income households.

## **CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**

**Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City of Berkeley continues to participate in the Alameda County Continuum of Care. In PY21, the City endorsed the Alameda County Home Together 2026 Implementation Plan, which quantifies the amount of funding needed to add sufficient interim housing, permanent housing and homelessness prevention resources. Berkeley participants are deeply involved in Everyone Home's implementation: City staff and Berkeley-based housing developers, service providers and community members serve on the Leadership Board and multiple committees. Also, in PY21, the City endorsed the All Home CA Regional Action Plan on Homelessness which also supports increases in interim housing, permanent housing and homelessness prevention resources.

Both North County HRC/APs conduct assessments and prioritize people with longer lengths of homelessness and multiple barriers for a variety of services funded by the City of Berkeley including housing navigation, shelter, transitional housing, permanent supportive housing, and case management tied to permanent housing, rapid re-housing, SSI advocacy and other services. The HRC also conducts focused outreach to people living on the streets, parks and in encampments throughout Berkeley, in order to conduct assessments and help with linkages to available services in the community. In PY22, the BACS HRC served 375 unsheltered people.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Emergency homeless services and transitional housing programs continued to be impacted due to the COVID-19 pandemic. In PY22, shelters in Berkeley continued to follow COVID-19 protocols outlined by the City's Health Officer: 1) Reduced shelter capacity to maintain 6' physical distancing (See below table); 2) Mandatory mask wearing; 3) Enhanced and increased frequency of cleaning and disinfection of facility; 4) Minimum daily symptom checks and recording, including every time someone enters the building; 5) and Compliance with COVID-19 Shelter Response Plan. The City funded shelters to maintain 24/7 operations initiated after the March 2020 Shelter-In-Place Order was issued. The City continued to work closely with County agencies to support emergency shelters and transitional housing programs. The City funded temporary emergency shelter project, comprised of 12 non-congregate trailers and a four-bedroom house, continued to operate. The City's new non-congregate interim shelter continued to operate using California State Encampment Resolution Grant funding. This program enrolled 42 new

households who were living on the streets in Berkeley.

The City funded two winter shelter programs. One program operated 24/7 and opened on October 4, 2022, almost two months earlier than usual opening date and closed on April 15, 2023. This shelter served 39 unduplicated people. The other shelter was an inclement weather shelter and was open for an unpresented 127 nights and provided 5,733 bed nights – keeping 440 unduplicated individuals dry and warm.

The City continued to provide COVID-19 testing kits personal protective equipment, cleaning supplies, and COVID-19 education, to shelters and transitional programs. The City's Public Health Division continued to host vaccines clinics at all Berkeley shelters and gift cards were offered as incentives. The City continued to fund porta-potties and handwashing stations where people congregate and sleep, and a mobile shower and laundry services at three locations weekly.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low-income people. Services are targeted toward people with disabilities, child care for working parents, and job seekers.

In PY22, the City continued to use federal funds for homeless services at the Bay Area Community Services CES Housing Resource Center (HRC) and Berkeley Food and Housing Project's Men's Overnight Shelter. With local funds, the City funded a large number of community agencies that serve Berkeley's poorest residents, and who represent other key components of Berkeley's overall anti-poverty strategy for health care, disabled services, senior and youth services, and workforce development. These services are in addition to the array of homeless services described in the CAPER.

Additionally, in PY22, the City allocated over \$1,250,000 in local funds and continued to spenddown the \$1.8 million in CDBG-CV allocated in FY20 for housing retention financial assistance to support low-income households from being displaced.

Most systems that discharge people who may be at risk of homelessness are county-administered systems. Therefore, the City of Berkeley does not have a stand-alone discharge policy, but rather abides

by the Alameda County discharge policy that is reported on annually in our countywide Continuum of Care application through Everyone Home. The ESG funds received by the City in PY22 did not fund any specific discharge coordination activities, but all homeless agencies work with the mainstream systems such as the Foster Care, Health Care, Mental Health and Corrections, as needed.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The two North County HRCs/Access Points, operated by BACS and WDDIC conducted CES intakes and assessments, which prioritize people who are homeless for resources that best meet their needs, including rapid re-housing placements and placement on the County's Permanent Supportive Housing (PSH) registry, HomeStretch. In both cases, the goal is to rapidly re-house households and support them for as long as retention services are needed and allowed.

The City's Shelter Plus Care programs fills all of its openings through HomeStretch. When an opening occurs, Home Stretch prioritizes unhoused people based on chronicity, need and date of referral, and provides participant information to the City of Berkeley, to be matched with a partner service agency that will provide case management and housing stabilization support. The case manager will support the participant to obtain and retain their housing, although services are not required in order to qualify for the rental assistance. Along the way, case managers work with participants to address issues that may have contributed to their housing instability or present obstacles to obtaining rental housing (such as poor credit, a lack of income, missing documents like a picture ID, outstanding legal issues, etc.).

- In PY20, Berkeley's Health, Housing and Community Services (HHCS) Department administered two (formerly five grants, which have been consolidated to two) Permanent Supportive Housing (PSH) programs serving primarily people who are chronically homeless. **The Shelter Plus Care COACH grant**, with 86 Shelter Plus Care certificates, targets people who are chronically homeless. The program combines the federal housing subsidy with services provided by Berkeley Mental Health, Berkeley Case Management and Lifelong Medical Care.
- **The Supportive Housing Collaborative (SHC) Project** is the newly consolidated grant [formerly four grants) and provides a mixture of site based and scattered site housing opportunities. The SHC Project supplies 166 Shelter Plus Care Certificates. These certificates of participation all the program to provide rental subsidy support to unhoused population in the Northern Alameda County, who are chronically homeless and permanently disabled.
- **The Square One (SQ1) program** leverages City of Berkeley's general funds to create a locally funded housing subsidy. Due to the nature of the funding source, the program is able to provide housing support to the unhoused population that may be otherwise ineligible to qualify for HUD based funding sources. Although, enrollments are still being coordinated through Home Stretch.



The above mentioned programs all aim to include prioritization for people who have the longest lengths of homelessness and the highest needs. It then connects these participants to Housing Navigators, to help support their application to Home Stretch and ultimate housing placement, as units become available.

## **CR-30 - Public Housing 91.220(h);**

### **Actions taken to address the needs of public housing**

**Berkeley Housing Authority Programs:** : In FY 22-23, BHA assisted an average of 1,657 households (serving approximately 2,797 people) to households in Berkeley, 82 of which were issued to new participants. The voucher recipients were pulled from the BHA tenant-based and project-based waitlists, port-ins from other jurisdictions, and were referred to BHA from partners, the Mainstream Voucher Program, the Emergency Housing Voucher Program (EHV) and the Veterans Affairs Supportive Housing Program (VASH).

**Housing Choice (tenant-based) Voucher Program:** Applicants from the tenant-based waitlist are screened for eligibility, invited to attend a briefing (orientation), via Zoom and are issued a voucher. Voucher holders then identify their own unit, which is inspected for adherence to Housing Quality Standards inspections protocol, prior to move in.

**Project-based Voucher Program:** The last allocation/award occurred in May 2023 in which BHA awarded 59 project-based vouchers to three projects, two of which are new construction projects, and one rehabilitation project. The units will house various populations, including: people who are homeless, seniors, 20% or less poverty rate and individual fleeing domestic violence. The projects are: Ephesian Legacy Court, St. Paul Terrace and Northern California Land Trust.

**Non-Elderly Disabled (NED) Mainstream Voucher Program:** In January 2023, HUD awarded an additional 30 NED Mainstream Vouchers to BHA, increasing the total number to 121, from 90. The vouchers serve people who are homeless, at-risk of being homeless, disabled, people who are at risk of being institutionalized, and people exiting an institution. Sixty-eight of the vouchers were prioritized for people who were homeless in Berkeley. BHA has leased up 81 of the 121 Mainstream Vouchers; 21 have been issued MS vouchers and are searching for a unit; and is processing referrals for 13 applicants. The program is a partnership between the City of Berkeley Housing and Community Services Department, the North County Coordinated Entry System, operated by Bay Area Community Services and the Women's Daytime Drop in Center shelter.

**VASH Program:** Partnering with the Veterans Administration, HUD made additional allocations to BHA to house homeless veterans. BHA currently has 40 VASH vouchers, 36 of which are leased up currently.

**Emergency Housing Voucher Program (EHV):** 51 vouchers were awarded to BHA. Of the referrals, 42 formerly homeless are now have leased up in Berkeley and in other jurisdiction via portability; 3 have participated in a briefing and in receipt of their vouchers; and 2 referrals have been received and will be schedule for a briefing

**Family Self-Sufficiency (FSS) Program:** BHA had 26 participants in the program in PY21. Five of the participants met their goals and successfully graduated from the program and 15 were earning escrow. To earn escrow, participants must increase their income after starting the FSS program. After earning escrow, participants receive funds that amount to the same increase in their income, as matching funds. The participants can use these matching funds, which are set aside in an escrow account, if they graduate from the program within 5 years and are no longer receiving TANF assistance. In PY 2022, one participant was approved for a one-year extension to their FSS contract, while two participant's contracts expired and were removed from the program.

#### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

BHA no longer owns public housing units. They were disposed of/sold, rehabilitated, and transitioned to project-based voucher units in 2014. BHA does not operate a homeownership program. BHA does operate a Family Self-Sufficiency Program that encourages homeownership and is only available to people who hold Section 8 vouchers (see above).

#### **Actions taken to provide assistance to troubled PHAs**

Eleventh consecutive year High performer in the S8 Voucher Program under HUD's annual "Section 8 Management Assessment" (SEMAP). Note: due to the pandemic, there was no SEMAP submission in 2021, or 2022.

**Move-To-Work (MTW):** In FY 21-23, BHA was one of the 29 PHA's selected in the Landlord Incentive Cohort of HUD's MTW Program expansion. Under this Cohort, BHA will be able to exercise certain waivers and flexibilities to encourage landlords to participate in the Section 8 program.

**Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

BHA no longer owns public housing units. They were disposed of/sold, rehabilitated, and transitioned to project-based voucher units in 2014. BHA does not operate a homeownership program. BHA does operate a Family Self-Sufficiency Program that encourages homeownership and is only available to people who hold Section 8 vouchers or are residents of public housing (see above).

**CR-35 - Other Actions 91.220(j)-(k);**

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j);**

The City continued to enforce its Affordable Housing Mitigation Fee, Inclusionary Housing, and Condo Conversion ordinances to protect and increase affordable housing opportunities in Berkeley. In PY22, the City entitled the Ephesian Legacy Court project under the State of California law known as SB35, which streamlines the land use approval process for certain residential developments which have, among other things, at least 50% affordable housing. The City also entitled the Berkeley Unified School District Workforce Housing project in PY22.

**Actions taken to address obstacles to meeting underserved needs. 91.220(k);**

In PY22, the City completed 5 projects that created 177 new units, 44 shelter beds, and 8 newly renovated units to low-income Berkeley residents. The City continues to support an additional 17 active projects in its pipeline that are anticipated to create 969 new homes and renovate 205 existing units. The renovation activities include projects converting from market-rate to affordable, and the preservation of the City's existing affordable housing portfolio.

In PY22, the City of Berkeley committed \$1,750,000 in local funds to leverage the remaining \$72,117 in CDGB-CV to provide 257 households with Housing Retention Grants.

**Actions taken to reduce lead-based paint hazards. 91.220(k);**

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the City of Berkeley Environmental Health Division and the Alameda County Healthy Homes Department's Lead Poisoning Prevention Program. The Alameda County Lead Poisoning Prevention Program also has a HUD Lead Hazard Control grant to remediate lead hazards. Berkeley residents are eligible to apply for grants in this program, to receive funding for lead hazard repairs.

Berkeley's program also provides case management services to families with children who have elevated blood lead levels. If the child is found to have one venous blood lead level at or above 14.5 mcg/dL, (or persistent BLLs at or above 9.5 mcg/ dL taken at least 30 days apart & with 2nd testing being venous, then child meets state definition for lead poisoning. All cases – as well as potential cases (single BLL 9.5-14.4 mcg/dL) – receive case management from a Public Health Nurse. Between July 1, 2021-June 30, 2022, a Public Health Nurse provided case management services to a total of eleven (11) potential cases and two (2) basic cases (4.5-9.4 mcg/dL). There were no state cases.

**Actions taken to reduce the number of poverty-level families. 91.220(k);**

- Continued the City's **First Source local hiring policy** and worked closely with local workforce development programs to coordinate outreach to potential employers and to low-income, at-risk residents to ensure access to employment opportunities on publicly funded projects.
- Continued to implement the **Community Workforce Agreement (CWA)** ordinance in partnership with the Alameda County Building and Construction Trades Council. Participants in the city funded Rising Sun Center for Opportunity pre-apprenticeship training program received coaching and career exploration support from the building trades. The program continues efforts to increase the number of women in the building and construction trades by providing training to women-only cohorts. In January 2021, the CWA was extended through June 2023 and includes a local hire goal of 20% of total craft hours for city-funded capital improvements projects of \$500,000 or more.
- The **YouthWorks Employment Program** provided career readiness activities, addressing youth unemployment, crime and poverty, by teaching fundamental life (e.g., financial Literacy, interpersonal skills, etc.) and workplace skills, to help youth explore, prepare for, transition, and ultimately succeed in the world of work. Youth were placed in paid, temporary jobs with local community agencies and in City departments during the summer and after-school programs per length of respective seasonal placement cycle. Transition Age Youth participated in the

Extended Program which helps older youth continue to earn income for up to 6 months while continuing their academic and vocational pursuits.

- Continued to focus on communities of color, youth experiencing socio-economic and educational barriers and at-risk transition age youth (including homeless youth) for internships, job training and employment opportunities.
- The City of Berkeley's **Minimum Wage Ordinance (MWO)** increased to \$16.99 in PY22 (effective July 1, 2022).
- The City of Berkeley's **Living Wage Ordinance (LWO)** applies to employers contracted to provide goods and services to the city and the wage rate requirement increased from \$19.67 to \$20.30 (effective July 1, 2022).
- The City of Berkeley's **Paid Sick Leave Ordinance (PLSO)** provides workers in Berkeley with higher paid sick leave accrual limits as compared to the state law and allows workers to receive more take home pay when they are not able to work due to injury, illness or preventative measures for themselves or family members that they care for. Paid Sick Leave can also be utilized for "safe time" for workers affected by domestic violence.
- The City of **Berkeley Family Friendly and Environment Friendly Ordinance (BFFFWO)** allows workers to seek a flexible or alternative work arrangements with their employer to accommodate needs such as child or elder care as well as consideration for a modified schedule to reduce environmental impacts associated with traveling to and from work.
- The City of Berkeley continued to serve as the backbone for **Berkeley's Youth Equity Partnership (YEP)** (formerly known as **Berkeley's 2020 Vision**), a communitywide initiative that strives to advance the academic, social and physical wellbeing of African American/Black and Latinx young people living in Berkeley and/or enrolled in Berkeley public schools. In the past year, YEP has undergone a rebranding effort with a central focus on placing African American/Black and Latinx young people at the center of this initiative. To that end, a team of Black and Brown high school and community college students led a design process to create YEP's new youth-friendly logo. This fall YEP will launch its next cycle of ~1.7 million in community agency contracts to support the success of African American/Black and Latinx young people in Berkeley. For the first time, we are establishing an application review panel consisting of Black and Brown youth to make funding award recommendations to Berkeley City Council.

### **Actions taken to develop institutional structure. 91.220(k);**

In PY22, the seven divisions of Berkeley's Department of Health, Housing & Community Services' (HHCS) continue to closely collaborate on the planning and delivery of services to Berkeley's low-income residents. It also holds monthly coordinating meetings with the Planning Department and staff continue to work with staff of other public agencies, such as the Berkeley Housing Authority and the Berkeley Rent Stabilization Board, as topics of mutual interest arise.

Most of the housing and community services programs described in the Consolidated Plan are delivered

by nonprofit community-based organizations. In PY 2022, the City contracted with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In PY 2022, staff met regularly with staff of agencies in other Alameda County jurisdictions on the Everyone Home Leadership Board and in a variety of committees working to implement the Everyone Home Plan. Agencies routinely consulted include:

- Alameda County Housing and Community Development Department.
- Alameda County Office of Homeless Care and Coordination
- Everyone Home.
- City of Oakland Department of Human Services.
- Alameda County Social Services Agency.
- Alameda County Behavioral Health Care Services.
- City of Emeryville
- City of Albany

Berkeley's 2020 Vision continues furthering partnerships with the Berkeley Unified School District, Berkeley City College, University of California at Berkeley, and other community partners to achieve equitable outcomes for African American and Latinx students enrolled in Berkeley's public schools. The City has established closer and smoother working relationships with these organizations as a result of coordinated work during COVID-19, which may contribute to even more effective partnerships as the initiative continues with our efforts toward achieving educational equity for Berkeley children and youth.

**Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k);**

City staff continued to work with Everyone Home, which spearheaded Alameda County's Continuum of Care in PY22. Staff continued to participate in the County's Home Stretch implementation efforts, which was moved to Alameda County's Office of Homeless Care and Coordination. Alameda County

has more than 4,000 units of Permanent Supportive Housing (PSH) for formerly homeless people, comprised of Shelter Plus Care and other tenant-based vouchers to be used in the private market and site-based units

operated by affordable housing developers. Home Stretch is Alameda County's strategy to prioritize PSH opportunities to homeless and disabled people with the highest needs in order to maximize the impact PSH can have in ending homelessness. Home Stretch has established a county-wide housing

queue of people who are homeless and disabled, and a centralized process for linking high need individuals and households with PSH opportunities. In addition, Home Stretch will include housing navigation services for people prioritized for PSH in order to provide a supportive process that includes assistance obtaining necessary.

**Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)**

During PY22, the City affirmatively furthered fair housing by:

- Funding the community agency Eden Housing for Hope and Opportunity (ECHO) to provide fair housing outreach and education;
- Continuing to require all City-funded affordable housing developments to create and implement affirmative marketing plans;
- Funding support programs, which increase opportunities for people with disabilities to live in a way that is integrated into the community;
- Continuing to provide housing and community services planning notifications in English, Spanish, and Chinese based on past evaluation of language needs; and
- Continuing to encourage the use of universal design in Housing Trust Fund, by retaining discussion of universal design in the HTF guidelines.

In PY22, ECHO provided fair housing services to 80 Berkeley tenants. ECHO opened the following discriminatory investigations for 67 households: 2 Age, 17 Disability, 1 Familial Status, 1 Marital Status, 14 National Origin, 3 Source of Income, 4 Race, and 25 Others.

ECHO's Fair Housing Counselor completed a systemic audit of 10 residential rental sites in the City of Berkeley. The results are being analyzed, and the report was published in September 2021. In addition, ECHO had nine outreach events including four Regional Fair Housing Trainings with 87 Berkeley residents, service providers, and members of the housing industry that serve Berkeley. Additionally, ECHO distributed 2,473 flyers, and gave interviews on KPFA and KCBS Radio stations.

Much of ECHO's outreach efforts have been halted due to the pandemic related to COVID-19. Prior to the pandemic, ECHO conducted door-to-door canvassing efforts in high density multifamily properties, to increase visibility and provide direct education to tenants. As a result of the pandemic, all Fair Housing training and workshops to Berkeley residents have been Zoom-based. ECHO is committed to continuing online workshops, but anticipates that traditional outreach efforts will resume once the pandemic is over.

**CR-40 - Monitoring 91.220 and 91.230**

**Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:**

**Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

City staff monitor approximately 50 community agency services contracts. Contracts include CDBG, CSBG, ESG, and General Funds. The City requires outcome reporting for all agency contracts, and both staff and citizen commissions draw on performance outcomes during the RFP process to make funding recommendations to City Council. Monitoring staff review and invoices, program and expense reports on a quarterly basis. On-site monitoring visit frequency is determined by an Agency Risk Assessment tool based on type and amount of funding, and concerns related to program delivery or fiscal and accounting systems. On-site monitoring occurs a minimum of once per contract cycle, but were placed on hold during COVID-19. Full monitoring will resume in PY21 and will be conducted both remotely and on-site as needed. Monitoring staff works with the agencies to resolve findings or other problems that may keep an organization from meeting its contractual obligations.

The City's community facility contracts with agencies, passes on all obligated federal requirements. Staff supplies Wage Decisions at bid notice, reviews bid language, general contractor selection, contracts between the agency and the contractor, to ensure that all local and federal requirements are passed on; holds pre-construction conferences to review all federal requirements and solicit information related to subcontractors, salaries and wages and timeline to makes site visits to monitor performance, and interview workers using Record of Employee Interview form (HUD 11) required for Davis Bacon monitoring.

(City staff monitors affordable housing developments funded by the Housing Trust Fund (HTF) to ensure ongoing compliance with federal regulations under HOME and CDBG, and other local requirements. The City's HTF Program pools funds from various sources including: HOME, CDBG, affordable housing mitigation fees, commercial linkage fees, and condominium conversion fees. The City provides loans to qualified nonprofit developers, and incorporates federal and local requirements into deed restrictions.

City staff also monitors the City's below market rate (BMR) program to ensure property owners are in compliance with the City's BMR affordability requirements. The BMR program provides deed restricted affordable units within residential market rate rental housing developments. The City monitors an affordable housing portfolio consisting of 56 HTF rental properties and 46 BMR rental properties. Of the 56 HTF properties, 18 are HOME-assisted projects within an active HOME compliance period. The City is involved in monitoring funded developments during construction as described in the 2020-2025 Consolidated Plan. Individual projects require varying degrees of City staff involvement depending upon the following variables: project size; complexity of the construction activity; type of sponsor, and subrecipient development expertise and process. If a subrecipient or developer/owner is new or is inexperienced with construction management, the City staff may play a substantive role in managing its initial construction activities. City staff involvement in the construction process can be intensive, moderate, or minimal. The level selected depends on how much responsibility the City staff relinquishes



to the property developer/owner, Subrecipient, and/or general contractor.

#### PY22 Housing Monitoring Accomplishments:

In PY21 and PY22, staff resumed in-person, on-site monitoring visits which consists of a Desk Review (meeting with the Property site staff and review of a sample of tenant files) and Physical Inspection of a sample of units and common areas. In PY 22, HTF staff prioritized completing on-site monitoring visits for 4 HOME-assisted projects, which were originally scheduled for PY21. By the end of PY22, a total of 18 on-site monitoring visits were completed including the aforementioned 4-HOME assisted properties and 14 non-HOME assisted projects in the HTF portfolio. Staff observed various levels of deferred maintenance that were not addressed during the pandemic when most properties postponed routine inspections. The majority of the properties are back on track and have started to implement annual unit inspections and are once again scheduling deferred maintenance that have been placed on hold during 2021 and the early part of 2022. All properties in the HTF portfolio are required to submit annual compliance reports, including financial information, updated occupancy information and a narrative report on physical conditions and planned improvements. Since the annual reporting is completed through the City's on-line reporting system, the properties continued to submit the annual reports which allowed staff to stay connected property owners and on-site management staff.

PY22 Construction monitoring accomplishments: In PY22, the City reviewed monthly reports from a third-party construction monitor for Blake Apartments/ The Grinnell during construction. Construction on Blake Apartments/The Grinnell commenced in August 2022.

### **Citizen Participation Plan 91.105(d); 91.115(d)**

#### **Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

In compliance with the City's Citizen Participation Plan dated September 15, 2020, the City made the Draft CAPER available for public comment prior to its submission on September 28, 2023. On September 8, 2023, the City published its notice making the draft CAPER available for public comment. The notice was published in the Berkeley Voice, a local, print and online publication, and the public comment period was from September 8, 2023 through September 25, 2023. The draft CAPER was made available on the City's website: <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>, at the City of Berkeley's Health, Housing and Community Services Department offices at 2180 Milvia Street, Berkeley, 2nd Floor, at the City of Berkeley's Health, Housing and Community Services Department offices, and at Berkeley's Public Library Reference Desk, 2090 Kittredge Street, 2nd Floor.

The final CAPER will be shared with the Housing Advisory Commission on October 5, 2023.

**CR-45 - CDBG 91.520(c)**

**Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.**

N/A

**Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?**

No.

## **CR-50 - HOME 91.520(d)**

**Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations**

**Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.**

In PY22, HTF staff prioritized completing on-site monitoring visits for 4 HOME-assisted projects, which were originally scheduled for PY21. By the end of PY22, a total of 18 on-site monitoring visits were completed including the aforementioned 4-HOME assisted properties and 14 non-HOME assisted projects in the HTF portfolio. Staff observed various levels of deferred maintenance that were not addressed during the pandemic when most properties postponed routine inspections due to Shelter-in-Place order and COVID-19 health reasons. The majority of the properties are back on track and have started to implement annual unit inspections and are once again scheduling deferred maintenance that have been placed on hold during 2021 and the early part of 2022. All properties in the HTF portfolio are required to submit annual compliance reports, including financial information, updated occupancy information and a narrative report on physical conditions and planned improvements. Since the annual reporting is completed through the City's on-line reporting system, the properties continued to submit the annual reports which allowed staff to stay connected property owners and on-site management staff even when on-site monitoring was temporarily on hold.

In this last round of in-person monitoring visits, staff observed most properties have been consistent about filing all documentation required to evaluate household eligibility and calculate rent. The majority of properties are current with the annual income certifications as required by HUD and other funders, such as TCAC and limited partner investors. As previously reported one property, Savo Island Housing Cooperative, experienced turnover in property management staff in PY21, leading to inconsistencies in maintaining tenant files, including monitoring of tenant eligibility and changes in occupancy. Satellite Affordable Housing Associates (SAHA), a more established and experienced nonprofit housing developer in Berkeley, assumed property management responsibilities at Savo Island in Fall 2022. Staff is working with SAHA to correct the inconsistencies and develop better procedures in the future, and to get an updated annual report for Savo Island.

The majority of the properties suspended routine physical inspection of units during the pandemic and Shelter-in-Place period, and property management limited their inspections and repairs on an as-needed basis. In 2022, most properties have resumed annual unit inspections, and as resources permits, are working steadily on addressing maintenance and capital improvements placed on hold during the pandemic. There are a number of properties that have been slow to resume routine

inspections and/or are behind in filing income certification documentation in the tenant file. These instances are noted in the monitoring follow up report and will be monitored by HTF staff.

<b>On-Site Monitoring Program Year 2022 (July 1, 2022 – June 30, 2023)</b>				
<b>PROJECT NAME</b>	<b>Total HOME Units Inspected</b>	<b>Total Non-HOME (to be inspected)</b>	<b>Physical Inspection Passed (P) / Not Passed (NP) or N/A</b>	<b>Desk Review Passed (P) / Not Passed (NP) / Inconclusive (I) <sup>1</sup></b>
Harmon Gardens	4	2	P	P
University Neighborhood Apts (UNA)	1	4	P	P
Strawberry Creek Lodge	4	8	P	I
Sacramento Sr Homes	4	2	P	I
Casa Buenos Amigos	0	2	P	P
Haste, 2207	0	2	P	P
Sankofa House	0	2	P	I
McKinley House	0	2	P	I
Allston Commons	0	2	P	I
Prince St	0	2	P	P
Bonita House	0	2	P	P
Channing House	0	2	P	P
Ashby Courts	0	2	P	P
Ashby Studios	0	2	P	P
Rosevine	0	2	P	P
Regent House	0	2	P	P
Ocean View Gardens	0	6	P	P
Helios Corner	0	8	P	P
<b>TOTAL COMPLETED (UNITS)</b>	<b>13</b>	<b>54</b>		

Note 1: On-site Monitoring visits marked as "I" for "Inconclusive" require further documentation or explanation from Property Owner. For the Desk Review portion of the site visit, questions may be related to missed annual income recertifications or lack of documentation of physical inspections. At the time of the writing of this CAPER, the Property Owner responses have not yet been submitted.

**Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b) and 91.520(e)**

Berkeley's Housing Trust Fund Guidelines require that HTF recipients undertake affirmative market practices when leasing up their units. These requirements are incorporated directly into the City's Development Loan Agreements that are executed with developers to provide development funding. As part of the annual reporting, HTF recipients are required to submit a copy of their marketing and tenant selection plan if there are changes. The program monitoring staff also reviews the leasing and marketing plans during the on-site monitoring visits.

**Refer to IDIS reports to describe the data on the amount and use of program income for projects, including the number of projects and owner and tenant characteristics.**

HOME program income in the amount of \$43,429 was received in PY2022 and will be allocated to the first HOME eligible development project available.

**Describe other actions taken to foster and maintain affordable housing. 91.220(k)**

The high cost of homes and rental units in Berkeley has highlighted the need to preserve and create affordable housing. The City continues to dedicate local funds for affordable housing development. As described in previous CAPERs, Berkeley voters passed a \$135M housing bond measure in PY18 called Measure O.

In PY22, the City had a total of 17 projects in the housing pipeline. Of those pipeline projects, 9 are new construction and will create 969 new affordable housing opportunities. The pipeline includes four new renovation projects that will create an additional 90 deed-restricted affordable units and four existing projects that will renovate 115 units. Five new construction and renovation projects were completed in PY22, creating 177 units of new affordable housing and 44 shelter beds.

The City continued to work with Bay Area Community Land Trust (BACLt) on acquisition and rehab projects. Using City funds, BACLt completed the renovation of eight units at 1638 Stuart Street that have been vacant for over 20 years and now provide affordable housing. BACLt also acquired 1685 Solano in PY21, which it continued to renovate in PY22. 1685 Solano is a 13-unit partially occupied property that will be affordable to households earning up to 80% AMI.

The City of Berkeley received a 2019 Senate Bill 2 Planning Grant from the State, in the amount of \$310,000 to focus on preparation, adoption and implementation of zoning regulations that streamline housing approvals, and accelerate housing production at North Berkeley BART and Ashby BART stations. More specifically, funds will be used to develop transit-oriented development (TOD) zoning regulations that facilitate the development of affordable housing. This project was initiated by Jerry Brown signing Assembly Bill 2923, State legislation that requires rezoning of the North Berkeley and Ashby BART parking lots to accommodate high-density, transit-oriented development. Berkeley has until July 1, 2022 to rezone

BART's property in conformance with the standards established in AB 2923. The Draft Environmental Impact Report (EIR) for the project is being prepared and will evaluate the impact of up to 1,200 dwelling units at the Ashby BART station and up to 1,200 dwelling units at the North Berkeley BART station. The final EIR and zoning ordinance amendments must be adopted by City Council by the end of the second quarter of 2022, which aligns with the Housing Element schedule.

The City finalized their **Housing Element Update** for the 6th Cycle Regional Housing Needs Allocation, which will serve as the City's housing plan for the next 8 years. The City submitted a draft Housing Element to the State for initial review on August 10, 2022 and met the state deadline for Housing Element adoption and certification by May 2023. The total budget for the 2023-2031 Housing Element Update is \$540,000, in addition to staff time. The City has allocated \$325,000 in State of California Local Early Action Planning (LEAP) grant funds, \$83,506 in non-competitive Regional Early Action Planning (REAP) grant funds, \$75,000 in competitive REAP grant funds, and \$56,494 in Community Planning Fees towards this effort. The project includes preparation of a programmatic EIR pursuant to California Environmental Quality Act (CEQA) to assess impacts of proposed housing policies and programs in lower density Residential districts and the Southside Area.

The City has just received an award to develop a Specific Plan focused on increased housing opportunities within the City's San Pablo Avenue Priority Development Areas (PDA). The total anticipated budget for the **San Pablo Avenue Specific Plan** is \$750,000. The PDA Planning Grant will go entirely towards the completion of that effort. This project must be completed within three years of initiation.

**Missing Middle / City Council Resolution to Abolish Exclusionary Zoning:** City Council has stated via a 2021 Resolution and a 2019 referral, its desire to review, research and consider rezoning of lower density residential districts to allow for more dense housing. This resolution and referral align with the proposed programs in the Housing Element and the Housing Element EIR assess 770 additional units distributed throughout the R-1 and R-1A districts. Staff have presented preliminary development standards to City Council, Planning Commission, and the Zoning Ordinance Revision Project (ZORP) subcommittees, and will present a draft ordinance for Middle Housing to the Planning Commission in Spring 2023 once the final Housing Element Update and final Environmental Impact Report (EIR) are adopted. Upon receiving further direction and recommendation from the Planning Commission, staff will return to the Council with a final recommended zoning ordinance and zoning map changes.

**Southside Zoning Ordinance Update:** City Council has referred six items to the City Manager supporting increased housing in the Southside Plan Area, recognizing the need for more student housing near campus to alleviate student housing pressure elsewhere in the City. The proposed project has the potential add 1,000 new units in the Southside. Preliminary development standards and map amendments will be presented to City Council at a work session in September 2022. Based on City Council direction, staff will return to the Planning Commission in Fall 2022 with revised development standards for Southside, to be presented in concert with options for a local density bonus methodology. Staff will then return to the ZORP subcommittees in Spring 2023, and then present a draft ordinance to the Planning Commission in Fall 2023. Upon receiving further direction and recommendation from the Planning Commission, staff will return to the Council with a final recommended zoning ordinance and zoning map changes.

**Residential Objective Standards:** Since 2017, Berkeley has been working towards adoption of objective zoning standards for density, design and shadows. Staff are preparing to begin the second phase of this

project, which will evaluate recommendations and bring feasible options to Planning Commission and then City Council for consideration. As part of Phase 2 Residential Objective Standards for Higher Density Residential and Commercial Districts, the Planning Department will consider confirming, modifying or creating objective design and development standards for projects in higher density residential and commercial districts, which may include R-3, R-4, and all C Districts. These policies will provide clarity and predictability for State-streamlined projects (e.g. SB 35, AB 1397) and create a pathway for additional local streamlined projects in order to reduce reliance on the use permit process and non-detriment findings. In addition to staff time, the City has budgeted \$350,000 to hire a consultant to assist in the development of objective design standards for higher density residential and commercial districts.

**Affordable Housing Requirements:** The City has engaged Street Level Advisors to analyze and recommend updates to the City's policies pertaining to affordable housing requirements for new market rate residential developments. The City is exploring transitioning its affordable housing mitigation fee requirements to an inclusionary housing requirement stimulate the development of below market rate units to assist Berkeley to meet its Regional Housing Needs Allocation (RHNA) targets for very-low and low- income households. It will also provide developers the opportunity to contribute in-lieu fees to support affordable housing development via the City's Housing Trust Fund. City Council conducted a work session on May 18, 2021, to discuss and provide input on draft policy recommendations. The City's Planning Commission and Housing Advisory Commission provided comments and recommendations to the proposed ordinance revisions in Spring 2022. Staff anticipates bringing final recommendations to City Council for consideration in Fall 2022.

**CR-60 - ESG 91.520(g) (ESG Recipients only)**

**ESG Supplement to the CAPER in *e-snaps***

**For Paperwork Reduction Act**

**1. Recipient Information—All Recipients Complete**

**Basic Grant Information**

<b>Recipient Name</b>	BERKELEY
<b>Organizational DUNS Number</b>	076529924
<b>EIN/TIN Number</b>	946000299
<b>Identify the Field Office</b>	SAN FRANCISCO
<b>Identify CoC(s) in which the recipient or subrecipient(s) will provide ESG assistance</b>	Oakland/Alameda County CoC

**ESG Contact Name**

<b>Prefix</b>	Ms.
<b>First Name</b>	Jennifer
<b>Middle Name</b>	
<b>Last Name</b>	Vasquez
<b>Suffix</b>	
<b>Title</b>	CSSIII, Housing and Community Service Division

**ESG Contact Address**

<b>Street Address 1</b>	2180 Milvia Street
<b>Street Address 2</b>	0
<b>City</b>	Berkeley
<b>State</b>	CA
<b>ZIP Code</b>	94704
<b>Phone Number</b>	510.981.5400
<b>Extension</b>	0
<b>Fax Number</b>	0
<b>Email Address</b>	jvasquez@cityofberkeley.info

**ESG Secondary Contact**

<b>Prefix</b>	Mr.
<b>First Name</b>	Joshua
<b>Last Name</b>	Oehler
<b>Suffix</b>	0
<b>Title</b>	Community Development Project Coordinator
<b>Phone Number</b>	510.981.5408



**Extension** 0  
**Email Address** joehler@cityofberkeley.info

**2. Reporting Period—All Recipients Complete**

**Program Year Start Date** 07/01/2020  
**Program Year End Date** 06/30/2021

**3a. Subrecipient Form – Complete one form for each subrecipient**

<p><b>Subrecipient or Contractor Name:</b> Bay Area Community Services <b>City:</b> Oakland <b>State:</b> CA <b>Zip Code:</b> 94609 <b>DUNS Number:</b> 073931628 <b>Is subrecipient a victim services provider:</b> No <b>Subrecipient Organization Type:</b> Other Nonprofit Organization <b>ESG Subgrant or Contract Award Amount:</b> \$350,612</p>
<p><b>Subrecipient or Contractor Name:</b> Berkeley Food and Housing Project <b>City:</b> Berkeley <b>State:</b> CA <b>Zip Code:</b> 94703 <b>DUNS Number:</b> 363816703 <b>Is subrecipient a victim services provider:</b> No <b>Subrecipient Organization Type:</b> Other Nonprofit Organization <b>ESG Subgrant or Contract Award Amount:</b> \$1,785,729</p>
<p><b>Subrecipient or Contractor Name:</b> Dorothy Day House <b>City:</b> Berkeley <b>State:</b> CA <b>Zip Code:</b> 94712 <b>DUNS Number:</b> 054767178 <b>Is subrecipient a victim services provider:</b> No <b>Subrecipient Organization Type:</b> Other Nonprofit Organization <b>ESG Subgrant or Contract Award Amount:</b> \$309,595</p>

**Subrecipient or Contractor Name:** Worldwide Travel Staffing Limited

**City:** Tonawanda

**State:** NY

**Zip Code:** 14150

**DUNS Number:** 085377757

**Is subrecipient a victim services provider:** No

**Subrecipient Organization Type:** Other Nonprofit Organization

**ESG Subgrant or Contract Award Amount:** \$ 30,000

**Subrecipient or Contractor Name:** Alameda County

**City:** Hayward

**State:** CA

**Zip Code:** 94544

**DUNS Number:** 064165053

**Is subrecipient a victim services provider:** No

**Subrecipient Organization Type:** Local Jurisdiction

**ESG Subgrant or Contract Award Amount:** \$ 2,100,000

**CR-65 - Persons Assisted – SEE ATTACHED SAGE REPORT**

**4. Persons Served**

**4a. Complete for Homelessness Prevention Activities - N/A**

<b>Number of Persons in Households</b>	<b>Total</b>
Adults	0
Children	0
Don't Know/Refused/Other	0
Missing Information	0
<b>Total</b>	<b>0</b>

Table 16 – Household Information for Homeless Prevention Activities

**4b. Complete for Rapid Re-housing Activities - STAIR,**

<b>Number of Persons in Households</b>	<b>Total</b>
Adults	0
Children	0
Don't Know/Refused/Other	
Missing Information	
<b>Total</b>	<b>0</b>

Table 17 – Household Information for Rapid Re-housing Activities

**4c. Complete for Shelter - STAIR CENTER,**

<b>Number of Persons in Households</b>	<b>Total</b>
Adults	0
Children	0
Don't Know/Refused/Other	0
Missing Information	0
<b>Total</b>	<b>0</b>

Table 18 – Shelter Information

**4d. Street Outreach - HRC/Stair**

<b>Number of Persons in Households</b>	<b>Total</b>
Adults	0
Children	0
Don't Know/Refused/Other	0

Missing Information	0
<b>Total</b>	<b>0</b>

**Table 19 – Household Information for Street Outreach**

**4e. Totals for all Persons Served with ESG - ES/RRH/Outreach**

<b>Number of Persons in Households</b>	<b>Total</b>
Adults	0
Children	
Don't Know/Refused/Other	0
Missing Information	0
<b>Total</b>	<b>0</b>

**Table 20 – Household Information for Persons Served with ESG (unduplicated count across all programs)**

**5. Gender—Complete for All Activities - ES/RRH/Outreach**

	<b>Total</b>
Male	0
Female	0
Transgender	0
Don't Know/Refused/Other	0
Missing Information	0
<b>Total</b>	<b>0</b>

**Table 21 – Gender Information**

**Age—Complete for All Activities - ES/RRH/Outreach**

	<b>Total</b>
Under 18	0
18-24	0
25 and over	0
Don't Know/Refused/Other	0
Missing Information	0
<b>Total</b>	<b>0</b>

Table 22 – Age Information

**7. Special Populations Served—Complete for All Activities – ES/RRH/Outreach**

**Number of Persons in Households**

<b>Subpopulation</b>	<b>Total</b>	<b>Total Persons Served – Prevention - Not Applicable</b>	<b>Total Persons Served – RRH</b>	<b>Total Persons Served in Emergency Shelters</b>
Veterans				
Victims of Domestic Violence				
Elderly				
HIV/AIDS				
Chronically Homeless				
<b>Persons with Disabilities:</b>				
Severely Mentally Ill				
Chronic Substance Abuse				
Other Disability				
Total (Unduplicated if possible)				

Table 23 – Special Population Served - People can report more than one disability so the total count by disability is not unduplicated.

**CR-70 – ESG 91.520(g) - Assistance Provided and Outcomes STAIR ONLY**

**10. Shelter Utilization**

Number of New Units - Rehabbed	0
Number of New Units - Conversion	0
Total Number of bed-nights available	0
Total Number of bed-nights provided	0
Capacity Utilization	0

**Table 24 – Shelter Capacity**

Shelter capacity and utilization rate was impacted by COVID-19, which required shelters to reduce capacity to comply with 6’ social distancing requirements. Also, many unhoused people chose not to go to congregate shelters.

**11. Project Outcomes Data measured under the performance standards developed in consultation with the CoC(s)**

ESG funds were used for rapid re-housing financial assistance. See attached Continuum of Care EveryOne Home Systemwide Outcomes and Efficiency Measures for ESG funds.

## CR-75 – Expenditures

### 11. Expenditures

#### 11a. ESG Expenditures for Homelessness Prevention

	Dollar Amount of Expenditures in Program Year		
	2019	2020	2021
Expenditures for Rental Assistance	0	0	0
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	0	0	0
Expenditures for Housing Relocation & Stabilization Services - Services	0	0	0
Expenditures for Homeless Prevention under Emergency Shelter Grants Program	0	0	0
<b>Subtotal Homelessness Prevention</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 25 – ESG Expenditures for Homelessness Prevention

#### 11b. ESG Expenditures for Rapid Re-housing

	Dollar Amount of Expenditures in Program Year		
	2019	2020	2021
Expenditures for Rental Assistance	\$0		0
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	0	0	
Expenditures for Housing Relocation & Stabilization Services - Services	0	0	0
Expenditures for Homeless Assistance under Emergency Shelter Grants Program	0	0	0
<b>Subtotal Rapid Re-housing</b>	<b>\$0</b>		<b>0</b>

Table 26 – ESG Expenditures for Rapid Re-housing

#### 11c. ESG Expenditures for Emergency Shelter

	Dollar Amount of Expenditures in Program Year		
	2019	2020	2021
<b>Essential Services (Personnel plus taxes and benefits)</b>	0	0	
<b>Operations - non-personnel</b>	\$0	\$0	0
Renovation	0	0	0
Major Rehab	0	0	0
Conversion	0	0	0

<b>Subtotal</b>	<b>\$0</b>	<b>\$0</b>	<b>0</b>
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Table 27 – ESG Expenditures for Emergency Shelter

**11d. Other Grant Expenditures**

	<b>Dollar Amount of Expenditures in Program Year</b>		
	<b>2019</b>	<b>2020</b>	<b>2021</b>
Street Outreach	\$0		0
HMIS	\$0		\$0
Administration	\$0	0	

Table 28 - Other Grant Expenditures

**11e. Total ESG Grant Funds**

<b>Total ESG Funds Expended</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
	\$0	\$108,439	\$17,514

Table 29 - Total ESG Funds Expended

**11f. Match Source**

	<b>2019</b>	<b>2020</b>	<b>2021</b>
Other Non-ESG HUD Funds	0	0	0
Other Federal Funds	0	0	0
State Government	0	0	0
Local Government	\$884,351	\$914,526	\$1,350,000
Private Funds	0	0	0
Other	0	0	0
Fees	0	0	0
Program Income	0	0	0
<b>Total Match Amount</b>	<b>\$884,351</b>	<b>\$914,526</b>	<b>\$1,350,000</b>

Table 30 - Other Funds Expended on Eligible ESG Activities

**11g. Total**

<b>Total Amount of Funds Expended on ESG Activities</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
	<b>\$828,336</b>	<b>\$1,244,735</b>	<b>\$1109152</b>

Table 31 - Total Amount of Funds Expended on ESG Activities





Office of Community Planning and Development  
U.S. Department of Housing and Urban Development  
Integrated Disbursement and Information System  
PR26 - CDBG Financial Summary Report  
Program Year 2022  
Berkeley, CA

DATE: 09-28-23  
TIME: 14:34  
PAGE: 1

**PART I: SUMMARY OF CDBG RESOURCES**

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	0.00
02 ENTITLEMENT GRANT	2,644,820.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	502,739.06
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	(434,220.00)
08 TOTAL AVAILABLE (SUM, LINES 01-07)	2,713,339.06

**PART II: SUMMARY OF CDBG EXPENDITURES**

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	3,108,802.35
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	3,108,802.35
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	694,729.83
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	3,803,532.18
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	(1,090,193.12)

**PART III: LOWMOD BENEFIT THIS REPORTING PERIOD**

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	2,069,862.66
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	2,069,862.66
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	66.58%

**LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS**

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: 2020 PY: 2021 PY: 2022
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%

**PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS**

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	609,377.64
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	609,377.64
32 ENTITLEMENT GRANT	2,644,820.00
33 PRIOR YEAR PROGRAM INCOME	738,427.00
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	434,220.76
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	3,817,467.76
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	15.96%

**PART V: PLANNING AND ADMINISTRATION (PA) CAP**

37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	694,729.83
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	(152,061.83)
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	542,668.00
42 ENTITLEMENT GRANT	2,644,820.00
43 CURRENT YEAR PROGRAM INCOME	502,739.06
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	(434,220.70)
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	2,713,338.36
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	20.00%

**LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17**

No data returned for this view. This might be because the applied filter excludes all data.

**LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18**

Plan Year	IDIS	IDIS	Activity	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	4	1065		SBND - Multi-Family Housing Rehab	14B	LMH	\$504,858.11
2021	4	1072		COB Multi-Family Housing Development	14B	LMH	\$45,740.58
2022	4	1092		COB Multi-Family Housing Development	14B	LMH	\$488,341.00
<b>Total</b>							<b>\$1,038,939.69</b>
							<b>\$1,038,939.69</b>

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount	
2021	5	1073	6641354	BACS: Homeless Services - CES	03T	LMC	\$78,171.03	
2021	5	1073	6817204	BACS: Homeless Services - CES	03T	LMC	\$7,230.96	
2021	5	1074	6641354	BFHP: Men's Overnight Shelter	03T	LMC	\$42,625.00	
2022	5	1094	6817204	BACS: Homeless Services - CES	03T	LMC	\$248,419.00	
2022	5	1095	6761408	BFHP: Men's Overnight Shelter	03T	LMC	\$87,205.94	
2022	5	1095	6817204	BFHP: Men's Overnight Shelter	03T	LMC	\$83,296.06	
							<b>03T Matrix Code</b>	<b>\$546,947.99</b>
2021	6	1076	6641354	COB - Public Facilities Project Management	03Z	LMC	\$26,004.17	
2021	6	1077	6817204	West Berkeley Service Center	03Z	LMC	\$6,450.72	
2022	6	1097	6761408	COB - Public Facilities Project Management	03Z	LMC	\$89,545.34	
2022	6	1097	6817204	COB - Public Facilities Project Management	03Z	LMC	\$63,362.66	
							<b>03Z Matrix Code</b>	<b>\$185,362.89</b>
2021	5	1075	6641354	ECHO - Fair Housing Services	05J	LMC	\$13,796.79	
2021	5	1075	6761408	ECHO - Fair Housing Services	05J	LMC	\$13,632.86	
2022	5	1096	6761408	ECHO - Fair Housing Services	05J	LMC	\$5,816.45	
2022	5	1096	6817204	ECHO - Fair Housing Services	05J	LMC	\$29,183.55	
							<b>05J Matrix Code</b>	<b>\$62,429.65</b>
2017	4	979	6761408	Single Family Rehabilitation Loans	14A	LMH	\$93.75	
2018	3	1012	6817204	Single Family Rehabilitation Loans	14A	LMH	\$121,499.71	
2021	3	1067	6641354	CIL - Residential Access for the Disabled	14A	LMH	\$31,860.56	
2021	3	1067	6761408	CIL - Residential Access for the Disabled	14A	LMH	\$20,528.56	
2021	3	1067	6817204	CIL - Residential Access for the Disabled	14A	LMH	\$31,075.21	
2021	3	1068	6641354	Habitat Single Family Rehab	14A	LMH	\$58,091.94	
2021	3	1068	6761408	Habitat Single Family Rehab	14A	LMH	\$92,586.73	
2021	3	1070	6641354	COB Senior and Disabled Rehab Program	14A	LMH	\$80,183.42	
2022	3	1088	6817204	CIL - Residential Access for the Disabled	14A	LMH	\$159,660.00	
2022	3	1089	6761408	Habitat Single Family Rehab	14A	LMH	\$78,022.07	
2022	3	1089	6817204	Habitat Single Family Rehab	14A	LMH	\$171,977.93	
2022	3	1090	6761408	COB Senior and Disabled Rehab Program	14A	LMH	\$164,659.82	
2022	3	1090	6817204	COB Senior and Disabled Rehab Program	14A	LMH	\$193,388.18	
							<b>14A Matrix Code</b>	<b>\$1,203,627.88</b>
2021	2	1069	6641354	Loan Services	14H	LMC	\$1,486.25	
2022	2	1087	6761408	Loan Services	14H	LMH	\$70,008.00	
							<b>14H Matrix Code</b>	<b>\$71,494.25</b>
<b>Total</b>								<b>\$2,069,862.66</b>

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount		
2021	5	1073	6641354	No	BACS: Homeless Services - CES	B21MC060008	EN	03T	LMC	\$78,171.03		
2021	5	1073	6817204	No	BACS: Homeless Services - CES	B21MC060008	EN	03T	LMC	\$7,230.96		
2021	5	1074	6641354	No	BFHP: Men's Overnight Shelter	B21MC060008	EN	03T	LMC	\$42,625.00		
2022	5	1094	6817204	No	BACS: Homeless Services - CES	B22MC060008	EN	03T	LMC	\$248,419.00		
2022	5	1095	6761408	No	BFHP: Men's Overnight Shelter	B22MC060008	EN	03T	LMC	\$87,205.94		
2022	5	1095	6817204	No	BFHP: Men's Overnight Shelter	B22MC060008	EN	03T	LMC	\$83,296.06		
										<b>03T Matrix Code</b>	<b>\$546,947.99</b>	
2021	5	1075	6641354	No	ECHO - Fair Housing Services	B21MC060008	EN	05J	LMC	\$13,796.79		
2021	5	1075	6761408	No	ECHO - Fair Housing Services	B21MC060008	EN	05J	LMC	\$13,632.86		
2022	5	1096	6761408	No	ECHO - Fair Housing Services	B22MC060008	EN	05J	LMC	\$5,816.45		
2022	5	1096	6817204	No	ECHO - Fair Housing Services	B22MC060008	EN	05J	LMC	\$29,183.55		
										<b>05J Matrix Code</b>	<b>\$62,429.65</b>	
<b>No Activity to prevent, prepare for, and respond to Coronavirus</b>											<b>\$609,377.64</b>	
<b>Total</b>												<b>\$609,377.64</b>

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount	
2021	1	1078	6641354	CDBG Planning and Administration	21A		\$152,061.83	
2022	1	1086	6761408	CDBG Planning and Administration	21A		\$225,147.00	
2022	1	1086	6817204	CDBG Planning and Administration	21A		\$317,521.00	
						<b>21A Matrix Code</b>	<b>\$694,729.83</b>	
<b>Total</b>								<b>\$694,729.83</b>



## HUD ESG CAPER

Report: **CAPER**    Period: **7/1/2022 - 6/30/2023**    Your user level here: **Data Entry and Account Admin**

Contains all user-entered forms and aggregate CAPER-CSV data.

**Report Date Range**

7/1/2022 to 6/30/2023

**Contact Information**

First Name	Jennifer
Middle Name	
Last Name	Vasquez
Suffix	
Title	
Street Address 1	2180 Milvia Street
Street Address 2	
City	Berkeley
State	California
ZIP Code	94704
E-mail Address	jvasquez@cityofberkeley.info
Phone Number	(510)304-9504
Extension	
Fax Number	()-

**Project types carried out during the program year**

Components	Projects	Total Persons Reported	Total Households Reported
Emergency Shelter	1	102	102
Day Shelter	0	0	0
Transitional Housing	0	0	0
<b>Total Emergency Shelter Component</b>	<b>1</b>	<b>102</b>	<b>102</b>
Total Street Outreach	1	52	51
Total PH - Rapid Re-Housing	1	6	6
Total Homelessness Prevention	0	0	0

**Grant Information**

**Emergency Shelter Rehab/Conversion**

Did you create additional shelter beds/units through an ESG-funded rehab project	No
Did you create additional shelter beds/units through an ESG-funded conversion project	No

**Data Participation Information**

Are there any funded projects, except HMIS or Admin, which are <u>not listed on the Project Links and Uploads form</u> ? This includes projects in the HMIS and from VSP	No
--	----

## Project Outcomes

Project outcomes are required for all CAPERS where the program year start date is 1-1-2021 or later. This form replaces the narrative in CR-70 of the eCon Planning Suite.

From the Action Plan that covered ESG for this reporting period copy and paste or retype the information in Question 5 on screen AP-90: "Describe performance standards for evaluating ESG."

The below are the performance standards for subrecipients providing ESG funded services (shelter, outreach and rapid rehousing services) in Berkeley.

**SHELTER****How Well?**

1. Data Quality: Data entry within 3 days. Goal =100%
2. Data Quality: Completion. Proportion of adult participants with income information recorded at entry, annual and exit. Goal = 75%
3. Average length of participation. Goal = 183 average

**With What Impact?**

1. Are participants retaining/increasing income? Goal = 75%
2. Are participants accessing mainstream benefits? Goal = 80%
3. Are participants enrolled in health insurance? Goal = 90%
4. Are we successfully moving people into permanent housing? Goal = 30%
5. Exits to Homelessness: What proportion of people exit to homeless destinations? Goal less than 25%

**STREET OUTREACH**

1. Data Quality: Data entry within 3 days. Goal =50%
2. Data Quality: Completion of income and sources at entry. Goal = 75%

**With What Impact?**

2. Are participants accessing mainstream benefits? Goal = 80%
3. Are participants enrolled in health insurance? Goal = 90%
4. Are we successfully moving people indoors? Goal = 50%

**RAPID REHOUSING:****How Well?**

1. Data Quality: Data entry within 3 days. Goal =100%
2. Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments. Goal = 90%
3. Average length of time from enrollment to move in. Goal = 60% within 2 months

**With What Impact?**

1. Are participants growing their income? Goal = 50%
2. Are participants accessing mainstream benefits? Goal = 85%
3. Are participants enrolled in health insurance? Goal = 85%
4. Are we successfully moving people into permanent housing? Goal = 80%
5. Exits to Homelessness: What proportion of people exit to homeless destinations? Goal less than 5%

Based on the information from the Action Plan response previously provided to HUD:

1. Briefly describe how you met the performance standards identified in A-90 this program year. *If they are not measurable as written type in N/A as the answer.*

The ESG funded shelter program moved 39% of the exited participants into permanent housing, with less than 25% returning to homeless destinations.

Street Outreach met both of its data quality goals: Data entry within 3 days equaled 95% and data completion of income and sources at entry was 100%.

The Rapid Rehousing program also met its data quality goals: Data entry within 3 days and data completion were both at 100%. The Rapid Rehousing Program also met its goal with zero % of participants exiting to homelessness and all participants were enrolled in health insurance. The one participant who exited the program continued to be housed using their own income.

2. Briefly describe what you did not meet and why. *If they are not measurable as written type in N/A as the answer.*

The following performance measure were not met or slightly below the goal. During the program year there were several clients who voluntarily left the program, so exit data couldn't be collected.

Numerous clients were referred to residential programs that support mental health issues prior to being linked to mainstream services. Some clients are choosing to return to homelessness, rather than access services most likely due to substance abuse and mental health reasons.

Many unsheltered people are declining congregate shelter options resulting in a lower street outreach success rate of moving people into shelter.

OR

3. If your standards were not written as measurable, provide a sample of what you will change them to in the future? *If they were measurable and you answered above type in N/A as the answer.*

See above.



ESG Information from IDIS

As of 9/22/2023

FY	Grant Number	Current Authorized Amount	Funds Committed By Recipient	Funds Drawn	Balance Remaining	Obligation Date	Expenditure Deadline
2022	E22MC060008	\$229,225.00	\$229,225.00	\$0	\$229,225.00	9/19/2022	9/19/2024
2021	E21MC060008	\$233,523.00	\$233,523.00	\$233,523.00	\$0	9/6/2021	9/6/2023
2020	E20MC060008	\$234,354.00	\$234,354.00	\$233,576.00	\$778.00	7/13/2020	7/13/2022
2019	E19MC060008	\$227,398.00	\$227,398.00	\$227,398.00	\$0	7/23/2019	7/23/2021
2018	E18MC060008	\$219,480.00	\$219,480.00	\$219,480.00	\$0	8/22/2018	8/22/2020
2017	E17MC060008	\$222,915.00	\$222,915.00	\$222,915.00	\$0	10/19/2017	10/19/2019
2016	E16MC060008	\$220,578.00	\$220,578.00	\$220,578.00	\$0	8/22/2016	8/22/2018
2015	E15MC060008	\$222,546.00	\$222,546.00	\$222,546.00	\$0	7/15/2015	7/15/2017
Total		\$2,182,195.99	\$2,182,195.99	\$1,952,192.99	\$230,003.00		

Expenditures	2022	2021	2020	2019	2018	2017	2016	2015
	Yes	Yes	Yes	No	No	No	No	No
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for					
<b>Homelessness Prevention</b>	Non-COVID	Non-COVID	Non-COVID	COVID				
Rental Assistance								
Relocation and Stabilization Services - Financial Assistance								
Relocation and Stabilization Services - Services								
Hazard Pay (unique activity)								
Landlord Incentives (unique activity)								
Volunteer Incentives (unique activity)								
Training (unique activity)								
<b>Homeless Prevention Expenses</b>	0.00	0.00	0.00	0.00				
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for					
<b>Rapid Re-Housing</b>	Non-COVID	Non-COVID	Non-COVID	COVID				
Rental Assistance	0.00	39,366.00	69,489.00					
Relocation and Stabilization Services - Financial Assistance		14,898.00						
Relocation and Stabilization Services - Services		14,955.00						
Hazard Pay (unique activity)								
Landlord Incentives (unique activity)								
Volunteer Incentives (unique activity)								
Training (unique activity)								
<b>RRH Expenses</b>	0.00	69,219.00	69,489.00	0.00				
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for					
<b>Emergency Shelter</b>	Non-COVID	Non-COVID	Non-COVID	COVID				
Essential Services								
Operations	38,407.50	12,918.00	61,551.00					
Renovation								
Major Rehab								
Conversion								
Hazard Pay (unique activity)								
Volunteer Incentives (unique activity)								

Training (unique activity)				
<b>Emergency Shelter Expenses</b>	38,407.50	12,918.00	61,551.00	0.00
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for	
<b>Temporary Emergency Shelter</b>	Non-COVID	Non-COVID	Non-COVID	COVID
Essential Services				
Operations				
Leasing existing real property or temporary structures				
Acquisition				
Renovation				
Hazard Pay (unique activity)				
Volunteer Incentives (unique activity)				
Training (unique activity)				
Other Shelter Costs				
<b>Temporary Emergency Shelter Expenses</b>				0.00
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for	
<b>Street Outreach</b>	Non-COVID	Non-COVID	Non-COVID	COVID
Essential Services	99,127.50	127,196.00	79,061.00	
Hazard Pay (unique activity)				
Volunteer Incentives (unique activity)				
Training (unique activity)				
Handwashing Stations/Portable Bathrooms (unique activity)				
<b>Street Outreach Expenses</b>	99,127.50	127,196.00	79,061.00	0.00
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for	
<b>Other ESG Expenditures</b>	Non-COVID	Non-COVID	Non-COVID	COVID
Cell Phones - for persons in CoC/YHDP funded projects (unique activity)				
Coordinated Entry COVID Enhancements (unique activity)				
Training (unique activity)				
Vaccine Incentives (unique activity)				
HMIS	6,676.00	6,676.00	5,898.00	
Administration	17,192.00	17,514.00	17,577.00	
<b>Other Expenses</b>	23,868.00	24,190.00	23,475.00	0.00
	FY2022 Annual ESG Funds for	FY2021 Annual ESG Funds for	FY2020 Annual ESG Funds for	
	Non-COVID	Non-COVID	Non-COVID	COVID
<b>Total Expenditures</b>	161,403.00	233,523.00	233,576.00	0.00
Match	1,976,501.00	1,350,000.00	914,526.00	
<b>Total ESG expenditures plus match</b>	2,137,904.00	1,583,523.00	1,148,102.00	

Total expenditures plus match for all years

4,869,529.00

Sources of Match

	FY2022	FY2021	FY2020	FY2019	FY2018	FY2017	FY2016	FY2015
Total regular ESG plus COVID expenditures brought forward	\$137,535.00	\$61,356.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total ESG used for COVID brought forward	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total ESG used for regular expenses which requires a match	\$137,535.00	\$61,356.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Match numbers from financial form	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Match Percentage	0.00%	0.00%	0%	0%	0%	0%	0%	0%

Match Source	FY2022	FY2021	FY2020	FY2019	FY2018	FY2017	FY2016	FY2015
Other Non-ESG HUD Funds								
Other Federal Funds								
State Government								
Local Government	1,976,501.00	1,350,000.00	914,526.00	884,351.00				
Private Funds								
Other								
Fees								
Program Income								
<b>Total Cash Match</b>	<b>1,976,501.00</b>	<b>1,350,000.00</b>	<b>914,526.00</b>	<b>884,351.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Non Cash Match								
<b>Total Match</b>	<b>1,976,501.00</b>	<b>1,350,000.00</b>	<b>914,526.00</b>	<b>884,351.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**PY22 City of Berkeley CAPER**

**Summary of Citizen Participation Outreach & Comments**

	<b>Mode of Outreach</b>	<b>Target of Outreach</b>	<b>Summary of Response/ Attendance</b>	<b>Summary of Comments Received</b>	<b>Summary of Comments Not Accepted and Reasons</b>
<b>Public Outreach and Noticing</b>	Newspaper posting in Berkeley Voice on September 8, 2023	General Public	N/A.	No written comments or phone comments were received.	N/A.
	Electronic flyer distribution on September 8, 2023 requesting public comment	City of Berkeley Libraries			
		All City of Berkeley Commissions			
		EveryOne Home – Alameda County Homeless Continuum of Care			
		Local Businesses			
		Local Affordable Housing Developers			
		Faith-based Organizations			
		Distributed to Affordable Housing Developments - Residents of Affordable Housing			
		Distributed to over 50 non-profit agencies serving low-income people Low-income Population, including seniors and persons with disabilities			
		Seniors Centers			

	Direct Request of Input from Housing Advisory Commission through electronic submission of comments				
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## **DRAFT FY 2023-24 HAC WORK PLAN**

### Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings; and
- Serves as the appeals board for relocation and correction of code violations.

When advising the City Council, the HAC is committing to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice lens.

### Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism and inequity in the city of Berkeley as outlined in HAC's FY 2023-24 work plan.

### FY 2023-24 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Develop an ordinance regarding fair access and transparency for rental housing applications for City Council consideration.
- Work with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.
- Undertake a process to: 1) better inform the HAC about ESG and CDBG-funded agencies, programs, and funding needs, and 2) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.
- Explore a joint subcommittee with the Disaster and Fire Safety Commission on Housing and Wildfire Risk.

- Increase opportunities for more direct participation with community members and groups to gather input to be included in decision-making and recommendations.
- Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Program discrimination study report (if funded), etc.

Outcomes:

- HTF monies pledged to affordable housing projects serving families and housing-insecure households
- CDBG-funded public facilities constructed in support of non-profits
- Adoption of a Fair Access and Transparency for Rental Housing Application Ordinance
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure
- Five-Year and Annual CDBG/ESG Plans and funding recommendations that are grounded in service to the city's low-income and historically marginalized residents
- Recommendations about protecting low-income residents from wildfire hazards
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.

Chapter 13.114  
PROHIBITION ON THE USE OF CERTAIN FINANCIAL CRITERIA IN  
HOUSING DECISIONS

Sections:

- 13.114.010 Title.
- 13.114.020 Findings.
- 13.114.030 Definitions.
- 13.114.040 Use of Prohibited Criteria in Housing Decisions.
- 13.114.050 Requirements for Landlords.
- 13.114.060 Retaliation Prohibited.
- 13.114.070 Recordkeeping and Confidentiality.
- 13.114.080 Implementation.
- 13.114.090 Administrative Complaints.
- 13.114.100 Enforcement.
- 13.114.110 No Conflict with State or Federal Law.
- 13.114.120 Severability.

13.114.010 Title.

This Chapter shall be known as the "Berkeley Fair Access to Housing Ordinance." and may be shortened to the "Fair Access Ordinance."

13.114.020 Findings.

*A. {Findings to be drafted}*

13.114.030 Definitions.

- A. "Adverse Action" means to take one of the following actions based on a person's Prohibited Criteria:
1. Failing or refusing to rent or lease Housing to a person;
  2. Failing or refusing to continue to rent or lease Housing to a person;
  3. Reducing the amount or term of any person's subsidy for Housing;
  4. Treating an Applicant or tenant differently from other applicants or tenants, including but not

limited to, taking such actions as requiring higher security deposit or rent;

5. Treating a person as ineligible for a tenant-based rental assistance program, including but not limited to the Section 8 Housing Choice Voucher Program ([42 U.S.C. Section 1437f](#)); or

6. Failing to permit a tenant's Close Family Member to occupy a rental unit while the occupying tenant remains in occupancy.

B. "Affordable Housing" shall mean any Housing that (1) has received or is receiving City, County, State, or Federal funding, tax credits, or other subsidies connected in whole or in part to developing, rehabilitating, restricting rents, subsidizing ownership, or otherwise providing rental housing for extremely low income, very low income, low income, and moderate income households (collectively, "Public Funding"), with the exception of Housing where the only Public Funding received is in the form of a Local, State or Federal tenant-based voucher, such as through the Section 8 Housing Choice Voucher Program ([42 U.S.C. Section 1437f](#)); or (2) is subject to affordability and related requirements pursuant to the City's Below Market-Rate Rental Housing Program, including but not limited to the Affordable Housing Mitigation Fee Ordinance (Section [22.20.065](#)), the State Density Bonus law (California Government Code Sections [65915-65918](#) and Chapter 23C.14), and the Low Income Inclusionary Live/Work Units Ordinance (Section [23E.20.080](#)).

C. "Affordable Housing Provider" shall mean any Landlord that owns, master leases, manages, or develops Affordable Housing in the City. Any agent, such as a property management company, that makes tenancy decisions on behalf of the above-described Landlords, and any government agency, including but not limited to the Berkeley Housing Authority, that makes eligibility decisions for tenant-based rental assistance programs, including but not limited to the Section 8 Housing Choice Voucher Program ([42 U.S.C. Section 1437f](#)), shall also be considered an "Affordable Housing Provider."

D. "Aggrieved Person" means an Applicant who believes they were subject to an Adverse Action; a tenant who believes they or their Close Family Member was subject to an Adverse Action based on the application of an Applicant to reside in such family member's rental unit; or a tenant who believes they were subject to an Adverse Action based on the failure or refusal to permit a person to reside in such tenant's rental unit to replace an existing tenant, add a new tenant, or to sublet to a subtenant.

E. "Applicant" means a person who seeks information about, visits, or applies to rent or lease Housing; who applies for a tenant-based rental assistance program, including but not limited to the Section 8 Housing Choice Voucher Program ([42 U.S.C. Section 1437f](#)); who seeks to be added as a household member to an existing lease for Housing; or, with respect to any Criminal History that occurred prior to the beginning of the person's tenancy, who currently rents or has a lease for Housing.

F. "Close Family Member" means a spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild.

G. "Housing" means any residential rental housing, building, or unit in the City of Berkeley.

H. "Landlord" shall mean any Person that owns, master leases, manages, or develops Housing in the City.

For the purpose of this definition, "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and any political or civil subdivision or agency or instrumentality of the City. In addition, any agent, such as a property management company, that makes tenancy decisions on behalf of the above-described Persons, and any government agency, including but not limited to the Berkeley Housing Authority, that makes eligibility decisions for tenant-based rental assistance programs, including but not limited to the Section 8 Housing Choice Voucher Program ([42 U.S.C. Section 1437f](#)), shall also be considered a "Landlord."

I. "Prohibited Criteria" shall mean:

1. Credit scores and reports
2. Eviction history, including court records and civil judgements related to evictions
3. History of receiving rental assistance from a government agency, non-profit organization, or other third party
4. History of rental debt incurred during the COVID-19 pandemic time period, as defined by the local state of emergency

J. "Qualified Non-Profit" shall mean any organization that:

1. Has tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4); and
2. Has a mission of protecting the rights of tenants or the homeless in Berkeley or Alameda County; and
3. Will fairly and adequately represent the interests of Aggrieved Persons.

#### 13.114.040 Use of Prohibited Criteria in Housing Decisions.

A. A Landlord shall not, at any time or by any means, whether direct or indirect, inquire about an Applicant's Prohibited Criteria, require an Applicant to disclose information about their Prohibited Criteria, require an Applicant to authorize the release of documents related to their Prohibited Criteria or, if such information is received, base an Adverse Action in whole or in part on an Applicant's Prohibited Criteria.

If any Adverse Action is based in whole or in part on the Applicant's Prohibited Criteria, the Landlord shall provide a written notice to the Applicant regarding the Adverse Action that includes, at a minimum, the reason(s) for the Adverse Action, instructions on how to file a complaint about the Adverse Action with the City, a list of local legal service providers including contact information, and a copy of any information related to the Applicant's Prohibited Criteria that served as a basis for the Adverse Action. The Landlord shall provide the Applicant an opportunity to respond with rebutting or mitigating information prior to the denial of the Applicant's housing application. The Landlord shall not require reimbursement or payment from the Applicant

for the cost of providing any information required under this Paragraph.

### 13.114.050 Requirements for Landlords.

A. It shall be unlawful for any Landlord subject to the requirements of this Chapter to produce or disseminate any advertisement related to Housing that expresses, directly or indirectly, that any person's Prohibited Criteria will be considered in the application for rental or lease of real property or that they may not apply for the rental or lease of real property based on Prohibited Criteria.

B. A Landlord may not prohibit any person from applying for Housing, apart from that they may, in their discretion, require that a person provide their name, email, and/or phone number in order to receive an application.

C. The City shall publish and make available to Landlords, in English, Spanish, and all languages spoken by more than five percent (5%) of the City's population, a notice that informs Applicants for Housing of their rights under this Chapter. The notice shall contain the following information:

1. A description of the restrictions and requirements of this Chapter;
2. Instructions for submitting a complaint to the City regarding a violation of this Chapter; and
3. Information about community resources available to assist an Applicant in connection with a violation of this Chapter.

D. Landlords subject to the requirements of this Chapter shall prominently display the notice made available pursuant to Section 13.114.050.B. in their application materials, on their websites, and at any rental or leasing offices.

E. In addition to the requirements in Paragraphs A-C of this Section, Affordable Housing Providers shall:

1. Provide any Applicant subject to an Adverse Action a written notice regarding the Adverse Action that includes, at a minimum, the reason(s) for the Adverse Action; instructions regarding how to file a complaint about the Adverse Action with the City, including the deadlines set forth in Section 13.106.070.A; a list of local legal services providers, including contact information; and a copy of any records related to Prohibited Criteria obtained by the Affordable Landlords; and
2. Submit to the City an annual certificate of compliance with the requirements of this Chapter in the form provided by the City.

### 13.114.060 Retaliation Prohibited.

It shall be a violation of this Chapter to interfere with, restrain, or deny the exercise of, or the attempt to



exercise, any right protected under this Chapter, or to take any Adverse Action against any Person because the Person exercised or attempted in good faith to exercise any right protected under this Chapter.

#### 13.114.070 Recordkeeping and Confidentiality.

- A. Landlords shall maintain records related to any Prohibited Criteria obtained for any Applicant for Housing for a period of at least three years. To the maximum extent permitted by law, any information obtained regarding an Applicant's Prohibited Criteria shall remain confidential.
- B. Nothing in this section shall prohibit a Landlord from complying with a request by the City to provide records for purposes of enforcing the requirements of this Chapter.

#### 13.114.080 Implementation.

- A. The City Manager or their designee shall take all necessary steps to implement this Chapter, including but not limited to the following:
  - 1. Developing any notice required for purposes of implementing the requirements of this Chapter, the annual compliance certification form, and other implementation documents, including written materials for Landlords and potential Applicants; and
  - 2. Conducting outreach to and preparing a plan to provide ongoing training about the requirements Chapter for Landlords.

The City Manager is authorized to adopt Administrative Regulations necessary to implement the requirements of this Chapter.

- B. The City Manager or their designee shall provide an annual public report to the City Council on the implementation and enforcement of this Chapter. The annual report shall include, at a minimum: (1) a summary of the annual compliance certifications submitted by Affordable Housing Providers; (2) the number of complaints filed with the City regarding violations of this Chapter and the outcomes of such complaints; (3) and the number of notices filed with the City regarding actions brought under Section 13.114.100.C and the outcomes of any such actions.

#### 13.114.090 Administrative Complaints.

- A. Any Applicant subject to an Adverse Action or their Close Family Member who believes the Adverse Action was based on a violation of this Chapter shall have the right to submit a complaint to the City within one year of the date the Applicant submitted an application to the Landlord or the date of the violation, whichever is earlier. The City will schedule an administrative hearing before a hearing officer designated by

the City Manager within 90 days of the date of submission of the complaint. The deadlines set forth in this Paragraph may be extended with the consent of all parties.

B. The parties shall have the following rights at an administrative hearing conducted pursuant to this Section:

1. To have an advocate of their choosing to represent them at the hearing;
2. To present any relevant witnesses and evidence, which will be considered without regard to the admissibility under the Rules of Evidence applicable to a judicial proceeding;
3. To examine the other party's evidence and to rebut and cross-examine any witnesses;
4. To have a translator present at the hearing, when translation is reasonably necessary and reasonably available;
5. To request any reasonable accommodation needed to participate in the hearing process; and
6. To record the hearing.

C. Where the City determines that a violation of the Chapter has occurred, the City shall issue a determination and order any appropriate relief under this Chapter.

### 13.114.100 Enforcement.

A. The City may issue an Administrative Citation under Chapter [1.28](#) to any Person who violates any provision of this Chapter.

B. The City Attorney, on behalf of the City, or a Qualified Non-Profit may bring an action seeking injunctive relief to restrain or enjoin any violation of this Chapter.

C. Any Aggrieved Person or Qualified Non-Profit who believes that the provisions of this Chapter have been violated shall have a private right of action for injunctive relief, and actual damages or statutory damages up to three times the amount of one month's rent that the Landlord charged for the unit in question at the time of the violation. In addition to actual or statutory damages, a court may award punitive damages where it is proven by clear and convincing evidence that a violation of this Chapter has been committed with oppression, fraud, or malice. The Aggrieved Person or Qualified Non-Profit may recover costs and reasonable attorney's fees. The landlord may recover attorney's fees if the action brought is found by the court to be frivolous and without merit. The right to file an action under this Paragraph is independent of the right to file an administrative complaint under Section [13.106.090](#) and does not require an Applicant to have filed a prior complaint with the City of Berkeley.

D. When permitted by law, an award of actual damages under this Chapter may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing

plaintiff shall be trebled by the court if a defendant is found to have acted in knowing violation of, or in reckless disregard of, the provisions of this Chapter.

E. In an action brought by the City Attorney pursuant to this Section, a court of competent jurisdiction may order that a civil penalty be assessed against the Landlords to vindicate the public interest, which penalty shall be payable to the City of Berkeley. The civil penalty assessed against a Landlord shall be at least one thousand dollars (\$1,000) and shall not exceed ten thousand dollars (\$10,000) for each violation of this Chapter. A defendant shall be liable for an additional civil penalty of up to five thousand dollars (\$5,000) for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section [12926](#) et seq., or is aged sixty-five (65) or over.

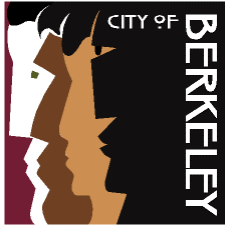
F. An attorney who represents an Applicant or Qualified Non-Profit in litigation against a Landlord brought under this Chapter shall provide notice to the City within ten (10) days of filing court action against the Landlord, and inform the City of the outcome of the court action within ten (10) days of any final judgment.

#### 13.106.110 No Conflict with State or Federal Law.

This Chapter is not intended to conflict with state or federal law. If there is a conflict between the provisions of federal or state law and this Article, federal or state law shall control.

#### 13.106.120 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.



Health Housing and  
Community Services Department  
**Housing & Community Services Division**

## MEMORANDUM

**To:** Housing Advisory Commission

**From:** Anna Cash, Community Development Project Coordinator  
Mariela Herrick, Community Development Project Coordinator  
Mike Uberti, Senior Community Development Project Coordinator

**Date:** October 5, 2023

**Subject:** **Housing Advisory Commission's Quasi-Judicial Role as an Appeals Body**

Commissioners at the September 7, 2023 meeting requested more information on the quasi-judicial role of the Housing Advisory Commission (HAC). Berkeley Municipal Code (BMC) 19.44.020(B) establishes several quasi-judicial roles for the HAC. These roles empower the HAC to make determinations on appeals in specific situations related to orders, decisions or determinations made by the Building Official under this Code.

The following memo will provide an overview of each role and the responsibilities for the commission. These roles are not common due to the specific circumstances required to initiate an appeal.

Commissioners may choose to make recommendations to Council regarding an issue, however such actions may not have the authority of an Appeals body unless they follow the circumstances outlined below.

- a) The Commission shall hear and determine appeals of all matters respecting the abatement of substandard or deficient buildings pursuant to the provisions of Chapter 19.40 of this code.
- b) The Commission shall serve as a General Appeals Board for tenants and landlords regarding the correction of code violations as provided in Chapter 12.48 of this code, providing for periodic inspection of residential rentals and hotels.

- c) The Commission shall make recommendations to the Council defining hardship categories and shall hear appeals concerning the designation of the hardship category. The Commission may grant time extensions for compliance in hardship cases, excepting those violations which pose a clear and present danger to human life, health and safety.
- d) The Commission shall be the Board of Appeals for the Uniform Housing Code. In order to determine the suitability of alternative materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the City's Code Review Task Force shall serve as the Technical Advisory Committee to the Commission. When serving in this capacity, the Technical Advisory Committee shall render all recommendations in writing to the Commission with a duplicate copy to the Building Official and the appellant and may recommend such new legislation as is consistent therein.

Sections a-d above pertain to the Housing Code and Rental Housing Safety Program, as defined by BMC Chapter 19.40 (Chapter 12.48 referenced above was repealed and replaced by Chapter 19.40.080).

BMC Chapter 19.40 limits the Commission to hear and decide appeals of orders, decisions or determinations made by the Building Official. Reports of substandard housing are not within the scope of the HAC to consider. Only buildings with a specific order, decision, or determination made by the Building Official may be appealed.

- e) The Commission shall be the Relocation Appeals Board for purposes of Chapter 13.84.

Relocation appeals to the HAC may only be considered when there is a written determination on a dwelling unit's habitability by the Building Official or Fire Marshal or when a property owner disputes a tenant's relocation claim.

Tenants may petition the Building Official to make a request for a determination of habitability if they dispute a property owner's claim for relocation. This determination is considered final.

- f) The Commission shall hear appeals brought by any person regarding actions taken by the Building Official pursuant to Division 13, Page 5.5 of the California Health and Safety Code, beginning with Section 19950 (Disabled Access).

This section relates to the Health and Safety code governing accommodations for disabled persons/households. Appeals must respond to a determination made by the Building Official.

It is important to note the distinction between the various levels of citations issued by the City's code enforcement and building officials. The City's Rental Housing Safety Program and code enforcement work daily to proactively address health and safety issues throughout Berkeley's built environment.

Code enforcement officials typically issue citations known as "violations" to property owners who are not properly following the housing code. Most issues throughout the city are addressed in the violation stage. The orders and determinations cited above are for higher level health and safety violations. Therefore, most commonplace code enforcement violations are not within the HAC's charge or purview to review and make decisions.

The City has the authority to inspect any housing unit, but will prioritize inspecting units where tenants have submitted a complaint to Housing Code Enforcement. Both tenants and property owners can request inspections by the City. More information about the process can be found on the City's Housing Code Enforcement Inspections webpage: <https://berkeleyca.gov/doing-business/operating-berkeley/landlords/housing-code-enforcement-inspections>



City Clerk Department

January 19, 2023

To: Members of Berkeley Boards & Commissioners  
From: Mark Numainville, City Clerk  
Subject: Update – Return to In-Person Meetings

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This memo provides an update on the return to in-person meetings for City boards and commissions.

The Governor stated that the Declaration of Emergency by the State of California for COVID-19 will end on February 28, 2023. The end of the Declaration of Emergency means that the exemptions to the Brown Act that allowed for virtual-only meetings of legislative bodies will also end. Starting on March 1, 2023, all legislative bodies in the State of California must meet in-person. There is no authority for any local jurisdiction to override or appeal this requirement in state law.

The responses from commissioners in the November 2022 survey regarding in-person meetings have been very helpful in determining the primary concerns of commissioners and what the City may be able to do to accommodate them. There was a range of responses and the City will not be able to accommodate every preference.

At this time, the City does not have the technical capabilities for commissions to meet in a hybrid format. All participation will be in-person at a physical meeting location. Information was provided to all commission secretaries regarding meeting locations that have large rooms in order to facilitate distancing and air flow. Larger meeting spaces was one of the top requests in the commissioner survey. Some commissions will have a new meeting location from where they met pre-pandemic. In addition, the North Berkeley Senior Center is serving as a warming center for unhoused persons through April and is not available for commission meetings until May.

More information will be provided at a later date regarding the recommended health and safety protocols for in-person commission meetings. These protocols will take into

Update – Return to In-Person Meetings

account the responses of the survey, the recommendations of the Public Health Officer, and the protocols that have been used for recent in-person meetings of the City Council.

Ad-hoc subcommittees of City commissions are not considered legislative bodies under the Brown Act. Subcommittees do not have noticing requirements and may continue to meet virtually.

We understand that this is a significant change from the temporary virtual meeting format and procedures for commissioners, many of which may have joined commissions during the pandemic. The City will support your commission and your secretary in any manner possible within the constraints of state law and available resources.

cc: Department Directors  
Commission Secretaries