



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda - Final

Bay Area Housing Finance Authority Oversight Committee

Chair, Libby Schaaf, Mayor, City of Oakland
Vice Chair, Amy Worth, Mayor, City of Orinda

Thursday, October 14, 2021

1:00 PM

REMOTE

Special Meeting

**Bay Area Housing Finance Authority
Oversight Committee
Special Joint Meeting with the ABAG Housing Committee**

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with the recently signed Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

The meeting webcast will be available at: <https://mtc.ca.gov/meetings-events/live-webcasts>

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number:

Please click the link below to join the webinar:

<https://bayareametro.zoom.us/j/86767158239>

Or One tap mobile :

US: +16699006833,,86767158239# or +14086380968,,86767158239#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 867 6715 8239

Detailed instructions on participating via Zoom are available at:

<https://mtc.ca.gov/meetings-events/how-provide-public-comment-board-meeting-zoom>

Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9".

In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

The BAHFA Oversight Committee may act on any item on the agenda.

The meeting is scheduled to begin at 1:00 p.m.

Agenda, roster, and webcast available at <https://mtc.ca.gov/>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

Margaret Abe-Koga, David Canepa, Federal Glover, David Rabbitt, Hillary Ronen, Libby
Schaaf, Amy Worth

1. Call to Order / Roll Call / Confirm Quorum / Compensation Announcement

2. Public Comment

Information

3. Committee Member Announcements

Information

4. Chairs' Report

- 4.a. [21-1355](#) ABAG Housing Committee and BAHFA Oversight Committee Chairs'
Report for October 14, 2021

Action: Information

Presenter: Lori Wilson and Libby Schaaf

5. Executive Director's Report

- 5.a. [21-1356](#) Executive Director's Report for October 14, 2021

Action: Information

Presenter: Therese W. McMillan

6. ABAG Housing Committee Consent Calendar

- 6.a. [21-1357](#) Approval of ABAG Housing Committee Minutes of July 8, 2021

Action: ABAG Housing Committee Approval

Presenter: ABAG Clerk of the Board

Attachments: [06a HC Minutes 20210708 Draft.pdf](#)

7. BAHFA Oversight Committee Consent Calendar

- 7.a. [21-1361](#) Approval of BAHFA Oversight Committee Minutes of July 8, 2021

Action: BAHFA Oversight Committee Approval

Presenter: Secretary

Attachments: [07a BAHFA OC Minutes 20210708 Draft.pdf](#)

8. Regional Housing Measure

- 8.a. [21-1358](#) Regional Housing Measure Timing and Opportunities in 2022
- Presentation of August 2021 polling by EMC Research, Bay Area Housing For All Coalition's perspective on regional housing measure timing, and staff overview of potential next steps.
- Action:** Information
- Presenter:** Rebecca Long (MTC/ABAG), Ruth Bernstein (EMC), and Amie Fishman (NPH).
- Attachments:** [08a 1 Ballot Measure Update v3.pdf](#)
[08a 2 2022 Ballot Measure Options Presentation v2.pdf](#)

9. Legislative Update

- 9.a. [21-1359](#) Overview of key housing bills enacted by the State Legislature in 2021 and update on efforts to attract federal funding for BAHFA
- Action:** Information
- Presenter:** Rebecca Long (MTC/ABAG)
- Attachments:** [09a 1 Summary Sheet Legislative Update v3.pdf](#)
[09a 2 Attachment A Legislative Update v2.pdf](#)
[09a 3 Attachment B BAHFA Coalition Letter.pdf](#)
[09a 4 Attachment C Build Back Better Housing Provisions.pdf](#)

10. Regional Housing Technical Assistance Program

- 10.a. [21-1360](#) Report on Technology Products to assist Local Jurisdictions with Housing Element Updates
- Action:** Information
- Presenter:** Heather Peters (MTC/ABAG)
- Attachments:** [10a 1 Summary Sheet RHTA Update v2.pdf](#)
[10a 2 Attachment A Summary of public outreach software pilot v4.pdf](#)
[10a 3 Attachment B Presentation RHTA Update.pdf](#)

11. Adjournment / Next Meeting

The next meeting of the BAHFA Oversight Committee will be announced.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章： MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1355 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 10/5/2021 **In control:** ABAG Housing Committee
On agenda: 10/14/2021 **Final action:**
Title: ABAG Housing Committee and BAHFA Oversight Committee Chairs' Report for October 14, 2021
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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ABAG Housing Committee and BAHFA Oversight Committee Chairs' Report for October 14, 2021

Lori Wilson and Libby Schaaf

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1356 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 10/5/2021 **In control:** ABAG Housing Committee

On agenda: 10/14/2021 **Final action:**

Title: Executive Director's Report for October 14, 2021

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Executive Director's Report for October 14, 2021

Therese W. McMillan

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1357 **Version:** 1 **Name:**
Type: Minutes **Status:** Consent
File created: 10/5/2021 **In control:** ABAG Housing Committee
On agenda: 10/14/2021 **Final action:**
Title: Approval of ABAG Housing Committee Minutes of July 8, 2021
Sponsors:
Indexes:
Code sections:
Attachments: [06a HC Minutes 20210708 Draft.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of ABAG Housing Committee Minutes of July 8, 2021

ABAG Clerk of the Board

ABAG Housing Committee Approval



Bay Area Metro Center
375 Beale Street
Suite 700
San Francisco, California

Meeting Minutes - Draft

ABAG Housing Committee

Chair, Lori Wilson, Mayor, City of Suisun City
Vice Chair, Carlos Romero, Mayor, City of East Palo Alto

Thursday, July 8, 2021

1:00 PM

Board Room -- 1st Floor (REMOTE)

**Association of Bay Area Governments
Housing Committee
Joint Meeting with the BAHFA Oversight Committee**

The ABAG Housing Committee may act on any item on the agenda.

The meeting is scheduled to begin at 1:00 p.m.

Agenda, roster, and webcast available at <https://abag.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

**Jesse Arreguin, Nikki Fortunato Bas, David Canepa, Cindy Chavez, Pat Eklund, Maya Esparza,
Gordon Mar, Karen Mitchoff, Belia Ramos, Carlos Romero, Lori Wilson**

1. Call to Order / Roll Call / Confirm Quorum / Compensation Announcement

Vice Chair Romero called the joint meeting of the ABAG Housing Committee and BAHFA Oversight Committee to order at about 1:05 p.m.
Quorum was present.

Present: 7 - Arreguin, Canepa, Chavez, Eklund, Mar, Mitchoff, and Romero

Absent: 4 - Bas, Esparza, Ramos, and Wilson L

2. Public Comment

3. Chairs' Reports

4. Executive Director's Report

5. ABAG Housing Committee Consent Calendar

Upon the motion by Arreguin and second by Chavez, the ABAG Housing Committee approved the Consent Calendar. The motion passed unanimously by the following vote:

Aye: 7 - Arreguin, Canepa, Chavez, Eklund, Mar, Mitchoff, and Romero

Absent: 4 - Bas, Esparza, Ramos, and Wilson L

- 5.a. [21-0938](#) Approval of ABAG Housing Committee Minutes of May 13, 2021

6. BAHFA Oversight Committee Consent Calendar

The BAHFA Oversight Committee took action on this item.

- 6.a. [21-0939](#) Approval of BAHFA Oversight Committee Minutes of April 29, 2021

7. State and Federal Housing Updates

- [21-0940](#) Update on Recent Activities Related to State and Federal Housing Priorities

Rebecca Long gave the report.

The following gave public comment: Roland Lebrun.

8. Expanded Regional Housing Portfolio and BAHFA Business Plan Procurement Update

- 8.a. [21-0941](#) Status Update on the Procurement to Secure Consulting Services for a Business Plan for the Expanded Regional Housing Portfolio and the Bay Area Housing Finance Authority

Daniel Saver gave the report.

9. Regional Affordable Housing Pipeline Update

- 9.a. [21-0942](#) Status Update on the Regional Affordable Housing Pipeline Database

Geeta Rao gave the report.

The following gave public comment: Roland Lebrun.

10. Regional Housing Technical Assistance Program Update – Affirmatively Furthering Fair Housing

- 10.a. [21-0943](#) Report on the Regional Housing Technical Assistance (RHTA) Program's Affirmatively Further Fair Housing (AFFH) Module - Overview of Legislation, New Requirements, and Regional Products to assist Local Jurisdictions with Housing Element Updates

Christy Lefall gave the report.

11. Community Engagement Assistance for Cities and Counties on Housing Element Updates

- 11.a. [21-0944](#) Report on ABAG's Regional Housing Technical Assistance Community Engagement Program - Overview of Resources and Assistance to help Cities and Counties Conduct Authentic and Equitable Public Engagement on Housing Element Updates

Leah Zippert gave the report.

The following gave public comment: Roland Lebrun.

12. Adjournment / Next Meeting

Vice Chair Romero adjourned the meeting at about 3:00 p.m. The next joint meeting of the ABAG Housing Committee and BAHFA Oversight Committee will be announced. The next regular meeting of the ABAG Housing Committee is on October 14, 2021.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1361 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 10/5/2021 **In control:** Bay Area Housing Finance Authority Oversight Committee

On agenda: 10/14/2021 **Final action:**

Title: Approval of BAHFA Oversight Committee Minutes of July 8, 2021

Sponsors:

Indexes:

Code sections:

Attachments: [07a BAHFA OC Minutes 20210708 Draft.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of BAHFA Oversight Committee Minutes of July 8, 2021

Secretary

BAHFA Oversight Committee Approval



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes - Draft

Bay Area Housing Finance Authority Oversight Committee

Chair, Libby Schaaf, Mayor, City of Oakland
Vice Chair, Amy Worth, Mayor, City of Orinda

Thursday, July 8, 2021

1:00 PM

Board Room - 1st Floor (REMOTE)

**Bay Area Housing Finance Authority
Oversight Committee
Special Joint Meeting with the ABAG Housing Committee**

The BAHFA Oversight Committee may act on any item on the agenda.

The meeting is scheduled to begin at 1:00 p.m.

Agenda, roster, and webcast available at <https://mtc.ca.gov/>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

Margaret Abe-Koga, David Canepa, Federal Glover, David Rabbitt, Hillary Ronen, Libby Schaaf, Amy Worth

1. Call to Order / Roll Call / Confirm Quorum / Compensation Announcement

ABAG Housing Committee Vice Chair Romero called the joint meeting of the ABAG Housing Committee and BAHFA Oversight Committee to order at about 1:05 p.m. Quorum was present.

Present: 6 - Abe-Koga, Canepa, Rabbitt, Ronen, Schaaf, and Worth

Absent: 1 - Glover

2. Public Comment

3. Chairs' Reports

4. Executive Director's Report

5. ABAG Housing Committee Consent Calendar

The ABAG Housing Committee took action on this item.

5.a. [21-0938](#) Approval of ABAG Housing Committee Minutes of May 13, 2021

6. BAHFA Oversight Committee Consent Calendar

Upon the motion by Worth and second by Ronen, the BAHFA Oversight Committee approved the Consent Calendar. The motion passed unanimously by the following vote:

Aye: 5 - Canepa, Rabbitt, Ronen, Schaaf and Worth

Absent: 2 - Abe-Koga and Glover

- 6.a. [21-0939](#) Approval of BAHFA Oversight Committee Minutes of April 29, 2021

7. State and Federal Housing Updates

- 7.a. [21-0940](#) Update on Recent Activities Related to State and Federal Housing Priorities

Rebecca Long gave the report.

The following gave public comment: Roland Lebrun.

8. Expanded Regional Housing Portfolio and BAHFA Business Plan Procurement Update

- 8.a. [21-0941](#) Status Update on the Procurement to Secure Consulting Services for a Business Plan for the Expanded Regional Housing Portfolio and the Bay Area Housing Finance Authority

Daniel Saver gave the report.

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Geeta Rao gave the report.

The following gave public comment: Roland Lebrun.

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- 10.a. [21-0943](#) Report on the Regional Housing Technical Assistance (RHTA) Program's Affirmatively Further Fair Housing (AFFH) Module - Overview of Legislation, New Requirements, and Regional Products to assist Local Jurisdictions with Housing Element Updates

Christy Lefall gave the report.

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- 11.a. [21-0944](#) Report on ABAG's Regional Housing Technical Assistance Community Engagement Program - Overview of Resources and Assistance to help Cities and Counties Conduct Authentic and Equitable Public Engagement on Housing Element Updates

Leah Zippert gave the report.

The following gave public comment: Roland Lebrun.

12. Adjournment / Next Meeting

ABAG Housing Committee Vice Chair Romero adjourned the meeting at about 3:00 p.m. The next joint meeting of the ABAG Housing Committee and BAHFA Oversight Committee will be announced. The next regular meeting of the ABAG Housing Committee is on October 14, 2021.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	21-1358	Version:	1	Name:	
Type:	Report	Status:		Informational	
File created:	10/5/2021	In control:		ABAG Housing Committee	
On agenda:	10/14/2021	Final action:			
Title:	Regional Housing Measure Timing and Opportunities in 2022				

Presentation of August 2021 polling by EMC Research, Bay Area Housing For All Coalition's perspective on regional housing measure timing, and staff overview of potential next steps.

Sponsors:

Indexes:

Code sections:

Attachments: [08a 1 Ballot Measure Update v3.pdf](#)
[08a 2 2022 Ballot Measure Options Presentation v2.pdf](#)

Date	Ver.	Action By	Action	Result
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Regional Housing Measure Timing and Opportunities in 2022

Presentation of August 2021 polling by EMC Research, Bay Area Housing For All Coalition's perspective on regional housing measure timing, and staff overview of potential next steps.

Rebecca Long (MTC/ABAG), Ruth Bernstein (EMC), and Amie Fishman (NPH).

Information

**Bay Area Housing Finance Authority and Association of Bay Area Governments
BAHFA Oversight Committee and ABAG Housing Committee**

October 14, 2021

Agenda Item 8.a.

State and Federal Housing Updates

Subject:

Presentation of August 2021 polling by EMC Research, Bay Area Housing for All Coalition's perspective on regional housing measure timing, and staff overview of potential next steps.

Background:

In August 2021, EMC Research conducted a poll of 800 likely November 2022 voters in the nine-county Bay Area on behalf of the Nonprofit Housing Association of Northern California (NPH) related to Bay Area voter sentiments regarding affordable housing in general, and support for a potential regional housing bond measure, in particular. EMC staff will present high level findings from the poll.

NPH Executive Director Amie Fishman will review the Bay Area Housing for All (BAHA) Coalition's interpretation of the polling and their goals moving forward.

Finally, staff will present potential next steps for the remainder of 2021 and 2022 as it relates to advancing BAHFA's work and the region's housing advocacy objectives and seek feedback.

Issues:

None identified.

Attachments:

Presentation

Review:



Therese W. McMillan



Regional Housing Measure Timing and Opportunities in 2022

**ABAG Housing & BAHFA
Oversight Committees**

October 14, 2021



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

Outline

- **Introduction**

- Rebecca Long, MTC/ABAG Staff

- **Update on the viability of a regional housing ballot measure in 2022**

- BAHA Goals – Amie Fishman, NPH
 - Polling Results – EMC Research
 - BAHA Coalition Perspective – Amie Fishman, NPH

- **Next Steps**

- Rebecca Long, MTC/ABAG Staff

- **Discussion**



Bay Area Housing for All



Coalition Goals

- Raise \$500M — \$1B annually for the 3 P's
- Create an effective, accountable regional housing finance agency
- Leverage the campaign to strengthen regional partnerships, expand housing advocacy and organizing across the region, & build ongoing infrastructure for community engagement in BAHFA and expenditure plans

BAY AREA

HOUSING

FOR ALL



Bay Area Voter Survey Regarding Potential Regional Housing Bond Measure

October 14, 2021
Summary of Findings

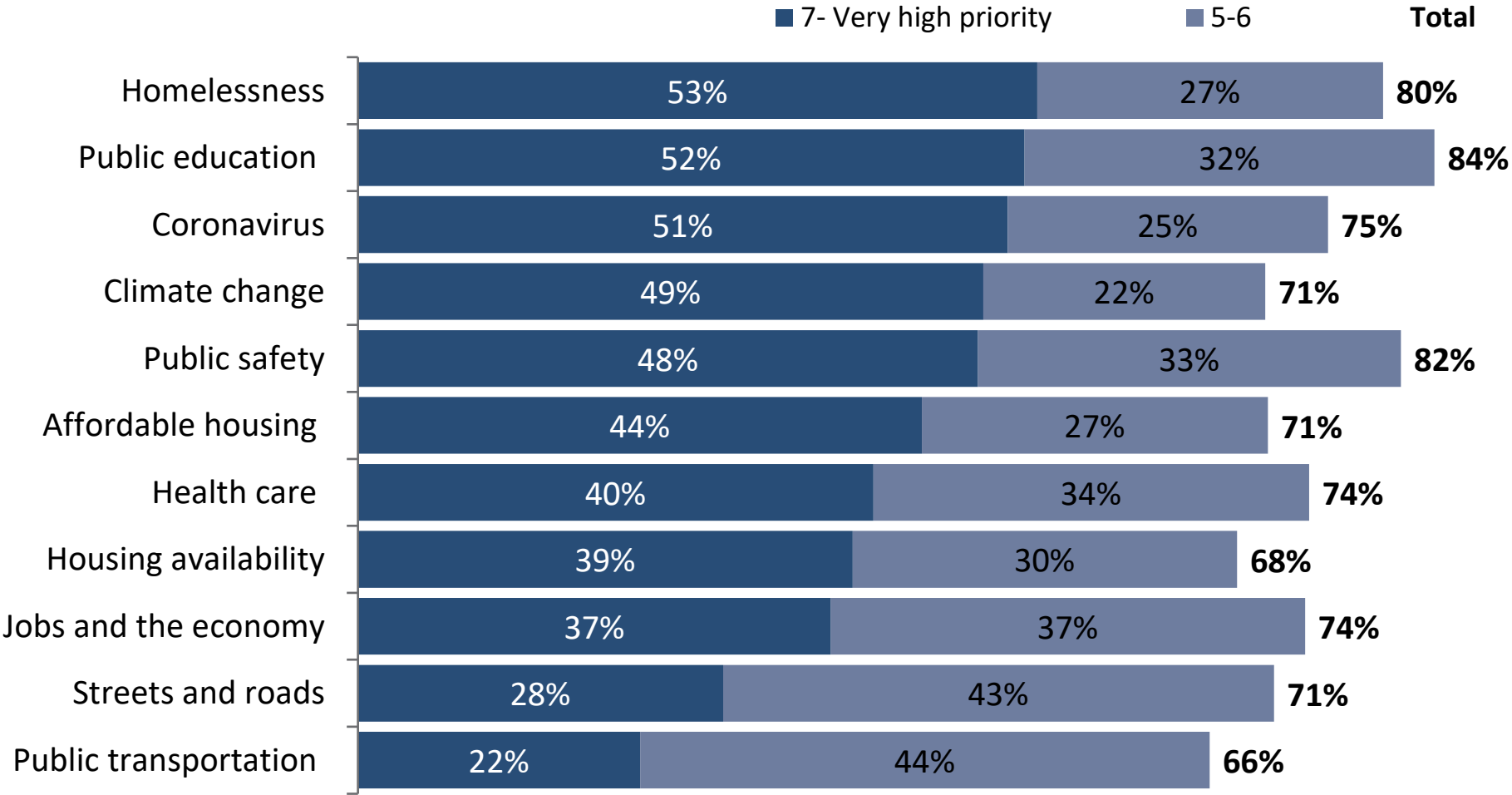
Methodology

- ▶ Survey of likely November 2022 voters in the nine-county Bay Area
- ▶ Conducted August 15-19, 2021
- ▶ Mixed mode telephone and email- and text-to-web methodology:
 - Telephone interviews were conducted by trained, professional interviewers; landlines and mobile phones included
 - Email and text invitations were sent with link to web survey
- ▶ 800 interviews; overall margin of error ± 3.5 percentage points
- ▶ The survey was available in English, Chinese, and Spanish

Please note that due to rounding, some percentages may not add up to exactly 100%.

Bay Area Funding Priorities

Voters view a number of items as funding priorities, with things including homelessness and public education receiving especially high intensity.

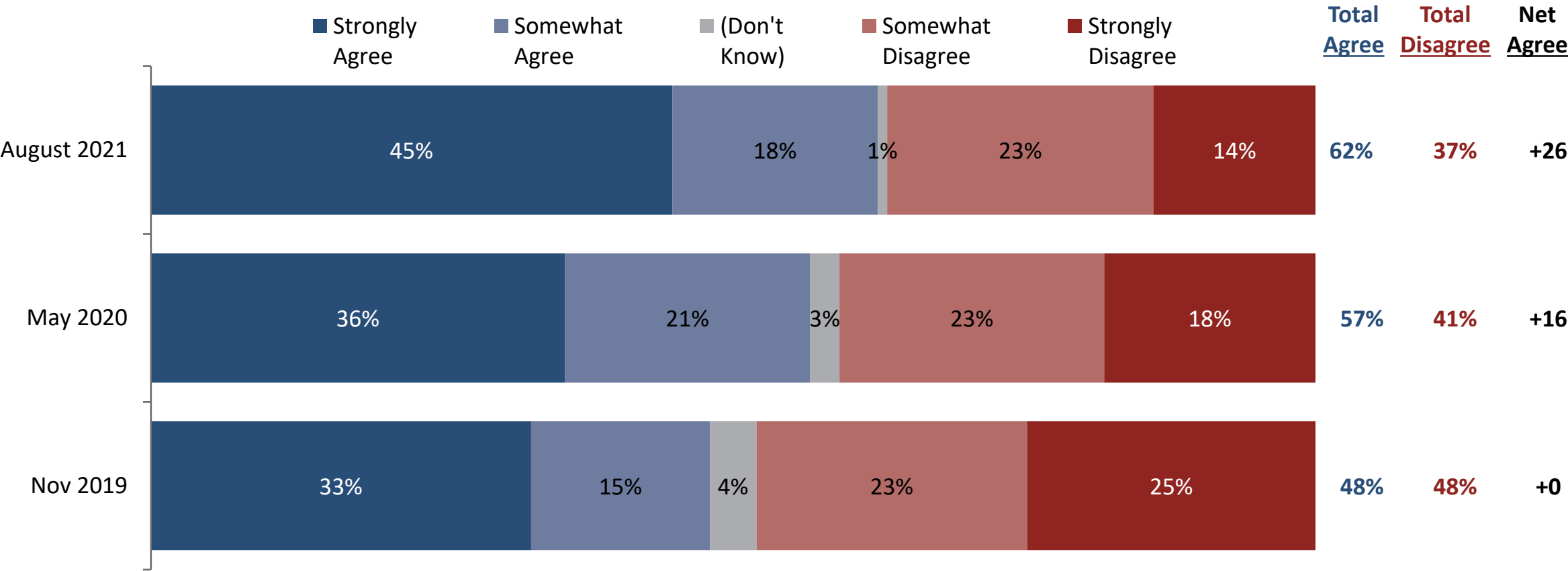


Q5-Q15. Thinking about where the Bay Area should prioritize funding, please rate each of the following items using a scale of one to seven, where one means not a priority at all, and seven means a very high priority.

Tax Attitudes

Tax sensitivity continues to increase.

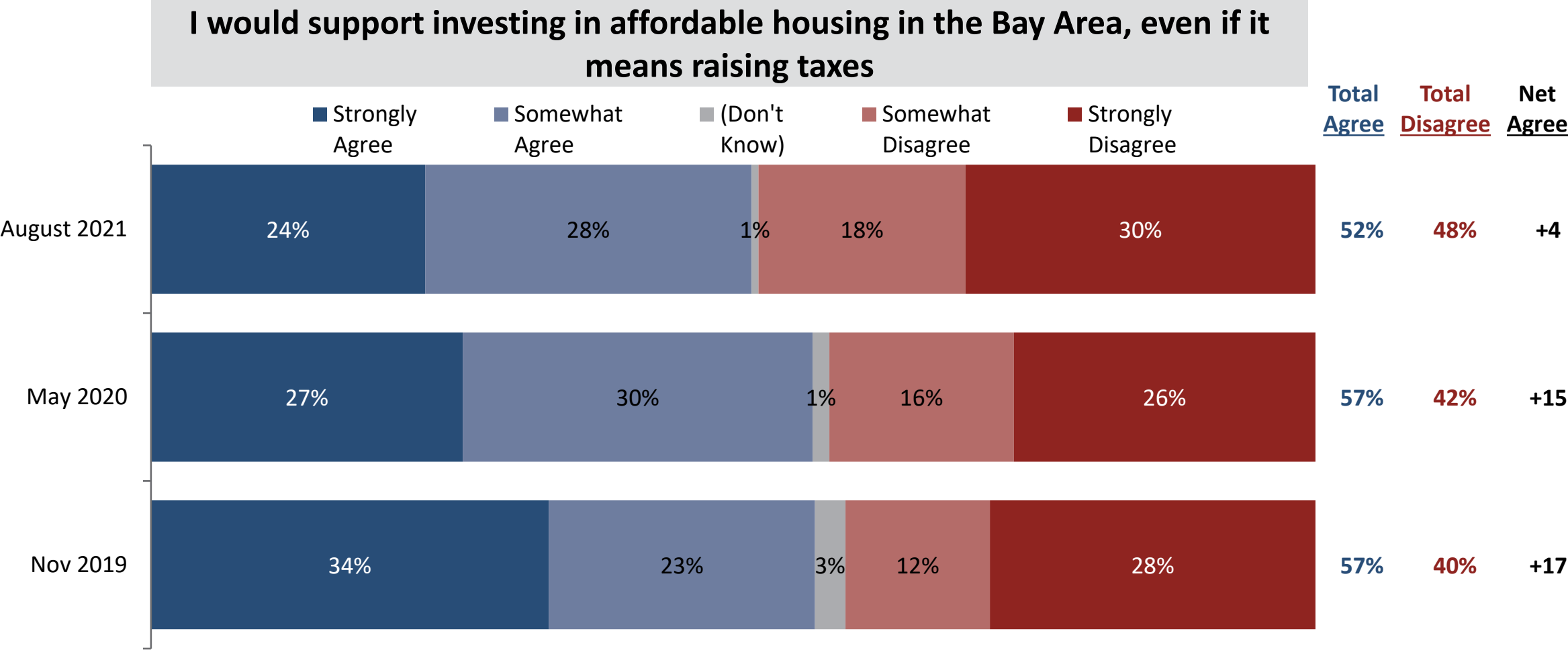
Taxes in the Bay Area are high enough, I will vote against any tax increase



Q18-Q20. Please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of the following statements.

Tax Attitudes

Willingness to raise taxes to invest in affordable housing has softened.



Q18-Q20. Please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of the following statements.

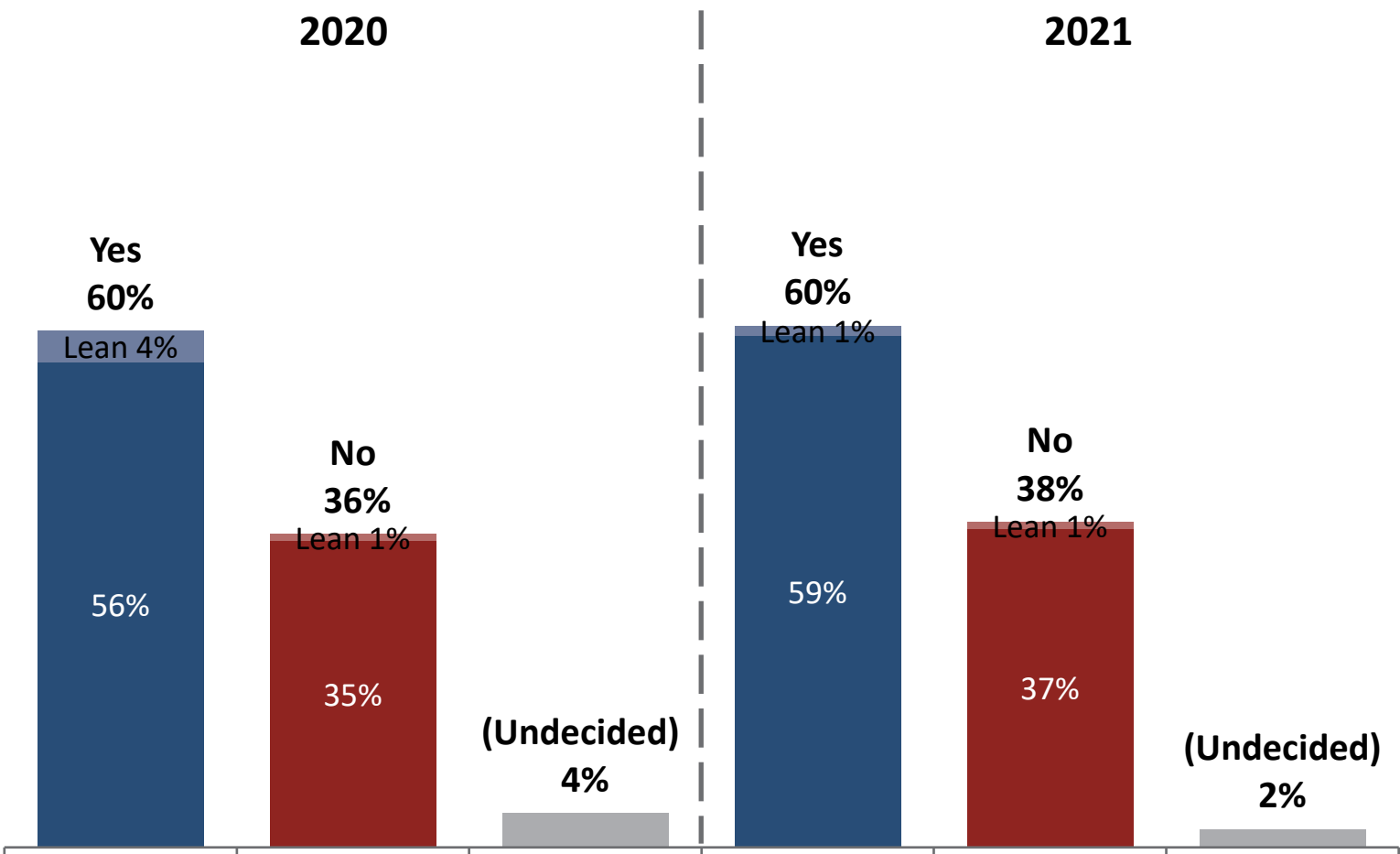
Initial Bond Vote

Support for a regional housing bond is similar to May 2020 polling.

Shall the measure to address Bay Area housing affordability/ homelessness, by providing:

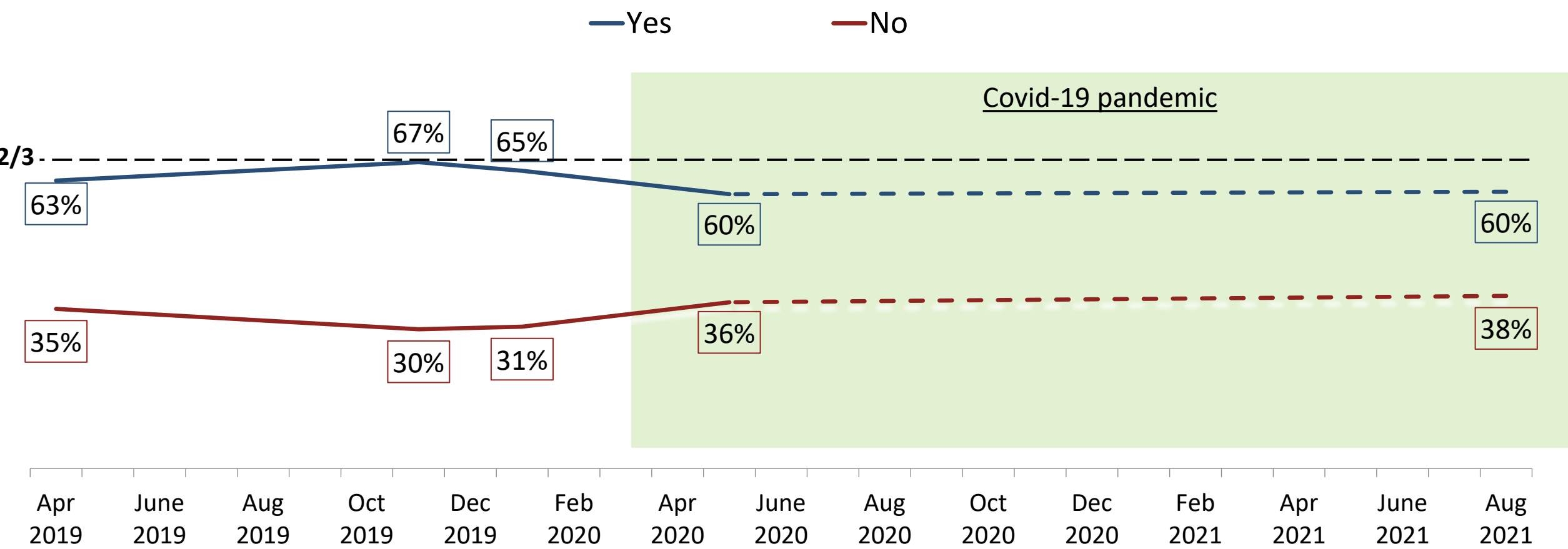
- stable housing for homeless children/families;
- housing which may include mental health/substance abuse services; and
- local housing that is affordable for vulnerable residents including seniors, veterans, and persons with disabilities;

by issuing \$10,000,000,000 in general obligation bonds with an estimated levy of 35 cents per \$1,000 of assessed value, generating \$670,000,000 annually, while bonds are outstanding, with local authority, oversight and audits, be adopted?



Regional Housing Bond Support Over Time

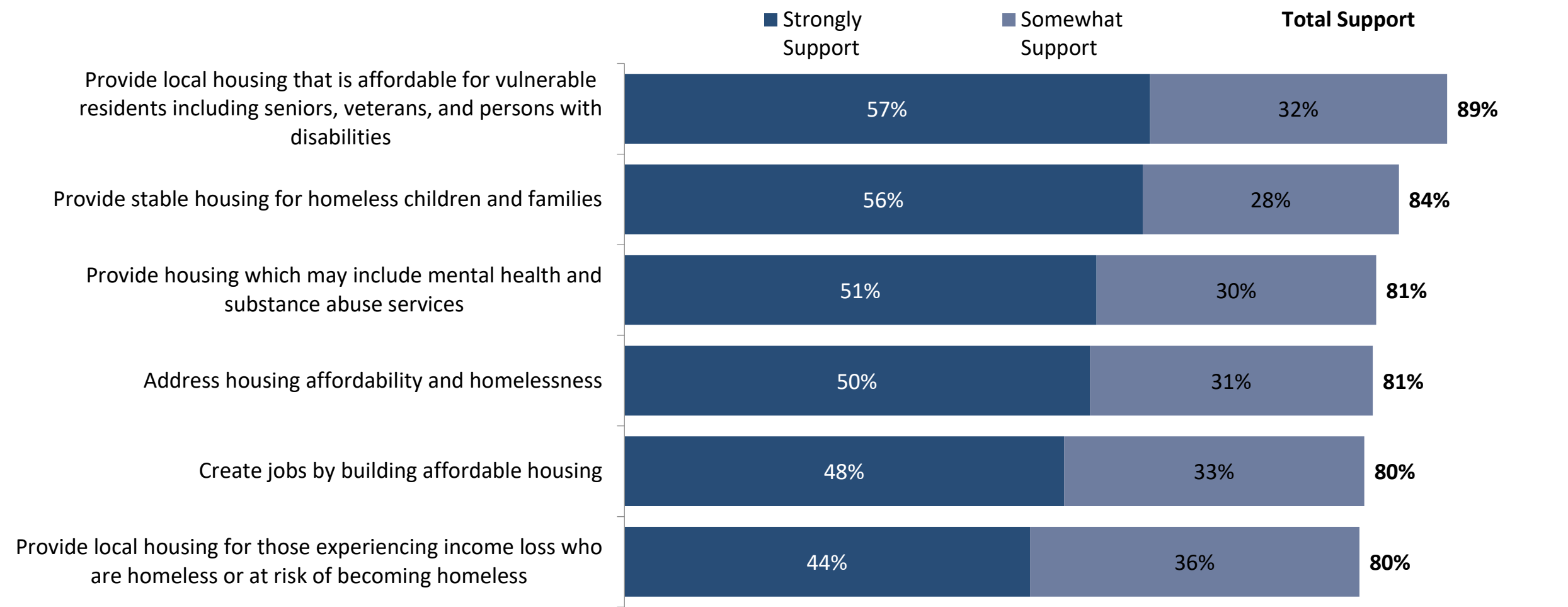
Support for a regional housing bond has hovered around two-thirds, and saw the highest levels of support before the Covid-19 pandemic.



January 2020 Measure combined housing and transportation

Support for Bond Measure Components

Significant majorities of voters support all components tested, especially providing housing for vulnerable populations and homeless children and families.



Q21-Q26. I'm going to read you some of the things this measure could do. For each one, please tell me if you strongly support, somewhat support, somewhat oppose or strongly oppose it.

Conclusions

- ▶ The economic and political environment continues to be uncertain, and voters are increasingly tax sensitive.
- ▶ Housing affordability and homelessness remain top concerns among voters, though the intensity of attitudes around housing has softened.
- ▶ While a regional housing bond does not appear viable in 2022, further research can assess the climate and 2024 electorate as it draws closer.

BAHA Coalition Conclusions from Polling for \$10 Billion GO Bond



- **Wait until 2024:** The Presidential election will offer a bigger voter turnout, and potentially a stronger economic climate and less tax sensitivity, which will be needed to achieve $\frac{2}{3}$ supermajority support of voters.
- **Meanwhile, pursue Lowering the Voter Threshold** on GO Bonds to 55% though a Constitutional Amendment (not possible to lower the threshold for a GO Bond through petitioning onto the ballot). Explore potential for placement on November 2022 or November 2024 ballot.

BAHA Coalition View on 2022 and 2024 Options



- **AB 1487 revenue options besides a GO Bond:**
 - Head Tax and Gross Receipts Tax: Limited scale plus concern from business
 - Parcel tax: Limited scale, potential to bond against revenue and do commercial linkage fee. Exploring further.
- **Lowering the Voter Threshold:**
 - Petitioning onto the ballot as a citizen-led initiative for simple majority threshold. Courts cases are not yet settled, and delay implementation.
 - Statewide ballot measure to lower the voter threshold for GO Bonds for housing to 55%, similar to school bonds via legislation (ACA 1) or initiative.
- **GO Bond in 2024:**
 - Either through more favorable conditions and/or a lower voter threshold, pursue a \$10 billion GO Bond

Next Steps

2021 (November/December)

- Develop and finalize MTC/ABAG 2022 Advocacy Program, including consideration of support for a constitutional amendment to lower vote threshold for affordable housing measures

2022

- If deemed feasible and incorporated into Advocacy Program, support citizen initiative to lower threshold for housing measures to 55%
- Begin pilot program implementation (Doorway, Pipeline, Homelessness Prevention, Housing Preservation and Tenant Protection)
- Support **local** and **state** housing ballot measures that are consistent with Plan Bay Area 2050 housing goals and RHNA implementation
- Engage in discussions about regional funding measure in November 2024

Thank You.



www.mtc.ca.gov/BAHFA



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	21-1359	Version:	1	Name:	
Type:	Report	Status:		Informational	
File created:	10/5/2021	In control:		ABAG Housing Committee	
On agenda:	10/14/2021	Final action:			
Title:	Overview of key housing bills enacted by the State Legislature in 2021 and update on efforts to attract federal funding for BAHFA				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	09a 1 Summary Sheet Legislative Update v3.pdf 09a 2 Attachment A Legislative Update v2.pdf 09a 3 Attachment B BAHA Coalition Letter.pdf 09a 4 Attachment C Build Back Better Housing Provisions.pdf				

Date	Ver.	Action By	Action	Result
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Overview of key housing bills enacted by the State Legislature in 2021 and update on efforts to attract federal funding for BAHFA

Rebecca Long (MTC/ABAG)

Information

**Bay Area Housing Finance Authority and Association of Bay Area Governments
BAHFA Oversight Committee and ABAG Housing Committee**

October 14, 2021

Agenda Item 9.a.

Legislative Update

Subject:

Overview of key housing bills enacted by the State Legislature in 2021 and update on efforts to attract federal funding for BAHFA

Background:

The 2021 legislative session included changes to numerous state laws affecting local agencies, including housing element law, and the Housing Accountability Act which governs the process around housing development proposal approvals. Key bills that were signed by the time this memo was finalized include:

- SB 9 (Atkins) – authorizing duplexes in single family zoned areas (subject to a long list of exclusions). A July 2021 report by UC Berkeley’s Turner Center at this [link](#) includes an analysis of how the bill could affect housing supply given the bill’s restrictions on the type of lot that is eligible and financial feasibility.
- SB 477 (Wiener) – modifying the annual progress reports required by locals to project level rather than aggregate data
- AB 215 (Chiu) – expanding the Department of Housing and Community Development (HCD)’s ability to enforce state housing law
- AB 602 (Grayson) – requires that development fees imposed on a housing development project be assessed in proportion to square footage of the proposed units or agency must adopt a finding on why this is not an appropriate metric.
- AB 1304 (Santiago) – clarifies that public entities are mandated to comply with Affirmatively Furthering Fair Housing requirements, and also requires cities to include AFFH considerations in their Housing Element.
- AB 1398 (Bloom) – accelerates the timeframe for rezoning from three years and 120 days to one year for a local jurisdiction that fails to submit its housing element on time.
- SB 8 (Skinner) – extending Housing Accountability Act sunset date to 2030 from 2024
- SB 791 (Cortese) – establishing the California Surplus Land Unit (Surplus Land Unit) within the Department of Housing and Community Development (HCD)

Federal Advocacy Update:

Staff and our advocacy partners have been engaging in advocacy related to the \$3.5 trillion budget reconciliation bill, which includes funding for affordable housing as well as long-time Democratic priorities such as Medicare expansion, universal pre-K, two free years of community college, child tax credit expansion and more. The inclusion of affordable housing in the bill has provided an opportunity for advocacy for BAHFA to seek eligibility from some the new grant programs. Attached is a support letter from the Bay Area Housing for All Coalition on this concept, which is focused on making BAHFA eligible for grants from the Unlocking Possibilities Program and the Community Restoration and Revitalization Program, along with a summary of the housing provisions in the bill.

Issues:

Some of these state laws will require significant changes to the way local agencies do business. Staff will continue to analyze them and advise our Planning Team on those which lend themselves to a regional role as far as providing technical assistance and implementation support. We encourage local jurisdiction staff to reach out to let us know where they have questions and need guidance.

Next Steps:

ABAG is hiring a law firm with expertise in housing law to serve as a resource to Bay Area local jurisdictions as they navigate the latest changes to housing law. The firm will provide an expert to present a webinar for local jurisdiction staff on the most important new housing laws passed this year with a focus on those laws that require action on the part of local jurisdictions. The firm will also be available for group question and answer sessions related to housing law.

Attachments:

Attachment A: Summary of 2021 MTC/ABAG tracked housing bills enacted or awaiting signature.

Attachment B: BAHA Advocacy Coalition Letter, September 28, 2021

Attachment C: Build Back Better Housing Provisions

Review:

Therese W. McMillan

MTC/ABAG Tracked Housing-Related Bills Enacted or Awaiting Signature 10/3/2021

[AB 9](#)

(Wood D) Fire safety and prevention: wildfires: fire adapted communities: Office of the State Fire Marshal: community wildfire preparedness and mitigation.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 225, Statutes of 2021.

Location: 9/23/2021-A. CHAPTERED

Summary: Would establish in the Department of Conservation the Regional Forest and Fire Capacity Program to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire adapted communities and landscapes by improving ecosystem health, community wildfire preparedness, and fire resilience. The bill would require, among other things, the department to, upon an appropriation by the Legislature, provide block grants to regional entities, as defined, to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the program.

[AB 43](#)

(Friedman D) Traffic safety.

Current Text: Enrollment: 9/17/2021 [html](#) [pdf](#)

Last Amend: 9/1/2021

Status: 9/17/2021-Enrolled and presented to the Governor at 3 p.m.

Location: 9/17/2021-A. ENROLLED

Summary: Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. Current law authorizes local authorities to consider additional factors, including pedestrian and bicyclist safety. This bill would authorize local authorities to consider the safety of vulnerable pedestrian groups, as specified.

[AB 68](#)

(Quirk-Silva D) Department of Housing and Community Development: California Statewide Housing Plan: annual reports.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/26/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 341, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Current law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.

[AB 215](#)

(Chiu D) Planning and Zoning Law: housing element: violations.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/30/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 342, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its

boundaries that includes, among other things, a housing element. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local government's housing element, as specified.

AB 306

(O'Donnell D) School districts and community college districts: employee housing.

Current Text: Chaptered: 7/9/2021 [html](#) [pdf](#)

Last Amend: 4/5/2021

Status: 7/9/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 49, Statutes of 2021.

Location: 7/9/2021-A. CHAPTERED

Summary: The Field Act requires the Department of General Services to supervise the design and construction of any school building, including both school district and community college district buildings, or, if the estimated cost exceeds \$100,000, the reconstruction or alteration of or addition to any school building, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to the act and with relevant building standards, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications. Existing law defines "school building" for these purposes, and excludes from that definition certain buildings. Existing law requires the Department of General Services to approve the plans, specifications, and methods of construction of certain factory-built school buildings. Existing law requires the Department of General Services, for purposes relating to access and use by persons with disabilities, to issue a written approval of the plans and specifications of certain buildings and facilities, as provided. This bill would exclude from these requirements any building or facility that serves or is intended to serve as residential housing for school district and community college district teachers and employees, and their families.

AB 345

(Quirk-Silva D) Accessory dwelling units: separate conveyance.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 6/16/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 343, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.

AB 464

(Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities and projects.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Last Amend: 3/25/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2021.

Location: 6/28/2021-A. CHAPTERED

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. This bill would include, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services.

AB 491

(Ward D) Housing: affordable and market rate units.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/18/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 345, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.

AB 571

(Mayes I) Planning and zoning: density bonuses: affordable housing.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 346, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units.

AB 602

(Grayson D) Development fees: impact fee nexus study.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/26/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

AB 634

(Carrillo D) Density Bonus Law: affordability restrictions.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/31/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 348, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Current law prescribes an application process for a city or county to follow in this regard. Current law specifies that, if permitted by local ordinance, that law is not to be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in these provisions for a development that meets specified requirements or from granting a proportionately

lower density bonus than what is required for developments that do not meet these requirements. This bill would also provide that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

AB 642

(Friedman D) Wildfires.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 375, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Current law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones, as provided. Current law requires a local agency, within 30 days of receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review. This bill would require the director to also identify areas in the state as moderate and high fire hazard severity zones. The bill would modify the factors the director is required to use to classify areas into fire hazard severity zones, as provided. The bill would instead require a local agency, within 30 days of receiving a transmittal from the director that identifies fire hazard severity zones, to make the information available for public review and comment.

AB 680

(Burke D) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.

Current Text: Enrollment: 9/22/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/22/2021-Enrolled and presented to the Governor at 2 p.m.

Location: 9/22/2021-A. ENROLLED

Summary: Would enact the California Jobs Plan Act of 2021, which would require the State Air Resources Board to work with the labor agency to update, by July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the Greenhouse Gas Reduction Fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. The bill would require the state board to work with administering agencies to leverage existing programs and funding to assist applicants in meeting these standards. The bill would require, among other things, administering agencies, on and after the adoption of the update to the funding guidelines, to give preference to applicants that demonstrate a partnership with an educational institution or training program targeting residents of under-resourced, tribal, and low-income communities, as defined, in the same region as the proposed project and to applicants that demonstrate the creation of high-quality jobs, as defined, by the proposed project.

AB 721

(Bloom D) Covenants and restrictions: affordable housing.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/16/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 349, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would make any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

AB 784

(Quirk D) Alameda-Contra Costa Transit District.

Current Text: Chaptered: 9/22/2021 [html](#) [pdf](#)

Last Amend: 7/5/2021

Status: 9/22/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 200, Statutes of 2021.

Location: 9/22/2021-A. CHAPTERED

Summary: The Transit District Law authorizes any city together with unincorporated territory, or 2 or more cities, with or without unincorporated territory, in either the Counties of Alameda or Contra Costa or both, to organize and incorporate as a transit district divided into 5 wards with specified powers and duties relative to providing public transit service. This bill would repeal the authority to form a transit district under these provisions and would recognize the Alameda-Contra Costa Transit District as the district formed pursuant to this authority.

[AB 787](#)

(Gabriel D) Planning and zoning: housing element: converted affordable housing units.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/31/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 350, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Among other things, existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would authorize a planning agency to include in its annual report, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit, as specified.

[AB 816](#)

(Chiu D) Homelessness: Housing Trust Fund: housing projects.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 7/16/2021

Status: 9/29/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 396, Statutes of 2021.

Location: 9/29/2021-A. CHAPTERED

Summary: Current federal law requires the Secretary of the United States Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low income families, including homeless families, and home ownership for extremely low and very low income families. Current law requires the department to collaborate with the California Housing Finance Agency to develop an allocation plan to demonstrate how the funds will be distributed, based on the priority housing needs identified in the state's consolidated plan, and to convene a stakeholder process to inform the development of the plan. Current law requires the allocation plan and program guidelines to prioritize projects based on enumerated factors such as the extent to which project rents are affordable. The department is required to submit this plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committees 30 days after receipt of the federal funds. This bill would require the department to prioritize funding for projects that serve people experiencing homelessness, to the extent that a sufficient number of projects exist.

[AB 838](#)

(Friedman D) State Housing Law: enforcement response to complaints.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 7/13/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 351, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify

correction of the violations.

AB 844

(Grayson D) Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/1/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 377, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would, until January 1, 2028, authorize establishment of a Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa. The bill would authorize the Green Empowerment Zone to be composed of specified cities, upon adoption of a resolution by the city or county, and would provide for the Green Empowerment Zone to be governed by a board of directors. The bill would task the Green Empowerment Zone with various duties, including, among other things, identification of projects and programs that will best utilize public dollars and improve the economic vitality of the Northern Waterfront area of the of Contra Costa in a coordinated effort to support the development of the clean energy economy.

AB 970

(McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.

Current Text: Enrollment: 9/13/2021 [html](#) [pdf](#)

Last Amend: 7/13/2021

Status: 9/13/2021-Enrolled and presented to the Governor at 3 p.m.

Location: 9/13/2021-A. ENROLLED

Summary: Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.

AB 977

(Gabriel D) Homelessness program data reporting: Homeless Management Information System.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/29/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 397, Statutes of 2021.

Location: 9/29/2021-A. CHAPTERED

Summary: Would require, beginning January 1, 2023, that a grantee or entity operating specified state homelessness programs, including the No Place Like Home Program, as a condition of receiving state funds, to enter Universal Data Elements and Common Data Elements, as defined by the United States Department of Housing and Urban Development Homeless Management Information System Data Standards, on the individuals and families it serves into its local Homeless Management Information System, unless otherwise exempted by state or federal law. The bill would require the Homeless Coordinating and Financing Council to specify the format and disclosure frequency of the required data elements. The bill would apply the data entry requirements to all new state homelessness programs that commence on or after July 1, 2021. The bill would require the Homeless Coordinating and Financing Council to provide technical assistance and guidance to any grantee or entity that operates a program subject to the bill, if the grantee or entity does not already collect and enter into the local Homeless Management Information System the data elements required.

AB 978

(Quirk-Silva D) Mobilehome parks: rent caps.

Current Text: Chaptered: 7/23/2021 [html](#) [pdf](#)

Last Amend: 6/24/2021

Status: 7/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 125, Statutes of 2021.

Location: 7/23/2021-A. CHAPTERED

Summary: The Mobilehome Residency Law prescribes various terms and conditions of tenancies in mobilehome parks. Current law defines "tenancy" for these purposes as the right of a homeowner to use a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome for human habitation, including the use of the services and facilities of the park. The Tenant Protection Act of 2019 prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate

for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. Current law excludes an owner or operator of a mobilehome park and an owner of a mobilehome or their agent from these provisions. This bill would extend these provisions to any person having the right to offer residential real property for rent, including an owner or operator of any dwelling or unit in a mobilehome park.

[AB 1029](#)

(Mullin D) Housing elements: prohousing local policies.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 7/9/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 353, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.

[AB 1043](#)

(Bryan D) Housing programs: rental housing developments: affordable rent.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 6/1/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 354, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Zenovich-Moscone-Chacon Housing and Home Finance Act, prohibits "affordable rent" for certain rental housing developments that receive assistance on or after January 1, 1991, from exceeding a specified percentage based on the area median income adjusted for family size and whether the household is an extremely low income household, very low income household, lower income household, or moderate-income household. This bill, for leases entered into on or after January 1, 2022, would additionally prohibit "affordable rent" for certain rental housing developments that receive assistance from exceeding the product of 30 percent times 15 percent of the area median income adjusted for family size appropriate for the unit if the household is an "acutely low income household," as defined to mean persons and families whose incomes do not exceed 15 percent of area median income, adjusted for family size, as specified.

[AB 1095](#)

(Cooley D) Affordable rental and owner-occupied housing: equity in state and local programs.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 355, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would state the intent of the Legislature to enact legislation relating to the equitable treatment of home ownership in state and local affordable housing programs for a specified reason. The bill would specify that the affordable housing referenced by those provisions includes rental and owner-occupied units. The bill would require the council to adopt guidelines or selection criteria that include both affordable housing rental units and owner-occupied affordable housing units. The bill, for notices of funding availability released after July 1, 2022, would authorize the council to include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals.

[AB 1147](#)

(Friedman D) Regional transportation plan: Active Transportation Program.

Current Text: Enrollment: 9/10/2021 [html](#) [pdf](#)

Last Amend: 8/16/2021

Status: 9/10/2021-Enrolled and presented to the Governor at 4 p.m.

Location: 9/10/2021-A. ENROLLED

Summary: Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will

influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, regional transportation agencies, and local governments to assist the council in completing the report.

AB 1171

(Garcia, Cristina D) Rape of a spouse.

Current Text: Enrollment: 9/15/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/15/2021-Enrolled and presented to the Governor at 5 p.m.

Location: 9/15/2021-A. ENROLLED

Summary: Current law separately defines rape of a spouse as an act of sexual intercourse accomplished with the spouse of the perpetrator under similar circumstances as nonspousal rape, except that spousal rape does not include acts of sexual intercourse accomplished under the specific circumstances as specified. This bill would repeal the provisions relating to spousal rape and make conforming changes, thereby making an act of sexual intercourse accomplished with a spouse punishable as rape if the act otherwise meets the definition of rape, except that sexual intercourse with a person who is incapable of giving legal consent because of mental disorder or developmental or physical disability would not be rape if the 2 people are married. By changing the definition of a crime, this bill would impose a state-mandated local program.

AB 1174

(Grayson D) Planning and zoning: housing: development application modifications, approvals, and subsequent permits.

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Last Amend: 8/23/2021

Status: 9/16/2021-Chaptered by Secretary of State - Chapter 160, Statutes of 2021.

Location: 9/16/2021-A. CHAPTERED

Summary: The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, that the development and the site on which it is located satisfy specified location, urbanization, and zoning requirements. Current law provides that a development approved pursuant to the streamlined, ministerial approval process is valid indefinitely if specified requirements are met, and otherwise is valid, except as provided, for 3 years from the date of the final action establishing that approval and remains valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Current law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development. Current law defines "affordable rent" for purposes of this streamlined, ministerial approval process. This bill would clarify the requirements that must be met for an approved development to be valid indefinitely.

AB 1180

(Mathis R) Local governments: surplus land: tribes.

Current Text: Chaptered: 7/9/2021 [html](#) [pdf](#)

Last Amend: 4/26/2021

Status: 7/9/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 62, Statutes of 2021.

Location: 7/9/2021-A. CHAPTERED

Summary: Current law prescribes requirements for the disposal of surplus land by a local agency, as defined. Current law defines "exempt surplus land" for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided. Current law categorizes as "exempt surplus land," surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use. This bill would add to the definition of "exempt surplus land," land transferred by a local agency to a federally recognized California Indian tribe.

AB 1220

(Rivas, Luz D) Homelessness: California Interagency Council on Homelessness.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/29/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 398, Statutes of 2021.

Location: 9/29/2021-A. CHAPTERED

Summary: Would rename the Homeless Coordinating and Financing Council to the California Interagency Council on Homelessness and would remove authorization for the Secretary of the Business, Consumer Services and Housing's designee to serve as chair of the council. The bill would instead require the Secretary of the Business, Consumer Services and Housing Agency and the Secretary of the California Health and Human Services Agency to serve as cochairs of the council. The bill would make other changes to the council's membership, including adding 5 new members, as specified.

AB 1297

(Holden D) California Infrastructure and Economic Development Bank: public and economic development facilities: housing.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 8/17/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 356, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Bergeson-Peace Infrastructure and Economic Development Bank Act defines "public development facilities" for these purposes to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, housing-related infrastructure, as specified. The act defines "economic development facilities" for these purposes to mean real and personal property, structures, buildings, equipment, and supporting components thereof that are used to provide industrial, recreational, research, commercial, utility, goods movement, or service enterprise facilities, community, educational, cultural, or social welfare facilities and any parts or combinations thereof, and all necessary facilities or infrastructure, excluding any housing. This bill would authorize economic development facilities and public development facilities to include housing if the housing meets certain financing requirements and limits, as specified.

AB 1304

(Santiago D) Affirmatively further fair housing: housing element: inventory of land.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 357, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Current law requires a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. This bill would clarify that a local agency has a mandatory duty to comply with the obligation described above. The bill would specify that this provision is a clarification of current law and not to be deemed a change in previous law.

AB 1377

(McCarty D) Student housing plans.

Current Text: Enrollment: 9/9/2021 [html](#) [pdf](#)

Last Amend: 7/5/2021

Status: 9/9/2021-Enrolled and presented to the Governor at 4 p.m.

Location: 9/9/2021-A. ENROLLED

Summary: Would require the Office of the Chancellor of the California State University, and request the Office of the President of the University of California, on or before July 1, 2022, to conduct a needs assessment to determine the projected student housing needs, by campus, for the 2022-23 fiscal year to the 2026-27 fiscal year, inclusive, and create a student housing plan, with a focus on affordable student housing, that outlines how they will meet the projected student housing needs. The bill would require the Office of the Chancellor of the California State University, and request the Office of the President of the University of California, to, every 3 years thereafter, review and update the plan, and include the specific actions to be taken in the next 5 fiscal years.

AB 1398

(Bloom D) Planning and zoning: housing element: rezoning of sites: prohousing local policies.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 358, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Planning and Zoning Law, requires a county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other things, a housing element. Current law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, current law requires that the local government rezone sites within specified time periods. If the local government fails to adopt a housing element within 120 days of the applicable statutory deadline, existing law requires that the local government (A) complete this rezoning no later than 3 years and 120 days from the statutory deadline for the adoption of the housing element and (B) revise its housing element every 4 years until the local government has adopted at least 2 consecutive revisions by the statutory deadline. This bill would require a local government that fails to adopt a housing element that the Department of Housing and Community Development has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element.

AB 1409

(Levine D) Planning and zoning: general plan: safety element.

Current Text: Enrollment: 9/7/2021 [html](#) [pdf](#)

Status: 9/7/2021-Enrolled and presented to the Governor at 4 p.m.

Location: 9/7/2021-A. ENROLLED

Summary: Current law, upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a local hazard mitigation plan, requires the safety element to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This bill would also require the safety element to be reviewed and updated to identify evacuation locations. By increasing the duties of local planning officials with respect to the update of general plans, this bill would impose a state-mandated local program.

AB 1423

(Daly D) Housing programs: multifamily housing programs: expenditure of loan proceeds.

Current Text: Enrollment: 9/15/2021 [html](#) [pdf](#)

Last Amend: 8/30/2021

Status: 9/15/2021-Enrolled and presented to the Governor at 5 p.m.

Location: 9/15/2021-A. ENROLLED

Summary: Current law establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing, including the Multifamily Housing Program, pursuant to which the department provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development of specified types of housing projects. Current law sets forth various general powers of the department in implementing these programs, including authorizing the department to enter into long-term contracts or agreements of up to 30 years for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents. This bill would authorize a borrower to use any funds approved, reserved, or allocated by the department for purposes of providing a loan under any multifamily housing program under these provisions for construction financing, permanent financing, or a combination of construction financing and permanent financing, as provided.

AB 1466

(McCarty D) Real property: discriminatory restrictions.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 359, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: Would require a title company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed to a person who holds an ownership interest of record in property to also provide a Restrictive Covenant Modification form with specified procedural information.

AB 1584

(Committee on Housing and Community Development) Housing omnibus.

Current Text: Chaptered: 9/29/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 360, Statutes of 2021.

Location: 9/28/2021-A. CHAPTERED

Summary: The Planning and Zoning Law, authorizes a local agency to provide for the creation of accessory dwelling units in single-family and multifamily residential zones by ordinance, and sets forth standards the ordinance is required to impose with respect to certain matters, including, among others, maximum unit size, parking, and height standards. Current law authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones and requires the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements. This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units, but would permit reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.

SB 4

(Gonzalez D) Communications: California Advanced Services Fund.

Current Text: Enrollment: 9/17/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.

Location: 9/17/2021-S. ENROLLED

Summary: Would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

SB 7

(Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Current Text: Chaptered: 5/20/2021 [html](#) [pdf](#)

Last Amend: 2/18/2021

Status: 5/20/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.

Location: 5/20/2021-S. CHAPTERED

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

SB 8

(Skinner D) Housing Crisis Act of 2019.

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Last Amend: 8/26/2021

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 161, Statutes of 2021.

Location: 9/16/2021-S. CHAPTERED

Summary: Would clarify, for various purposes of the Housing Crisis Act of 2019, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law, except that the clarification does not affect a project for which an application was submitted to the city, county, or city and county before January 1, 2022.

SB 9

(Atkins D) Housing development: approvals.

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Last Amend: 8/16/2021

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 162, Statutes of 2021.

Location: 9/16/2021-S. CHAPTERED

Summary: The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

SB 10

(Wiener D) Planning and zoning: housing development: density.

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Last Amend: 7/5/2021

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 163, Statutes of 2021.

Location: 9/16/2021-S. CHAPTERED

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

SB 51

(Durazo D) Surplus residential property.

Current Text: Chaptered: 7/23/2021 [html](#) [pdf](#)

Last Amend: 7/8/2021

Status: 7/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 130, Statutes of 2021.

Location: 7/23/2021-S. CHAPTERED

Summary: Current law prescribes requirements for the disposal of surplus land by a local agency, as defined. This bill, except in the case of specified property, would additionally provide that the surplus land disposal procedures as they existed on December 31, 2019, apply if a local agency, as of September 30, 2019, has issued a competitive request for proposals that seeks development proposals seeking development proposals for the property that includes a residential component of at least 100 residential units and 25% of the total units developed comply with specified affordability criteria, provided that a disposition and development agreement, as defined, is entered into not later than December 31, 2024. If the property is not disposed of pursuant to a qualifying disposition and development agreement before March 31, 2026, or if no disposition and development agreement is entered into before December 31, 2024, the bill would require that future negotiations for and disposition of the property comply with the surplus land disposal procedures then in effect.

SB 63

(Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 9/7/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 382, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity . The bill would modify the factors the director is required to use to identify areas into fire hazard severity zones, as provided. The bill would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

SB 68

(Becker D) Building electrification and electric vehicle charging.

Current Text: Enrollment: 9/17/2021 [html](#) [pdf](#)

Last Amend: 9/7/2021

Status: 9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.

Location: 9/17/2021-S. ENROLLED

Summary: Would require the Energy Commission to gather or develop, and publish on its internet website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment.

SB 69

(McGuire D) North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marin Area Rail Transit District.

Current Text: Chaptered: 9/30/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 423, Statutes of 2021.

Location: 9/30/2021-S. CHAPTERED

Summary: Under current law, the North Coast Railroad Authority is governed by a board of directors composed of appointees from the Counties of Humboldt, Marin, Mendocino, and Sonoma, a city representative selected by the cities served by the authority's rail line, and a nonvoting, exofficio member of the Golden Gate Bridge, Highway and Transportation District. Current law requires the authority to plan for the transfer of all of its assets and liabilities and for its dissolution. Under current law, the state is not liable for any contracts, debts, or other obligations of the authority. This bill would rename the North Coast Railroad Authority the Great Redwood Trail Agency on March 1, 2022. The bill would remove the ex officio member of the Golden Gate Bridge, Highway and Transportation District from the board, and authorize the Governor to appoint a nonvoting director from the Transportation Agency and a nonvoting director from the Natural Resources Agency.

SB 290

(Skinner D) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 8/16/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 340, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.

SB 330

(Durazo D) Los Angeles Community College District Affordable Housing Pilot Program.

Current Text: Enrollment: 9/13/2021 [html](#) [pdf](#)

Last Amend: 8/24/2021

Status: 9/13/2021-Enrolled and presented to the Governor at 3:30 p.m.

Location: 9/13/2021-S. ENROLLED

Summary: Would require the governing board of the Los Angeles Community College District to develop and implement a pilot

program to provide affordable housing to students or employees of the Los Angeles Community College District, and to provide a report to the Legislature, no later than January 1, 2032, with findings and recommendations on the success of the program. The bill would require priority to be given to low-income students experiencing homelessness for the affordable units of the affordable housing for students or employees.

SB 381

(Portantino D) Surplus residential property: priorities, procedures, price, and fund: City of South Pasadena.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 9/7/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 362, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Current law establishes priorities and procedures that any state agency disposing of surplus residential property is required to follow. Under current law, specified single-family residences must first be offered to their present occupants. Current law then requires the property to be offered to housing-related entities prior to placing the property up for sale for fair market value, subject to specified priorities. Current law requires, if a property that is not a historic home is sold to a private housing-related entity or a housing-related public entity, that the entity develop the property as limited equity cooperative housing with first right of occupancy to present occupants, or use the property for low- and moderate-income rental or owner-occupied housing where the development of cooperative or cooperatives is not feasible. Current law requires, if a property is a historic home, as defined, that the property be offered first to a housing-related entity, subject to the above-described requirements, or a nonprofit private entity dedicated to rehabilitating and maintaining the historic home for public and community access and use, as provided. This bill, with respect to surplus residential property that is located within the City of South Pasadena, would instead require that if the surplus residential property is not sold to a former owner or present occupant, as described above, the property be offered at fair market value to present tenants who have occupied the property for 5 years or more and who are in good standing with all rent obligations current and paid in full, with first right of occupancy to the present occupants.

SB 477

(Wiener D) General plan: annual report.

Current Text: Enrollment: 9/9/2021 [html](#) [pdf](#)

Last Amend: 8/30/2021

Status: 9/9/2021-Enrolled and presented to the Governor at 1 p.m.

Location: 9/9/2021-S. ENROLLED

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

SB 478

(Wiener D) Planning and Zoning Law: housing development projects.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 363, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

SB 548

(Eggman D) Tri-Valley-San Joaquin Valley Regional Rail Authority: transit connectivity.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Last Amend: 4/5/2021

Status: 9/23/2021-Chaptered by Secretary of State. Chapter 220, Statutes of 2021.

Location: 9/22/2021-S. CHAPTERED

Summary: Current law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley, as defined, region of California. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to enter into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity. This bill would require the authority to be considered a rail transit district, thereby exempting the authority from specified provisions related to regulation by counties and cities regarding building, zoning, and related matters.

SB 591

(Becker D) Senior citizens: intergenerational housing developments.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 6/10/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 364, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Would authorize the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youth, if specified conditions are satisfied. The bill would require that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. The bill would prescribe definitions for "senior citizen" and "transition age youth" for these purposes. The bill would require at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition age youth, as specified. The bill would require the development to be affordable to lower income households.

SB 661

(Newman D) Veterans' farm and home loan program.

Current Text: Enrollment: 8/30/2021 [html](#) [pdf](#)

Last Amend: 3/15/2021

Status: 8/30/2021-Enrolled and presented to the Governor at 1 p.m.

Location: 8/30/2021-S. ENROLLED

Summary: Current law establishes the Department of Veterans Affairs, which is headed by the Secretary of Veterans Affairs. Current law requires the secretary, as head of the department and subject to the policies adopted by the California Veterans Board, to perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all provisions vested by law in the department. Current law defines "veteran" for the purposes of the various programs granting benefits to veterans. This bill would authorize the secretary to designate a deputy, employee, or other official in the department to act for them and to represent them at meetings. The bill would authorize the secretary to delegate powers and duties, as specified.

SB 671

(Gonzalez D) Transportation: Clean Freight Corridor Efficiency Assessment.

Current Text: Enrollment: 9/9/2021 [html](#) [pdf](#)

Last Amend: 6/15/2021

Status: 9/9/2021-Enrolled and presented to the Governor at 1 p.m.

Location: 9/9/2021-S. ENROLLED

Summary: Would establish the Clean Freight Corridor Efficiency Assessment, to be developed by the California Transportation Commission, in coordination with other state agencies. In developing the assessment, the bill would require the commission to identify freight corridors, or segments of corridors, throughout the state that would be priority candidates for the deployment of zero-emission medium- and heavy-duty vehicles. The bill would require the commission to submit a report containing the assessment's

findings and recommendations to certain committees of the Legislature by December 1, 2023. The bill would require the assessment's findings and recommendations to be incorporated into the development of the California Transportation Plan. The bill would require the state freight plan to include a description of needed infrastructure, projects, and operations for the deployment of zero-emission medium- and heavy-duty vehicles and the development of freight corridors identified in the assessment.

SB 728

(Hertzberg D) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 9/2/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 365, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income or, lower, or very low income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill instead, would require the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, as specified, or (2) a qualified nonprofit housing organization that is receiving the above-described welfare exemption purchases the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement, as specified, and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property.

SB 734

(Hueso D) Redevelopment agencies: passthrough agreements: modification.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Last Amend: 9/3/2021

Status: 9/23/2021-Chaptered by Secretary of State. Chapter 221, Statutes of 2021.

Location: 9/22/2021-S. CHAPTERED

Summary: Current law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations. Current law requires the successor agency to dispose of all remaining assets and terminate its existence within a specified period after the final debt payment, and requires any passthrough payment obligations to cease at that time. This bill would authorize a successor agency and one or more taxing agencies to enter into an agreement to modify the interest owed by a former redevelopment agency under a passthrough agreement that was entered into before January 1, 1994, or owed under any successive amendment of that passthrough agreement, and which is owed as interest on passthrough payments agreed to be deferred by the taxing entity under the passthrough agreement, subject to specified terms and conditions, including that the interest rate on a passthrough agreement modified under these provisions be 0%.

SB 780

(Cortese D) Local finance: public investment authorities.

Current Text: Chaptered: 9/28/2021 [html](#) [pdf](#)

Last Amend: 8/23/2021

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 391, Statutes of 2021.

Location: 9/28/2021-S. CHAPTERED

Summary: Current law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of communitywide significance. Current law provides for the membership of the governing body of the district, referred to as the public financing authority. This bill would authorize the legislative bodies, as defined, to appoint an alternate member to the public financing authority who may serve and vote in place of a member who is absent or disqualifies themselves from participating in a meeting of the authority. If a district has more than 3 participating affected taxing entities, the bill would authorize the legislative bodies of the taxing entities to, upon agreement, appoint only one member of their respective legislative bodies, and one alternate member, in addition to the public members.

Total Measures: 59
Total Tracking Forms: 59



September 28, 2021

The Honorable Dianne Feinstein, US Senate
 The Honorable Alex Padilla, US Senate
 The Honorable Nancy Pelosi, US House of Representatives
 The Honorable Barbara Lee, US House of Representatives

RE: Regional planning agency eligibility for the Unlocking Possibilities and Community Revitalization grant programs

Dear Senator Feinstein, Senator Padilla, Speaker Pelosi, and Representative Lee:

Bay Area Housing For All (BAHA) is a diverse coalition of Bay Area housing and social justice organizations, elected officials, philanthropy, and business leaders who have come together to address the Bay Area's affordable housing and homeless crisis by advancing innovative regional solutions to transform the way the Bay Area complements and enhances the efforts of local jurisdictions and provides safe, stable affordable homes for its residents.

The San Francisco Bay Area's regional governments – the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) – have a long-standing track record of working at the intersection of racial equity and climate resilience to integrate housing, land use, and transportation in the region's policy, planning, and projects. Building on this approach and through a historic partnership between local and regional Bay Area elected leaders and the California Legislature, the Bay Area Housing Finance Authority (BAHFA) was established by the State of California in 2019 to provide the San Francisco Bay Area the ability to take a new, transformational approach towards solving the region's housing crisis. Recognizing the housing and homelessness crisis cannot be solved by each city and county alone, BAHFA facilitates regional collaboration to protect residents from displacement and homelessness, preserve existing affordable housing, and produce new affordable housing to provide equitable housing choice and stability across the region.

In the same way that the federal government established metropolitan planning organizations to plan and fund transportation at the regional level, BAHFA enables the Bay Area to address the housing crisis at the geography of the regional housing market, which does not start or stop at city or county

boundaries. Given the Bay Area's patterns of segregation and exclusion, like most metro areas in the US, a regional approach is essential to advancing the promise of affirmatively furthering fair housing -- unlocking opportunity and repairing the enduring legacies of disinvestment in communities of color.

Our coalition enthusiastically supports the current investments in both the House Financial Services Committee bill as well as the Low Income Housing Tax Credit provisions currently in the Ways and Means Committee bill. However, it is our number one remaining priority in the Bay Area to make the Metropolitan Transportation Commission (MTC) / The Bay Area Housing Finance Authority (BAHFA) and other regional planning agencies eligible to apply for both planning and implementation grants through both the Unlocking Possibilities Program and the Community Restoration and Revitalization Program.

Funding regional planning organizations will allow regions and metro areas across the country to elevate a commitment to racial equity, foster innovation to integrate housing solutions with regional transportation and climate strategies, and make each dollar invested in housing go further than other piecemeal approaches would otherwise accomplish. In the Bay Area every day we see the gaps in local housing efforts in the absence of significant regional housing interventions -- capacity constraints and missed opportunities for coordination, the blind spots of the patchwork of local approaches to affirmatively furthering fair housing, and the mismatch of a regional homelessness crisis with only localized homelessness efforts. But the Bay Area is not alone. If funding were made available, the regional efforts across the country could accelerate and scale -- in Los Angeles, Seattle, Salt Lake City, Denver, Miami-Dade County, Chicago, Minneapolis, Portland, and many more.

We thank you for your continued leadership and service to the communities of the Bay Area and our nation. We stand ready to support you in this effort.

Sincerely,

All Home
Bay Area Council
Bay Area Regional Health Inequities Initiative
Burbank Housing
City of Oakland
City of San Jose
City and County of San Francisco
East Bay Housing Organizations
Enterprise Community Partners
Housing Authority of Contra Costa County
Housing Leadership Council of San Mateo County
Housing Trust Silicon Valley
Monument Impact
Non-Profit Housing Association of Northern California
San Francisco Foundation
San Francisco Housing Accelerator Fund
Silicon Valley Community Foundation
Silicon Valley Rising Action
SPUR
United Way Bay Area
Working Partnerships USA

Build Back Better Housing Provisions

The Build Back Better House reconciliation package would provide roughly \$320 billion for affordable housing and community development investments—more than six times the entire annual Department of Housing and Urban Development (HUD) budget. The House bill would also make several transformational changes to the federal low-income housing tax credit (LIHTC) program—the single most important affordable housing production tool in California—and create a new homeownership-targeted tax credit to subsidize production and preservation of affordable owner-occupied homes. The LIHTC updates alone could enable California to more than double affordable housing production over the coming years. These housing financing changes paired with the proposed direct HUD investments would establish the federal government as a much stronger partner in affordable housing production, preservation, and protection efforts in the Bay Area and across the country and could help close the significant affordable housing funding gaps identified in Plan Bay Area 2050. A funding chart is below and summaries of MTC and ABAG-priority programs and policies follow.

Build Back Better Housing Funding Chart

Category/Program Name	Funding Amount* (\$ in billions)
Affordable Housing Production, Preservation and Community Development	\$ 91
<i>Housing Trust Fund Formula</i>	\$ 37
<i>HOME Investment Partnerships Formula</i>	\$ 35
<i>Community Development Block Grant (CDBG) Formula</i>	\$ 7
<i>Housing Investment Fund (new) (U.S. Treasury-run competitive grants for CDFIs and non-profit developers)</i>	\$ 10
<i>Other CDBG (manufactured housing, colinias, technical assistance)</i>	\$ 2
Fair Housing and Community Restoration Discretionary Grants	\$ 25
<i>Unlocking Possibilities Program (new)</i>	\$ 5
<i>Community Revitalization and Restoration (new)</i>	\$ 8
<i>Lead-based Paint & Other Health Hazard Mitigation (new)</i>	\$ 10
<i>Choice Neighborhoods Grants (revised)</i>	\$ 3
Homeownership Programs (new)	\$ 11
Public Housing, Rental Assistance, and Capital Improvements for HUD-assisted Properties	\$ 188
<i>Public Housing Capital Improvements</i>	\$ 77
<i>HUD Rental Assistance (Section 8 Housing Choice Vouchers- \$75B, Project Based Rental Assistance - \$15B, Housing for Seniors & Persons with Disabilities - \$3.5B)</i>	\$ 94
<i>Energy & Water Efficiency, Climate Resilience and Preservation of HUD-supported Multifamily Housing</i>	\$ 10
<i>Other (Rural, Indian and Native Hawaiian housing)</i>	\$ 7
Other (FEMA Flood Insurance Program, HUD administration, etc.)	\$ 7
Total	\$ 321

*Total may not sum due to rounding

Federal Housing Tax Credits

The Build Back Better housing-related tax provisions could help transform the affordable housing landscape in the Bay Area by unlocking financing for a long pipeline of affordable housing projects that are ready to go but await federal tax credit financing. The Low Income Housing Tax Credit (LIHTC) program—a unique federal-state-local-private partnership—is California’s most important affordable housing financing tool. In 2020 the tax credit helped finance 23,700 apartments for low-income California households, up nearly 20 percent from 2018. This increase is in large part because California has been so effective at leveraging LIHTCs, and for some years now the state has been the unusual position of having hit the ceiling on federal tax credit affordable housing financing capacity. Consistent with our top housing advocacy priorities, the Build Back Better plan would make several changes that would lift that ceiling, including increasing the state’s annual LIHTC allocation by 74 percent over four years and—most importantly for California—revising the bond-financed LIHTC threshold to 25 percent from 50 percent to make more projects feasible. These and the other tax credit changes could translate to an increase of 230,000 affordable homes in California over 10 years according to an analysis by the real estate tax consulting firm Novogradac.¹ The bond-financing threshold provision alone could *double* California’s annual affordable housing production financing capacity until the state’s bond-financed project pipeline—20,000 units as of April 2021—has been built.

The plan would also create a new Neighborhood Homes Tax Credit (NHTC) to finance construction or rehabilitation of owner-occupied homes in distressed neighborhoods. State housing agencies would administer this tax credit—just as they do with LIHTC—providing affordable housing developers with tax credits to build or preserve homes in distressed areas (census tracts with high poverty rates, low median incomes, and a median value for owner-occupied homes at or below the area median). Given that this would be a new funding tool, impact estimates are less refined than those for the LIHTC, but some have estimated that the NHTC could build or preserve 500,000 homes nationwide.²

Rental Assistance and Investments in HUD-assisted Housing

The proposal includes more than \$320 billion in housing and community investment. As shown in the chart on page 1, nearly 60 percent of the housing funding would fund expanded rental assistance (both tenant-based rental assistance (i.e., housing vouchers) and project-based rental assistance), public housing repair, and other capital improvements for HUD-assisted properties. For the Bay Area and California, the \$94 billion rental assistance is particularly important. Federal rental assistance currently helps 530,000 low-income California families, seniors and individuals with disabilities afford rent every month, but the need is much greater; according to the California Housing Partnership, more than 1.3 million low-income households lack access to affordable housing. Build Back Better investments could help close this gap both by subsidizing rent for more low-income households so more families can afford to live in existing housing units and/or by ensuring that rental subsidy can be available to help fill units in those much-needed new affordable housing developments that the tax credit improvements and other investments can help accelerate.

¹ Source: [Novogradac analysis](#) published September 16, 2021

² Source: [Novogradac analysis](#) published September 13, 2021.

Affordable Housing, State and Local Government Funding

Roughly 30 percent (\$91 billion) of the Build Back Better housing investments would be available to states, local governments, and affordable housing developers to create and preserve affordable housing and invest in community development. Nearly half these funds would be allocated to the HOME Investment Partnership Program (HOME) and Community Development Block Grant Program (CDBG)—which are distributed via formula to eligible local governments and states—and roughly half would fund affordable housing projects and programs, with \$37 billion directed according to the National Housing Trust Fund formula to states for project selection and \$10 billion in competitive grants administered by the U.S. Treasury Community Development Financial Institution (CDFI) Fund to certified CDFIs and nonprofit affordable housing developers.

Bay Area local governments would receive an estimated \$810 million in HOME and CDBG formula funds if the funds are distributed consistent with fiscal year 2021 allocations. The California Department of Housing and Community Development would additionally receive an estimated \$1.1 billion to award to local jurisdictions and other eligible recipients that are not direct HUD formula recipients.³ Additionally, California would receive an estimated \$6.7 billion to supplement the state's National Housing Trust Fund allocations, which have been prioritized for housing investments to support persons experiencing homelessness since 2018.⁴

New Discretionary Grant Funding Opportunities

Unlocking Possibilities Program

The Build Back Better proposal would fund \$25 billion in new or revised competitive program grants to support fair housing, neighborhood revitalization, and housing-related health and safety improvements. Importantly, a new Unlocking Possibilities Program—which has been the target for the Bay Area's regional efforts to secure grant opportunities for the Bay Area Housing Finance Authority (BAHFA) initiatives within the Build Back Better Plan—would receive \$4.5 billion for both planning and implementation components. Planning grants could fund zoning updates and regulatory changes to eliminate barriers to affordable housing; local housing strategies to equitably increase affordable housing supply; and local or regional plans to increase availability and access to affordable housing, access to public transportation, and location-efficient housing, among other items. Unlocking Possibilities implementation grants would be available to *implement* the plans as well as implementing projects to affirmatively further fair housing. States, counties with populations of at least 200,000, and cities with populations of at least 50,000, and/or census-designated “principal” cities of metropolitan areas are eligible grant recipients.⁵ Regional planning agencies are eligible for planning grants but not yet the

³ These are rough estimates based on Bay Area and California fiscal year 2021 shares of HUD HOME, CDBG and Housing Trust Fund formulas. Though the legislation provides that funds are distributed via existing programs, the bill would revise select set-asides for CDBG, formula inputs can change year-over-year and direct recipients of CDBG and HOME can change periodically due to CDBG population thresholds (results from the 2020 census may impact Bay Area direct recipients) and HOME's allowance for eligible local governments to opt-in to be direct recipients.

⁴ California's share of National Housing Trust Fund (HTF) formula funds ranged from 13.1 percent in 2019 to 18.3 percent in 2021. The bill provides that the funds be distributed pursuant to the HTF grantees that received funds pursuant to that same formula in 2021, so staff assumed that 18.3 percent formula share in our estimate.

⁵ Grant eligibility is restricted to local governments that qualify as metropolitan cities and urban counties, the same designation that qualifies a local government as an “entitlement” jurisdiction eligible to directly receive CDBG

implementation grants. MTC and ABAG—in close coordination with our regional and national partners—are seeking an amendment to make regional agencies also eligible for implementation grants as an additional funding tool for BAHFA.

Community Restoration and Revitalization Fund

The bill would also create a new \$7.5 billion Community Restoration and Revitalization Fund, of which \$5.7 billion would be awarded as competitive grants to local partnerships—local governments of all sizes are eligible joint applicants—that are led by nonprofits to develop and implement plans to preserve and create affordable housing, increase access to opportunity, and conduct neighborhood stabilization activities in communities experiencing cycles of blight and limited access to opportunity. The remaining funds would be reserved for HUD technical assistance and to support existing residents preserve equity in their homes and offset displacement, as well as HUD administrative costs. MTC and ABAG, in close coordination with our regional BAHFA coalition and national partners, are seeking to add regional planning agencies as eligible joint applicants.

Other discretionary grant opportunities for local governments include a new \$10 billion program to address housing-related health hazards (primarily lead) in housing serving low-income families (the bulk of this is reserved for non HUD-assisted housing) and \$2.8 billion to fund community development in neighborhoods surrounding public housing and other HUD multi-family housing developments. These grants are structured to be similar to the Choice Neighborhoods Initiative Program.

Homeownerships Programs

Regarding homeownership, the bill would invest \$10 billion to provide first-time, first-generation homebuyers with down payment assistance of up to \$20,000 or 10 percent of the home's purchase price, whichever is less, though HUD has discretion to lift this cap for economically disadvantaged home buyers. In high-cost areas—which would almost certainly include the San Francisco Bay Area—assistance is limited to homebuyers earning up to 140 percent area median income (AMI).⁶ In San Francisco, for example, this would cover four-person households earning up to \$186,500 per year.⁷ Nearly \$7 billion of these funds would be distributed to states as a block grant via a needs-based formula that is yet-to-be-determined. CDFIs and other qualified nonprofits could compete for \$2.3 billion, and the remaining funds would be reserved for financial counseling and HUD technical assistance.

In addition, the bill would create a \$500 million program to subsidize 20-year mortgages for first-generation homebuyers to accelerate wealth-building and a \$100 million pilot program targeted at helping homebuyers purchase low-cost (\$100,000 or less) homes.

funds. The Bay Area's 38 CDBG entitlement grantees as of fiscal year 2021 can be found thorough [the HUD FY 2021 Community Development Program office funding page](#).

⁶ The bill does not define "high-cost area," but in [in 2020 the Federal Housing Administration reconfirmed all of California as a "high-cost area" for the purposes of determining mortgage assistance caps](#).

⁷ HUD's AMI and California's AMI limits as determined by the Department of Housing and Community Development (HCD) for the purposes of implementing state programs can vary. For example, in 2021 HUD's four-person household AMI for San Francisco County is \$133,200 while HCD's is \$149,600. [This example utilizes San Francisco's income limits using HUD's 2021 AMI threshold](#).



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1360 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 10/5/2021 **In control:** ABAG Housing Committee

On agenda: 10/14/2021 **Final action:**

Title: Report on Technology Products to assist Local Jurisdictions with Housing Element Updates

Sponsors:

Indexes:

Code sections:

Attachments: [10a 1 Summary Sheet RHTA Update v2.pdf](#)
[10a 2 Attachment A Summary of public outreach software pilot v4.pdf](#)
[10a 3 Attachment B Presentation RHTA Update.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Technology Products to assist Local Jurisdictions with Housing Element Updates

Heather Peters (MTC/ABAG)

Information

**Bay Area Housing Finance Authority and Association of Bay Area Governments
BAHFA Oversight Committee and ABAG Housing Committee**

October 14, 2021

Agenda Item 10.a.

Regional Housing Technical Assistance (RHTA) Update

Subject:

Regional Housing Technical Assistance (RHTA) Update

Background:

Staff will provide an update on the Regional Housing Technical Assistance (RHTA) Program, including Workgroups, the new release of the Housing Element Site Selection (HESS) Tool and the launch of a pilot of public outreach software that facilitates collection of input on housing in multiple languages.

Issues:

None identified.

Attachments:

Attachment A: Summary of Public Outreach Software Pilot

Attachment B: Regional Housing Technical Assistance (RHTA) Update

Review:



Therese W. McMillan



**ASSOCIATION
OF BAY AREA
GOVERNMENTS**



Association of Bay Area Governments
Bay Area Housing Finance Authority
375 Beale Street
San Francisco, CA 94105
www.mtc.ca.gov

Memorandum

DATE: October 14, 2021
TO: ABAG Housing Committee
FR: Executive Director
RE: Summary of public outreach software pilot

In November of 2020 the ABAG Executive Board approved \$2 million of the Regional Early Action Planning (REAP) Grant funds to support housing leadership development and community engagement including:

- Resources and TA to local jurisdictions for community outreach and engagement
- Grants to CBOs
- Public education on the housing element process
- Regional messaging on new housing laws and penalties

Of \$2 million, roughly 10% of the funds have been dedicated to support a public engagement tool.

On August 1, 2021, ABAG entered a \$182,430 contract with Balancing Act to purchase 25 software licenses for a pilot of an online public engagement tool that facilitates public comment on preferences for housing types and locations.

All Bay Area jurisdictions were invited to submit letters of interest (LOIs) to participate in the pilot and 34 LOIs were received.

Licenses were allocated as summarized below based on responses to the following questions:

1. Provide a description of the projected tool's use to enhance public engagement, including advancing fair housing and how jurisdiction will use this tool to address past challenges in engaging a diverse cross section of community on housing issues.
2. Identification of funding gap for public outreach and how tool could assist in meeting that gap.

<u>Jurisdiction</u>	<u>Allocated</u>
Alameda County	No
Belvedere	Yes
Brisbane	Yes
Clayton	Yes
Concord	Yes
Cupertino	No
Danville	No
East Palo Alto	Yes
El Cerrito	Yes
Fairfax	No
Gilroy	Yes
Hayward	Yes

<u>Jurisdiction</u>	<u>Allocated</u>
Hercules	Yes
Larkspur	No
Los Altos Hills	No
Los Gatos	Yes
Marin County	Yes
Moraga	Yes
Napa	Yes
Newark	Yes
Oakland	Yes
Orinda	Yes
Pacifica	Yes
Palo Alto	No

<u>Jurisdiction</u>	<u>Allocated</u>
Piedmont	Yes
Portola Valley	Yes
San Anselmo	Yes
San Bruno	Yes
San Jose	Yes
San Leandro	Yes
San Pablo	Yes
Saratoga	No
Sonoma	Yes
Woodside	No

Therese W. McMillan



Association of Bay Area Governments



Technical Assistance
for Local Planning

HOUSING



Regional Housing Technical Assistance (RHTA) Update

ABAG Housing & BAHFA
Oversight Committees
October 14, 2021

WORKGROUPS LAUNCHED

MISSING MIDDLE HOUSING



- 39 Jurisdictions participating
- 2 of 6 Sessions Complete
- Recordings posted



WILDFIRE PLANNING



- 30 Jurisdictions participating
- Just kicked off

“Yesterday, in a word, was FANTASTIC!!! It was data driven, well researched, informative, and brilliantly delivered. It was a three-point shot, a touchdown, and a home run, all at once.”

Technical Assistance



CATEGORIES

Energy

Environment

Housing

Land Use

Resilience

Transportation and
Infrastructure

Housing

The Bay Area faces a deepening housing-affordability crisis. ABAG is working hard to promote changes in housing policies to make our region a better place to live. How do we move forward during this critical period?


There is no simple solution, but there is broad consensus: we need a coordinated effort to increase housing production at all levels of affordability, preserve existing affordable housing and protect vulnerable populations from displacement. ABAG works with local governments, regional and state agencies, legislators, housing and business advocacy organizations and community leaders to promote housing



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Based in California, PlaceWorks is one of the premier planning, design and environmental firms in the U.S. The firm's



Land Econ Group

Land Econ Group's primary services include real estate market analysis, financial feasibility evaluation, fiscal impa...

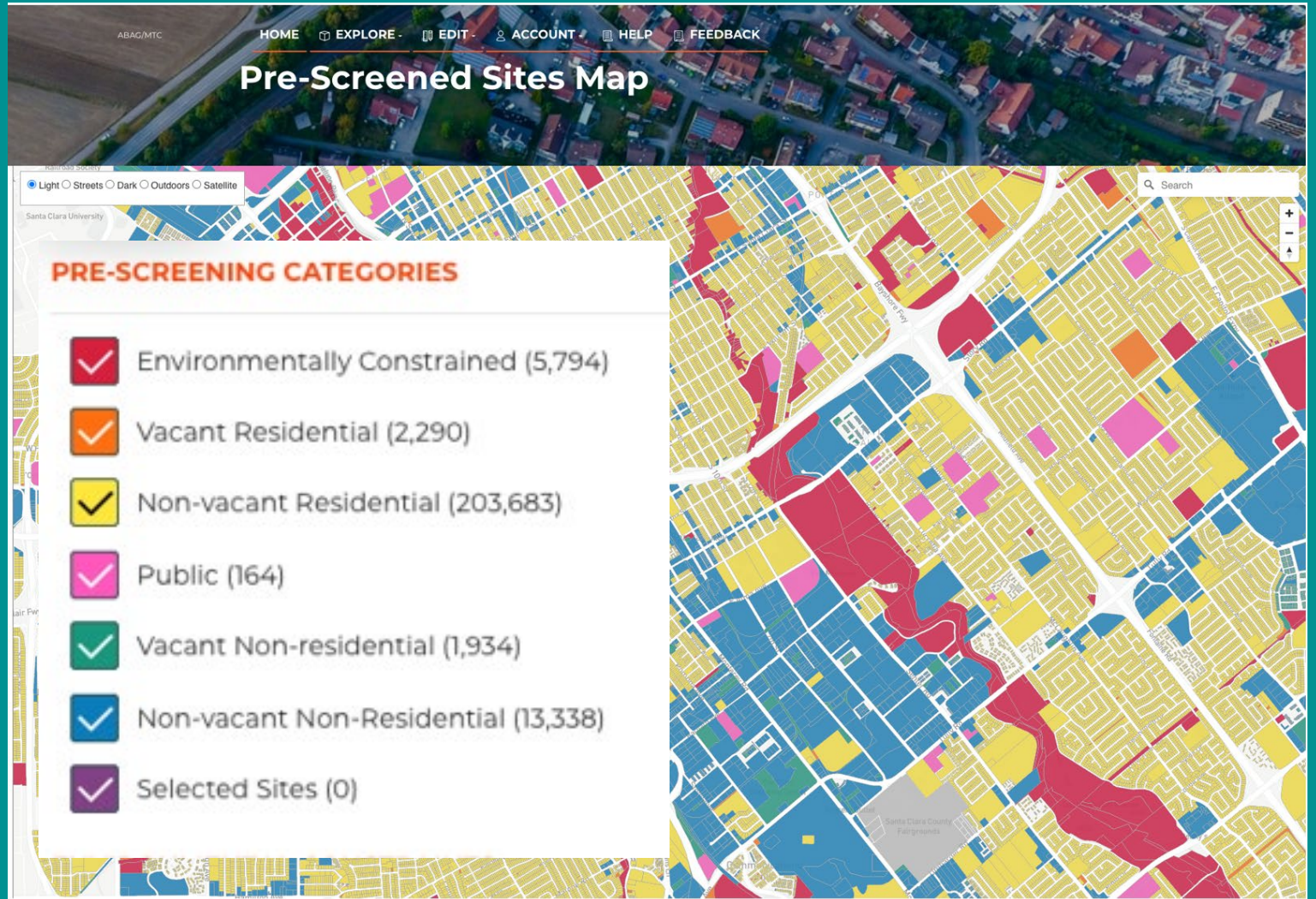
Housing Element Site Selection Tool (HESS)

- 1.0 Update: New Site Characteristics Categories

- Realistic Capacity

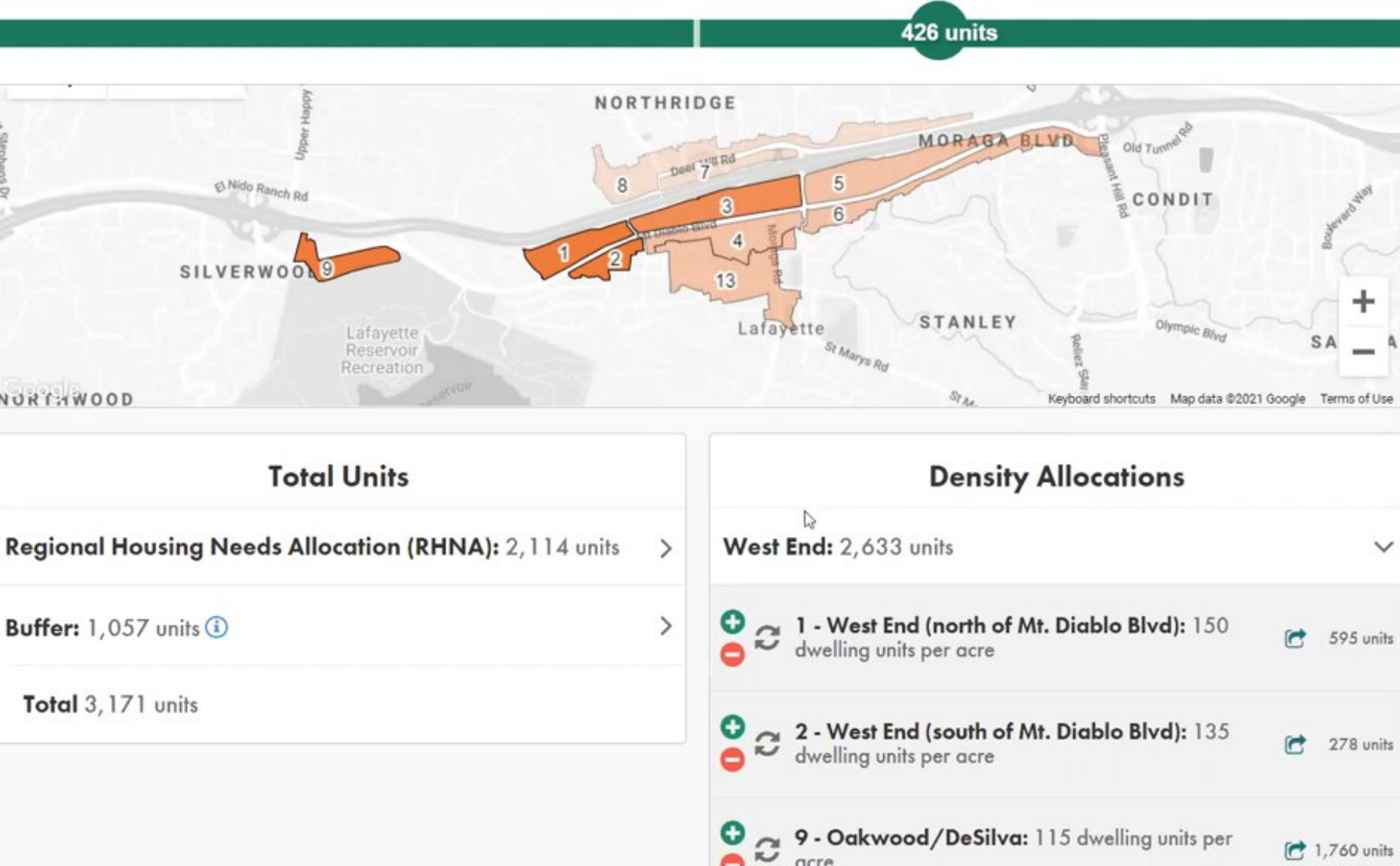
GOAL:
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- AFFH Layers



“Balancing Act”
Online Tool for
Community
Conversations
on Housing

You have a housing plan!



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Streamlines
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- Online tool for public & planners increases accuracy and predictability
- Displays all applicable planning regulations & checks compliance with non-discretionary items allowing staff to focus on discretionary items
- Submits all required forms electronically increasing completeness
- Pulls in street views and satellite images speeding review
- Automatically generates draft comment letters saving staff time
- Integrates with existing permitting systems