



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Agenda - Final

ABAG Executive Board

President, Jesse Arreguin, Mayor, City of Berkeley
Vice President, Belia Ramos, Supervisor, County of Napa
Immediate Past Pres, David Rabbitt, Supervisor, County of Sonoma

Thursday, May 18, 2023

5:10 PM

Board Room - 1st Floor

Association of Bay Area Governments Executive Board Meeting No. 488

Teleconference Locations

City of Oakland, 1 Frank Ogawa Plaza, 1st Floor, Hearing Room 2, Oakland, CA 94612
Walnut Creek Leshner Center for the Arts, 1601 Civic Drive, Lobby, Walnut Creek, CA 94596
City of San Jose, 200 E. Santa Clara Street, City Manager's Conference Room, 17th Floor,
Room #1734, San Jose, CA 95113
City of Novato, City Administrative Offices, 922 Machin Ave, Baget Conference Room, Novato,
CA 94945

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://abag.ca.gov/meetings-events/live-webcasts>

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor).

In-person attendees must adhere to posted public health protocols while in the building.

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/86742193336>

Or One tap mobile :

+13462487799,,86742193336# US (Houston)

+14086380968,,86742193336# US (San Jose)

Or Telephone:

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

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

833 548 0276 US Toll Free

833 548 0282 US Toll Free

Webinar ID: 867 4219 3336

Detailed instructions on participating via Zoom are available at:
<https://abag.ca.gov/meetings-events/meetings/how-provide-public-comment-board-meeting>
Committee members and members of the public participating by Zoom wishing to speak should use the “raise hand” feature or dial “*9” and dial “*6” to unmute and speak.

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 ABAG Executive Board may act on any item on the agenda.

The meeting is scheduled to begin at 5:10 p.m.,
or after the preceding ACFA Governing Board meeting.
Agenda, roster and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Susan Adams, Candace Andersen, Jesse Arreguin, Nikki Fortunato Bas, London Breed,
Ken Carlson, David Cohen, Noella Corzo, Pat Eklund, Susan Ellenberg, Carroll Fife,
Neysa Fligor, Leon Garcia, Rich Hillis, Dave Hudson, Rosemary Kamei, Otto Lee,
Rafael Mandelman, Elisa Marquez, Yvonne Martinez-Beltran, Myrna Melgar, Nathan Miley,
Ray Mueller, Mark Nagales, Peter Ortiz, David Rabbitt, Belia Ramos, Treva Reid,
Carlos Romero, Mary Sackett, Cindy Silva, Aaron Tiedemann, Wanda Williams, Steve Young.
Donald Young (Advisory).

1. Call to Order / Roll Call / Confirm Quorum

Quorum is a majority of ABAG Executive Board members present.

2. Public Comment

Information

3. Executive Board Announcements

Information

4. President's Report

4.a. [23-0624](#) ABAG President's Report for May 18, 2023

Action: Information

Presenter: Jesse Arreguin

5. Executive Director's Report

5.a. [23-0625](#) Executive Director's Report for May 18, 2023

Action: Information

Presenter: Andrew Fremier

6. Executive Board Consent Calendar

- 6.a. [23-0616](#) Approval of ABAG Executive Board Minutes of April 20, 2023
- Action:** Approval
- Presenter:** Clerk of the Board
- Attachments:** [06a EB Minutes 20230420 487 Draft v2.pdf](#)
-
- 6.b. [23-0617](#) Authorization to enter into a contract with DiLytics Inc. in an amount not to exceed \$900,000 to provide database development services for Bay Area Regional Energy Network (BayREN) through June 30, 2024
- Action:** Approval
- Presenter:** Jenny Berg
- Attachments:** [06b 1 Summary Sheet BayREN Database RFQ v1.pdf](#)
[06b 2 Summary Approval BayREN Database RFQ DiLytics v1.pdf](#)
-
- 6.c. [23-0725](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$1,200,000 to provide services for BayREN Business implementation and incentives through December 31, 2023
- Action:** Approval
- Presenter:** Jenny Berg
- Attachments:** [06c 1 Summary Sheet BayREN PGE Funding Agreement Amendment v1.pdf](#)
[06c 2 Summary Approval BayREN PGE Funding Agreement Amendment v1.pdf](#)
-
- 6.d. [23-0566](#) Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk
Prohibits vehicles from stopping, standing or parking within 20 feet of a marked crosswalk or intersection to improve visibility of bicyclists and pedestrians.
- Action:** Support and Seek Amendments / ABAG Executive Board Approval
- Presenter:** Georgia Gann Dohrmann
- Attachments:** [06d 1 Summary Sheet AB 413 Lee v2.pdf](#)
[06d 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 413 Lee.](#)

- 6.e. [23-0565](#) Assembly Bill 645 (Friedman): Speed Safety Pilot Program
Revised version of legislation MTC supported in 2021 and 2022 (Assembly Bill (AB) 550 (Chiu, 2021) and AB 2336 (Friedman, 2022)) to authorize specified cities to implement five-year pilots to test speed safety cameras, under specific circumstances.
- Action:** Support / ABAG Executive Board Approval
- Presenter:** Georgia Gann Dohrmann
- Attachments:** [06e 1 Summary Sheet AB 645 Friedman v1.pdf](#)
[06e 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 645 Fried](#)
- 6.f. [23-0621](#) Assembly Bill 1053 (Gabriel): Multifamily Housing Program (MHP)
Construction Loans
Allows developers who receive a state MHP award to access the financing before a development's construction phase instead of taking out a more expensive private loan for construction.
- Action:** Support / ABAG Executive Board Approval
- Presenter:** Julie Snyder
- Attachments:** [06f 1 Summary Sheet AB 1053 Gabriel v2.pdf](#)
[06f 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 1053 Gabrie](#)
- 6.g. [23-0726](#) Authorization to accept \$909,800 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program
- Action:** Approval
- Presenter:** Caitlin Sweeney
- Attachments:** [06g 1 Summary Sheet Estuary Blueprint BIL_YR2 v1.pdf](#)
[06g 2 Summary Approval Estuary Blueprint BIL_YR2 v1.pdf](#)
- 6.h. [23-0772](#) Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans
- Action:** Oppose / ABAG Executive Board Approval
- Presenter:** Georgia Gann Dohrmann
- Attachments:** [06h 1 Summary Sheet AB 1335 Zbur v1.pdf](#)
[06h 2 Attachment Jont MTC ABAG Legislation Summary Sheet AB 1335 Zbu](#)

7. ABAG Administrative Committee

- 7.a. [23-0626](#) Report on ABAG Administrative Committee Meetings of April 14, 2023 and May 12, 2023
- Action:** Information
- Presenter:** Jesse Arreguin

8. ABAG Legislation Committee

- 8.a. [23-0627](#) Report on Joint MTC ABAG Legislation Committee Meetings of April 14, 2023 and May 12, 2023

Action: Information
Presenter: Jesse Arreguin
- 8.b. [23-0567](#) Senate Bill 532 (Wiener): Local Ballot Measure Labels
Provides option for local bonds and other tax measures to provide details via the voter guide instead of on the ballot label, with transparency safeguards.

Action: Support / ABAG Executive Board Approval
Presenter: Julie Snyder
Attachments: [08b 1 Summary Sheet SB 532 Weiner v1.pdf](#)
[08b 2 Attachment Joint MTC ABAG Legislation Summary Sheet SB 532 Wier](#)
- 8.c. [23-0618](#) Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform
AB 817 would expand remote-meeting options for non-decision-making local legislative bodies, including advisory boards, that do not take final action on legislation, regulations, contracts, licenses, permits, or other entitlements.

Action: Support / ABAG Executive Board Approval
Presenter: Georgia Gann Dohrmann
Attachments: [08c 1 Summary Sheet AB 817 Pacheco v2.pdf](#)
[08c 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 817 Pacheco](#)
- 8.d. [23-0773](#) Fiscal Year (FY) 2023-24 State Budget Update

Action: Information
Presenter: Rebecca Long
Attachments: [08d 1 Summary Sheet State Budget Update v1.pdf](#)
[08d 2 Attachment Joint MTC ABAG Legislation Summary Sheet Fiscal Year 2](#)
[08d 3 Attachment Joint MTC ABAG Legislation Legislation A 4-25-23 Senator](#)

9. ABAG Finance Committee

- 9.a. [23-0628](#) Report on ABAG Finance Committee Meeting of May 18, 2023

Action: Information
Presenter: David Rabbitt

10. ABAG Housing Committee

- 10.a. [23-0629](#) Report on ABAG Housing Committee Meeting of April 13, 2023 and May 11, 2023
Action: Information
Presenter: Carlos Romero
- 10.b. [23-0569](#) Approval of the BAHFA Business Plan Equity Framework and Funding Programs by the ABAG Executive Board acting as the Executive Board to the Bay Area Housing Finance Authority
Action: Approval
Presenter: Kate Hartley and Daniel Saver
Attachments: [10b 1 Summary Sheet BAHFA Business Plan Equity Framework Funding Progr.](#)
[10b 2 Attachment BAHFA OC Summary Sheet Business Plan Equity Framework](#)
- 10.c. [23-0771](#) Approval of the Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and Proposed Re-programming and Authorization for the Executive Director (or his designee) to reallocate and expend any unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner
Action: Approval
Presenter: Daniel Saver
Attachments: [10c 1 Summary Sheet REAP Updated Program Budget v1.pdf](#)
[10c 2 Attachment ABAG Housing Committee REAP Updated Budget.pdf](#)

11. Local Government Services

- 11.a. [23-0622](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$157,085,114 for services for BayREN implementation through December 31, 2027, and Update on BayREN Current and Future Programs
Action: Approval
Presenter: Jenny Berg
Attachments: [11a 1 Summary Sheet BayREN PGE Funding Agreement Amendment v2.pdf](#)
[11a 2 Summary Approval BayREN PGE Funding Agreement Amendment v1.pdf](#)
[11a 3 BayREN Business Plan Presentation v1.pdf](#)

12. Regional Housing Needs Allocation

- 12.a.** [23-0623](#) California's Housing Future 2040: The Next Regional Housing Needs Allocation
Discussion of issues related to the Regional Housing Needs Determination (RHND) and Regional Housing Needs Allocation (RHNA) processes to inform the analysis being conducted by HCD for California's Housing Future 2040: The Next Regional Housing Needs Allocation.

Action: Information

Presenter: Gillian Adams

Attachments: [12a 1 Summary Sheet HCD CA Housing Future 2040 v2.pdf](#)
[12a 2 Attachment A HCD CA Housing Future 2040 Survey Questions v2.pdf](#)
[12a 3 Attachment B RHNA Reflections 031722 v2.pdf](#)
[12a 4 Attachment C HCD CA Housing Future 2040 v2.pdf](#)

13. Adjournment / Next Meeting

The next regular meeting of the ABAG Executive Board is on July 20, 2023.

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 #: 23-0624 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 4/13/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: ABAG President's Report for May 18, 2023
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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ABAG President's Report for May 18, 2023

Jesse Arreguin

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0625 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 4/13/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: Executive Director's Report for May 18, 2023
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Executive Director's Report for May 18, 2023

Andrew Fremier

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0616 **Version:** 1 **Name:**
Type: Report **Status:** Executive Board Consent
File created: 4/13/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: Approval of ABAG Executive Board Minutes of April 20, 2023
Sponsors:
Indexes:
Code sections:
Attachments: [06a EB Minutes 20230420 487 Draft v2.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of ABAG Executive Board Minutes of April 20, 2023

Clerk of the Board

Approval



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Minutes - Draft

ABAG Executive Board

President, Jesse Arreguin, Mayor, City of Berkeley
Vice President, Belia Ramos, Supervisor, County of Napa
Immediate Past Pres, David Rabbitt, Supervisor, County of Sonoma

Thursday, April 20, 2023

5:10 PM

Board Room - 1st Floor

Special Meeting

Association of Bay Area Governments Executive Board Meeting No. 487

The meeting is scheduled to begin at 5:10 p.m.,
or after the preceding ABAG Finance Committee meeting.
Agenda, roster and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Susan Adams, Candace Andersen, Jesse Arreguin, Nikki Fortunato Bas, London Breed,
Ken Carlson, David Cohen, Noella Corzo, Pat Eklund, Susan Ellenberg, Carroll Fife,
Neysa Fligor, Leon Garcia, Rich Hillis, Dave Hudson, Rosemary Kamei, Otto Lee,
Rafael Mandelman, Elisa Marquez, Yvonne Martinez-Beltran, Myrna Melgar, Nathan Miley,
Ray Mueller, Mark Nagales, Peter Ortiz, David Rabbitt, Belia Ramos, Treva Reid,
Carlos Romero, Mary Sackett, Cindy Silva, Aaron Tiedemann, Wanda Williams, Steve Young,
Donald Young (Advisory).

1. Call to Order / Roll Call / Confirm Quorum

President Arreguin called the meeting to order at about 5:24 p.m. Quorum was present.

Present: 21 - Hollingsworth-Adams, Andersen, Arreguin, Bas, Carlson, Eklund, Fife, Fligor, Garcia, Jimenez, Kamei, Mandelman, Martinez-Beltran, Melgar, Miley, Nagales, Ramos, Romero, Sackett, Silva, and Tiedemann

Absent: 13 - Breed, Corzo, Ellenberg, Hillis, Hudson, Lee, Marquez, Mueller, Ortiz, Rabbitt, Reid, Williams, and Young

2. Public Comment

3. Executive Board Announcements

4. President's Report

- 4.a. [23-0633](#) ABAG President's Report for April 20, 2023-ABAG Services to Member Jurisdictions

5. Executive Director's Report

- 5.a. [23-0634](#) Executive Director's Report for April 20, 2023
Andrew Fremier gave the report.

6. Executive Board Consent Calendar

Melgar and Miley joined the meeting.

Upon the motion by Romero and second by Tiedemann, the ABAG Executive Board approved the Consent Calendar. The motion passed unanimously by the following vote:

- Aye:** 19 - Hollingsworth-Adams, Andersen, Arreguin, Bas, Carlson, Eklund, Fife, Fligor, Garcia, Jimenez, Kamei, Martinez-Beltran, Melgar, Miley, Nagales, Ramos, Romero, Sackett, and Tiedemann
- Absent:** 15 - Breed, Corzo, Ellenberg, Hillis, Hudson, Lee, Mandelman, Marquez, Mueller, Ortiz, Rabbitt, Reid, Silva, Williams, and Young

- 6.a. [23-0635](#) Approval of ABAG Executive Board Minutes of March 16, 2023
- 6.b. [23-0636](#) Ratification of Committee Appointments

7. Operating Budget and Work Program

Mandelman joined the meeting.

- 7.a. [23-0637](#) Approval of Resolution No. 11-2023 authorizing the Proposed Fiscal Year (FY) 2023-24 Association of Bay Area Governments (ABAG) Operating Budget and Work Program for referral to the ABAG General Assembly for final review and approval at its annual meeting

Derek Hansel gave the report.

Upon the motion by Arreguin and second by Adams, the ABAG Executive Board forwarded and recommended ABAG General Assembly adoption of ABAG Resolution No. 11-2023--Approval of the Association of Bay Area Governments Fiscal Year 2023-24 Operating Budget and Work Program. The motion passed unanimously by the following vote:

- Aye:** 21 - Hollingsworth-Adams, Andersen, Arreguin, Bas, Carlson, Eklund, Fife, Fligor, Garcia, Jimenez, Kamei, Mandelman, Martinez-Beltran, Melgar, Miley, Nagales, Ramos, Romero, Sackett, Silva, and Tiedemann
- Absent:** 13 - Breed, Corzo, Ellenberg, Hillis, Hudson, Lee, Marquez, Mueller, Ortiz, Rabbitt, Reid, Williams, and Young

8. Adjournment / Next Meeting

President Arreguin adjourned the meeting at about 6:28 p.m. The next regular meeting of the ABAG Executive Board is on May 18, 2023.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	23-0617	Version:	1	Name:	
Type:	Report	Status:		Executive Board Consent	
File created:	4/13/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Authorization to enter into a contract with DiLytics Inc. in an amount not to exceed \$900,000 to provide database development services for Bay Area Regional Energy Network (BayREN) through June 30, 2024				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06b 1 Summary Sheet BayREN Database RFQ v1.pdf 06b 2 Summary Approval BayREN Database RFQ DiLytics v1.pdf				

Date	Ver.	Action By	Action	Result
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Authorization to enter into a contract with DiLytics Inc. in an amount not to exceed \$900,000 to provide database development services for Bay Area Regional Energy Network (BayREN) through June 30, 2024

Jenny Berg

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.b.

Bay Area Regional Energy Network (BayREN)

Subject:

Authorization to enter into a contract with DiLytics Inc. in an amount not to exceed \$900,000 to provide database development services for Bay Area Regional Energy Network (BayREN) through June 30, 2024

Background:

Since 2013, BayREN has implemented a portfolio of energy efficiency programs across the region. The Association of Bay Area Governments (ABAG) serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities.

BayREN currently administers a portfolio of six energy and water efficiency programs:

- Single Family
- Multifamily
- Green Labeling
- Water Upgrades Save
- Commercial
- Codes & Standards

Each program has a designated Program Manager who maintains a separate database housing their program's data. The Program Managers are both internal and external staff. These six isolated datasets require manual, time-intensive processes to display the impacts of multiple programs. This leads to several challenges including heavy administrative burden on individual Program Managers, sub-optimal quality and consistency of reported data, and lack of "scalable" reporting options that clearly identify program impacts at varying levels of granularity.

In addition to the six existing programs, BayREN has proposed launching four new programs beginning in 2024. The California Public Utilities Commission (CPUC) is expected to provide a ruling in mid-/late-2023 that approves or denies BayREN's proposal. If approved, the programs would result in additional datasets.

There is a business reason to create a Data Aggregation and Reporting Tool (DART) as it will provide great efficiency in that it will automatically interact with the six existing databases – and the potential four new datasets – to retrieve data on a predetermined frequency, transform the data into common metrics, and consolidate data from multiple programs into customizable reports. The tool will:

- Enable easy, visual identification of census tracts/areas of high/low market penetration with respect to energy efficiency upgrades.
- Facilitate the layering of reporting data with socio-economic data to aid in program targeting.

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.b.

Bay Area Regional Energy Network (BayREN)

- Enable member jurisdictions to easily identify and communicate BayREN impacts in their jurisdictions.

On February 15, 2023, staff released a Request for Qualifications (RFQ) seeking to identify firms with experience performing discovery; developing, or overseeing the development of databases; providing ongoing support for operations and maintenance; familiarity with energy utility and/or energy efficiency data and operations, geographic information system mapping, and a variety of database applications and structures.

An email advertising the RFQ was sent to 956 firms and individuals. A non-mandatory proposers' conference was held on March 1, 2023; 27 representatives from 13 firms attended.

The procurement included an estimated budget range of \$600 to \$900 thousand. The procurement closed on March 29, 2023. Statements of Qualification (SOQ) were received from the following six firms:

- BPM Advisors, LLC
- California Creative Solutions, Inc.
- DiLytics Inc. (DiLytics)
- Intellectyx, Inc.
- Pariveda Solutions
- Slalom, Inc.

Evaluation Process

The evaluation panel met on April 11, 2023. The following score criteria/weighting was used:

- Experience in desirable qualifications and experience of the personnel assigned to the project (40 points)
- Communications, including clarity, structure, effectiveness, and readability of the qualifications (20 points)
- Reasonableness of rates (20 points)
- Project understanding, approach to project management, and work plan (20 points)

Firms had the opportunity to qualify for an additional 10 points by participating in the Small Business Enterprise (SBE) program.

The evaluation panel reviewed the SOQ and DiLytics received the highest score. DiLytics and the proposed team members have extensive experience with relevant, related projects, and are fully capable of meeting the complex project needs and expectations. The evaluation panel recommended the selection of DiLytics. Below is the scoring summary.

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.b.

Bay Area Regional Energy Network (BayREN)

Proposer	Total (110 possible)
DiLytics	99.25
BPM Advisors, LLC	91.25
Slalom, Inc.	81.75
California Creative Solutions	79.00
Intellectyx, Inc.	76.75
Pariveda Solutions	67.50

The RFQ anticipates work to commence on or about June 1, 2023, and to be completed no later than June 30, 2024. At ABAG's sole option, the contract may be extended for three (3) additional years for work contemplated by the scope of work.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to negotiate and enter into a contract in an amount not to exceed \$900,000 with DiLytics Inc., to provide database development services for BayREN through June 30, 2024.

Attachments:

- A. Summary Approval – BayREN Database RFQ – DiLytics Inc.

Reviewed:



Andrew Fremier

**S U M M A R Y O F E X E C U T I V E B O A R D A P P R O V A L**

Work Item No.:	1721 (NFSN 2307)
Consultant:	DiLytics Inc.
Work Project Title:	BayREN
Purpose of Project:	Implementation of portfolio of energy efficiency programs across the region.
Brief Scope of Work:	Development of a BayREN data aggregation and reporting tool that automatically interacts with the six existing program databases to retrieve data on a predetermined frequency, transform the data into common metrics, and consolidate data from multiple programs into customizable reports.
Project Cost Not to Exceed:	\$900,000
Funding Source:	PG&E (ratepayer funds) as directed by the CPUC
Fiscal Impact:	Funds programmed in FY 2023 & 24 Budgets
Motion by Committee:	The ABAG Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to negotiate and enter into a contract with DiLytics Inc. in an amount not to exceed \$900,000 to provide database development services for BayREN through June 30, 2024.
Executive Board Approval:	Jesse Arreguin, ABAG President
Approval Date:	May 18, 2023



ABAG

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0725 **Version:** 1 **Name:**
Type: Report **Status:** Executive Board Consent
File created: 5/3/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$1,200,000 to provide services for BayREN Business implementation and incentives through December 31, 2023

Sponsors:

Indexes:

Code sections:

Attachments: [06c 1 Summary Sheet BayREN PGE Funding Agreement Amendment v1.pdf](#)
[06c 2 Summary Approval BayREN PGE Funding Agreement Amendment v1.pdf](#)

Date	Ver.	Action By	Action	Result
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Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$1,200,000 to provide services for BayREN Business implementation and incentives through December 31, 2023

Jenny Berg

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.c.

Bay Area Regional Energy Network (BayREN)

Subject:

Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$1,200,000 to provide services for BayREN Business implementation and incentives through December 31, 2023

Background:

Since 2013, the Bay Area Regional Energy Network (BayREN) has implemented a portfolio of energy efficiency programs across the region. The Association of Bay Area Governments (ABAG) serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities. BayREN's programs:

- Build the green workforce.
- Advance the state's goals of:
 - doubling energy efficiency in existing buildings by 2030.
 - reducing emissions from existing buildings by at least 40 percent below 1990 levels by 2030.
 - Achieving 100 percent renewable and zero-carbon retail electricity and becoming entirely carbon neutral by 2045.
- Aid in building local capacity and serving the unique needs of each jurisdiction's residents and businesses.

On May 31, 2018, the California Public Utilities Commission (CPUC) issued Decision (D.) 18-05-041, which among other things, authorized funding for BayREN through 2025, allowed for modifications to the existing portfolio, and increased the portfolio's total and annualized budget. While the CPUC has authorized BayREN funding through 2025, an Annual Budget and Advice Letter (ABAL) – which supersedes D. 18-05-041 – is required to be submitted each year to the CPUC. For calendar years 2022 and 2023, the CPUC has directed program administrators to file a consolidated Biennial Budget Advice Letter (BBAL).

Pacific Gas and Electric Company (PG&E) – as directed by the CPUC – is the fiscal agent for BayREN. The CPUC has allowed PG&E and BayREN to negotiate contract terms independent of the CPUC. ABAG and PG&E currently have a contract for funding through December 2023. The overall BayREN budget is developed each calendar year and the contracts have historically been amended on an annual basis or as needed.

Throughout 2022, the pandemic continued to adversely impact the Bay Area's small and medium business (SMB) sector. Many SMB decisionmakers continued to prioritize operational aspects that aided economic recovery over energy efficiency and renovations. To overcome pandemic related challenges and expand the pool of vendor-driven projects, the BayREN Business program pivoted away from a single-implementer model and began redesigning the

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.c.

Bay Area Regional Energy Network (BayREN)

program to use multiple energy efficiency contractors or “aggregators”. The redesigned program was launched in late November 2022, and within approximately three weeks had subscribed its entire project pipeline. The program focuses on hard-to-reach and SMBs in disadvantaged communities.¹

While project staff continue to evaluate project eligibility and quality control, an additional \$1.2 million is estimated to be needed to meet current levels of demand for the program, including projects that were reserved during late 2022 but have not yet been completed. BayREN has proposed the CPUC augment its 2022-2023 BBAL budget – \$4 million for the commercial program – with \$1.2 million in funding from unspent funds from prior years. If the proposal is approved, an amendment to the ABAG-PG&E funding agreement would be necessary to incorporate the funding.

Issues:

None

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to amend a funding agreement with Pacific Gas and Electric Company in an amount not to exceed \$1,200,000, for a total contracted amount of \$100,212,522, to provide services for BayREN Business implementation and incentives through December 31, 2023.

Attachment:

- A. Summary Approval PG&E BayREN Funding Agreement Amendment

Reviewed:



Andrew B. Fremier

¹ BayREN Business “FLEXmarket” is a partnership of BayREN and Recurve Analytics (Recurve), that uses Recurve’s FLEXmarket platform to identify eligibility based upon business size - as determined by square footage and energy usage – and whether it is “hard to reach” – located in a disadvantaged community; English is not the primary spoken language; has less than 10 employees or “very small” energy usage; or is a leased or rented facility.

**S U M M A R Y O F E X E C U T I V E B O A R D A P P R O V A L**

Work Item No.:	1721 (FSRC 2307 & 2309)
Consultant:	Pacific Gas and Electric Company (PG&E)
Work Project Title:	Bay Area Regional Energy Network (BayREN)
Purpose of Project:	Implement a portfolio of energy and water efficiency programs across the region.
Brief Scope of Work:	BayREN implements a portfolio of energy and water efficiency programs across the region and across multiple sectors. ABAG serves as the program administrator and lead agency. PG&E is BayREN's fiscal agent.
Project Cost Not to Exceed:	Current Contract Amount: \$99,012,522 Amendment Amount: \$1,200,000 Updated Contract Total: \$100,212,522
Funding Source:	PG&E (ratepayer funds) as directed by the CPUC
Fiscal Impact:	Funds programmed in FY 23, 24 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to amend a funding agreement with Pacific Gas and Electric Company in an amount not to exceed \$1,200,000, for a total contracted amount of \$100,212,522, to provide services for BayREN Business implementation and incentives through December 31, 2023.
ABAG Executive Board Approval:	Jesse Arreguin, ABAG President
Approval Date:	May 18, 2023



Metropolitan Transportation Commission

375 Beale Street, Suite 800
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Legislation Details (With Text)

File #: 23-0566 **Version:** 1 **Name:**
Type: Report **Status:** Executive Board Consent
File created: 4/5/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk
Prohibits vehicles from stopping, standing or parking within 20 feet of a marked crosswalk or intersection to improve visibility of bicyclists and pedestrians.

Sponsors:

Indexes:

Code sections:

Attachments: [06d 1 Summary Sheet AB 413 Lee v2.pdf](#)
[06d 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 413 Lee.pdf](#)

Date	Ver.	Action By	Action	Result
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Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk

Prohibits vehicles from stopping, standing or parking within 20 feet of a marked crosswalk or intersection to improve visibility of bicyclists and pedestrians.

Georgia Gann Dohrmann

Support and Seek Amendments / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.d.

Legislation

Subject:

Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk

Background:

On April 14, 2023, the Joint MTC ABAG Legislation Committee received a report on the following state legislation:

- Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk
- Prohibits vehicles from stopping, standing or parking within 20 feet of a marked crosswalk or intersection to improve visibility of bicyclists and pedestrians.
- Staff recommendation: Support and Seek Amendments

At the Joint MTC ABAG Legislation Committee meeting in April staff revised their recommendation on this bill to a “support and seek amendments” position instead of a straight “support” position and the committee unanimously endorsed staff’s recommendation. The amendments would narrow the bill to focus on improving visibility where it is most needed – at vehicular approaches to intersections (vs. at both the approach side and departure side) – and provide an option for local governments to implement context-sensitive daylighting that takes into account individual intersection design and other local context.

Subsequent to staff finalizing the memo on the bill, some of our local jurisdiction partners – including the City and County of San Francisco who is a nationally recognized leader on daylighting – raised legitimate concerns that the bill is overly prescriptive and does not take into account best practices they have identified in implementing daylighting treatments. The intent of staff’s amendment is to address these local concerns and strike the right balance between advancing pedestrian safety, acknowledging the work of cities that have already taken steps to daylight their intersections and supporting flexibility in how cities may achieve the bill’s intended goals of improving safety at intersections.

The Joint MTC ABAG Legislation Committee recommended ABAG Executive Board approval of a support and seek amendments position on AB 413.

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.d.

Legislation

Recommended Action:

The ABAG Executive Board is requested to approve a support and seek amendments position on Assembly Bill 413 (Lee).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

April 14, 2023

Agenda Item 3c

Assembly Bill 413 (Lee): Vehicles: Stopping, Standing and Parking Near a Crosswalk

Subject:

Prohibits vehicles from stopping, standing or parking within 20 feet of a marked crosswalk or intersection to improve visibility of bicyclists and pedestrians.

Background:

Assembly Bill (AB) 413 aims to improve safety for bicyclists and pedestrians by increasing their visibility at marked crosswalks or intersections. Specifically, it would prohibit vehicles from stopping or parking within 20 feet of a marked crosswalk or intersection, a safety measure known as “daylighting.” This measure keeps sight lines clear, so drivers can more easily see if pedestrians, bicyclists, or other non-motorized road users are waiting to cross the street.

Likewise, it allows pedestrians and other non-motorized road users to better spot approaching vehicles without stepping into the street.

The National Association of City Transportation Officials recommends “daylighting” as an important safety measure, and 43 states have already implemented “daylighting” laws.

Several Bay Area cities have led the state in implementing this measure, including San Francisco and Alameda. Los Angeles has also implemented “daylighting” in parts of the city, as have other cities across the country, including New York City, Portland, Oregon, and Hoboken, New Jersey. According to the California Research Bureau, daylighting resulted in 14 percent fewer collisions at intersections in the Tenderloin district in San Francisco. It contributed to a 30 percent decrease in pedestrian injuries in Hoboken, New Jersey.

Recommendation:

Support / ABAG Executive Board Approval

Support / MTC Commission Approval

Discussion:

Traffic safety is a significant transportation challenge globally, nationally, and regionally. MTC, in June 2020, adopted a Regional Safety/Vision Zero Policy (MTC Resolution No. 4400) to “establish a region-wide policy of intent to work with partner agencies to encourage and support actions toward eliminating traffic fatalities and serious injuries in the Bay Area by 2030.”

MTC and ABAG’s Plan Bay Area 2050 implementation plan supports legislative and policy changes that advance the Regional Vision Zero Policy. Our Vision Zero approach is data-driven, so funds and resources are used most effectively. Daylighting is known to improve pedestrian and driver safety by improving visibility. According to the California Research Bureau, daylighting is also a low-cost strategy, which aligns with the Regional Safety/Vision Zero Policy strategy of making the most of limited funding. For these reasons, staff recommends a support position on AB 413.

Known Positions:

Support

Safe Streets for All (sponsor)

AARP

California Bicycle Coalition

City of Fremont

Disability Rights California

Happy City Coalition

Norwalk Unides

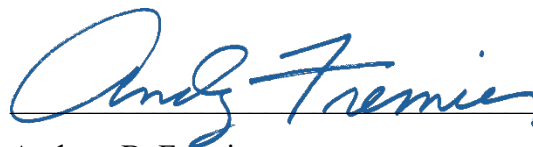
San Diego Bicycle Coalition

Oppose

California Trucking Association

Attachments:

- None



Andrew B. Fremier



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	23-0565	Version:	1	Name:	
Type:	Report	Status:		Executive Board Consent	
File created:	4/5/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Assembly Bill 645 (Friedman): Speed Safety Pilot Program Revised version of legislation MTC supported in 2021 and 2022 (Assembly Bill (AB) 550 (Chiu, 2021) and AB 2336 (Friedman, 2022)) to authorize specified cities to implement five-year pilots to test speed safety cameras, under specific circumstances.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06e 1 Summary Sheet AB 645 Friedman v1.pdf 06e 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 645 Friedman.pdf				

Date	Ver.	Action By	Action	Result
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Assembly Bill 645 (Friedman): Speed Safety Pilot Program

Revised version of legislation MTC supported in 2021 and 2022 (Assembly Bill (AB) 550 (Chiu, 2021) and AB 2336 (Friedman, 2022)) to authorize specified cities to implement five-year pilots to test speed safety cameras, under specific circumstances.

Georgia Gann Dohrmann

Support / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.e.

Legislation

Subject:

Assembly Bill 645 (Friedman): Speed Safety Pilot Program

Background:

On April 14, 2023, the Joint MTC ABAG Legislation Committee received a report on the following state legislation:

- Assembly Bill 645 (Friedman): Speed Safety Pilot Program
- Revised version of legislation MTC supported in 2021 and 2022 (Assembly Bill (AB) 550 (Chiu, 2021) and AB 2336 (Friedman, 2022)) to authorize specified cities to implement five-year pilots to test speed safety cameras, under specific circumstances.
- Staff recommendation: Support

The Joint MTC ABAG Legislation Committee recommended ABAG Executive Board approval of a support position on AB 645.

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve a support position on Assembly Bill 645 (Friedman).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

April 14, 2023

Agenda Item 3b

Assembly Bill 645 (Friedman): Speed Safety Pilot Program

Subject:

Revised version of legislation MTC supported in 2021 and 2022 (Assembly Bill (AB) 550 (Chiu, 2021) and AB 2336 (Friedman, 2022)) to authorize specified cities to implement five-year pilots to test speed safety cameras, under specific circumstances.

Overview:

AB 645, co-authored by Assembly Transportation Committee Chair Laura Friedman and Assemblymember Phil Ting, would authorize Speed Safety System pilot projects in the City and County of San Francisco and the cities of Oakland and San Jose in the Bay Area and the cities of Glendale, Los Angeles, and Long Beach in Southern California. Speed Safety System pilot projects would be limited to operation for five years or January 1, 2032, whichever is sooner.

The bill limits speed safety systems to the following locations:

- Safety corridors (those roadways designated by the local jurisdictions that have the highest number of serious injuries and fatalities), pursuant to AB 43 (Friedman, 2021)
- Streets where local authorities have determined there are a high number of speed contests or motor vehicle exhibitions of speed
- School zones

The bill would cap the number of systems that may be deployed in a given locality depending on its population, though numerical caps are not yet included in the legislation. It would also provide that if after 18 months a speed safety system does not result in *decreased* vehicle speeds and/or speed violations, the system must cease operations. Further, the bill would provide that a speed safety system may not be operated on any California state route, highway, interstate, or any other public road where the “California Highway Patrol has full responsibility and primary jurisdiction for the administration and enforcement of the laws.”

Recommendation:

Support / ABAG Executive Board Approval

Support / MTC Commission Approval

Discussion:

AB 645 is very similar to AB 2336 (Friedman, 2022) and AB 550 (Chiu, 2021), which MTC supported but which did not advance, due to being held in the Appropriations Committee. As noted in our memos on those bills, in a 2017 study, the National Transportation Safety Board found that speed safety cameras resulted in reduced speeding and the likelihood that a crash involved a severe injury or fatality and recommended *all states remove barriers to their use*. According to The National Highway Traffic Safety Administration, a person struck by a vehicle going 23 miles per hour (mph) has a 10 percent chance of dying. That number goes up to 50 percent for vehicles going 42 mph, and 90 percent for vehicles going 58 mph. According to MTC's Vision Zero Action Plan, "reducing speed is a fundamental aspect of the Safe System approach and achieving Vision Zero." An international study cited by the Insurance Institute for Highway Safety (IIHS) found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14 to 65 percent and reduced the risk of crashes resulting in injury or fatality from 11 to 44 percent. Speed safety cameras are currently in use in 150 communities across 16 different states but are still not allowed in California despite their proven track record of saving lives.

Privacy Protections Incorporated into Legislation

Any enforcement policy that involves cameras should have privacy protections built into it. Under AB 645, information collected under the program is restricted to being used only to administer the program itself. Additionally, a local jurisdiction participating in the pilot program must adopt a Speed Safety System Use Policy that clearly details the uses that are authorized and those that are prohibited. The bill further requires adoption of guidelines to ensure adherence to confidentiality requirements and prohibits the use of facial recognition technology.

Use of Violation Revenue

The bill requires that revenue generated from tickets issued as a result of the speed safety cameras be used to administer the program and pay for traffic calming measures. Cities are prohibited from using the revenue to backfill existing expenditures on traffic calming measures, and if traffic calming measures are not planned or constructed within three years, the remaining revenue must be sent to the state for the Active Transportation Program.

Equity Considerations

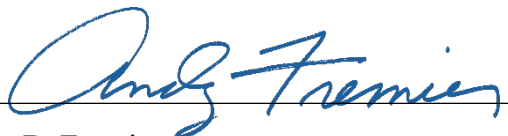
The bill requires that cities in the pilot program approve a Speed Safety System Impact Report prior to implementing the program to examine potential impacts in locations where the system may be deployed, with further analysis required for any locations in predominantly low-income neighborhoods. The bill requires cities to engage with stakeholder organizations including racial equity, privacy protection and economic justice groups, in development of the Impact Report. Lastly, the bill requires that cities participating in the program offer a “diversion program” whereby fines can be paid via a payment plan, the option to enroll in community service in lieu of payment and the establishment of reduced fines and penalties for low-income individuals. Consistent with MTC/ABAG’s 2023 Advocacy Program and Plan Bay Area 2050’s goal to advance the Regional Vision Zero Policy, staff recommends a support position on AB 645.

Known Positions:

No known positions.

Attachments:

- None



Andrew B. Fremier



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	23-0621	Version:	1	Name:	
Type:	Report	Status:		Executive Board Consent	
File created:	4/13/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Assembly Bill 1053 (Gabriel): Multifamily Housing Program (MHP) Construction Loans Allows developers who receive a state MHP award to access the financing before a development's construction phase instead of taking out a more expensive private loan for construction.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06f 1 Summary Sheet AB 1053 Gabriel v2.pdf 06f 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 1053 Gabriel.pdf				

Date	Ver.	Action By	Action	Result
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Assembly Bill 1053 (Gabriel): Multifamily Housing Program (MHP) Construction Loans

Allows developers who receive a state MHP award to access the financing before a development's construction phase instead of taking out a more expensive private loan for construction.

Julie Snyder

Support / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.f.

Legislation

Subject:

Assembly Bill 1053 (Gabriel): Multifamily Housing Program (MHP) Construction Loans

Background:

Because the Joint MTC ABAG Legislation Committee was unable to meet on May 12, 2023, the following legislation is going directly to the ABAG Executive Board:

- Assembly Bill 1053 (Gabriel): Multifamily Housing Program (MHP) Construction Loans
- Allows developers who receive a state MHP award to access the financing before a development's construction phase instead of taking out a more expensive private loan for construction.
- Staff recommendation: Support

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve a support position on Assembly Bill 1053 (Gabriel).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

May 12, 2023

Agenda Item 2b

Assembly Bill 1053 (Gabriel): Multifamily Housing Program Construction Loans

Subject:

Allows developers who receive a state Multifamily Housing Program award to access the financing before a development's construction phase instead of taking out a more expensive private loan for construction.

Background and Bill Provisions:

Under current law, the state Department of Housing and Community Development (HCD) can provide development financing through its Multifamily Housing Program either before a project begins construction ("construction financing") or after construction is finished ("permanent financing"). HCD has chosen to offer only permanent financing, in part to reduce the risk of losing state funds if a project should fail before development is complete. Based on our review, this is extremely rare.

Developments using HCD funding as permanent financing must take out a private loan to pay for construction. Typically, these private loans have higher interest rates than HCD's permanent financing. According to the California Housing Partnership Corporation, making HCD's financing available before construction could save up to \$1 million on a typical \$11 million Multifamily Housing Program loan.

Assembly Bill (AB) 1053 allows developers to choose to take their Multifamily Housing Program loan as construction financing, as permanent financing, or a combination of both.

Recommendation:

Support / ABAG Executive Board Approval

Support / MTC Commission Approval

Discussion:

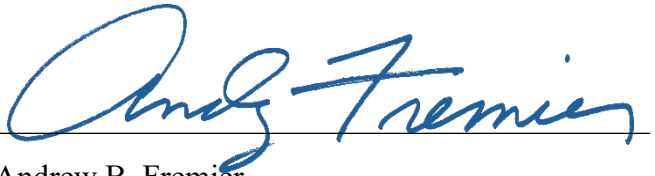
AB 1053's approach is a largely risk-free way to significantly reduce development costs and stretch state funding to produce more affordable homes. For this reason, staff recommends a support position.

Known Positions:

See attachment.

Attachments:

- Attachment A: Known Positions


Andrew B. Fremier

Known Positions - Assembly Bill 1053 (Gabriel)

as of April 19, 2023

Support

California Coalition for Rural Housing (Sponsor)

California Housing Partnership Corporation (Sponsor)

A Community of Friends

All Home

California Housing Consortium

Community Corporation of Santa Monica

Community Housing Improvement Program

Community HousingWorks

Danco Communities

EAH Housing

East Bay Asian Local Development Corporation

Housing Authority of the City of Santa Barbara

Merritt Community Capital Corporation

MidPen Housing Corporation

Non-Profit Housing Association of Northern California

Resources for Community Development

San Diego Housing Federation

San Francisco Housing Accelerator Fund

San Joaquin Valley Housing Collaborative

Self Help Enterprises

Urban Counties of California

Wakeland Housing and Development Corporation

Opposition

None known.



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #: 23-0726 **Version:** 1 **Name:**

Type: Report **Status:** Executive Board Consent

File created: 5/3/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Authorization to accept \$909,800 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program

Sponsors:

Indexes:

Code sections:

Attachments: [06g 1 Summary Sheet Estuary Blueprint BIL_YR2 v1.pdf](#)
[06g 2 Summary Approval Estuary Blueprint BIL_YR2 v1.pdf](#)

Date	Ver.	Action By	Action	Result
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Authorization to accept \$909,800 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program

Caitlin Sweeney

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.g.

San Francisco Estuary Partnership

Subject:

Authorization to accept \$909,800 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program

Background:

The San Francisco Estuary Partnership (SFEP) is one of 28 programs mandated under Section 320 of the Clean Water Act, the National Estuary Program (NEP). The Bipartisan Infrastructure Investment and Jobs Act passed by Congress in November 2021 included \$132 million for the National Estuary Program over five years. The funding will be allocated through the US EPA to each of the 28 National Estuary Programs for implementation of Comprehensive Conservation and Management Plans, known as the Estuary Blueprint for the San Francisco Estuary. Funding for the San Francisco Estuary Partnership for federal FY 23-24 is expected to be \$909,800.

Issues:

None

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, to enter into a funding agreement with the U.S. Environmental Protection Agency on behalf of the Association of Bay Area Governments and the San Francisco Estuary Partnership in an amount of \$909,800 to implement the San Francisco Estuary Blueprint under the National Estuary Program.

Attachments:

- A. Summary Approval

Reviewed:



Andrew Fremier

**S U M M A R Y O F E X E C U T I V E B O A R D A P P R O V A L**

Work Item No.:	1720
Funder:	United States Environmental Protection Agency
Work Project Title:	Estuary Blueprint Implementation
Purpose of Project:	Implement the Comprehensive Conservation and Management Plan for San Francisco Estuary, known as the San Francisco Estuary Blueprint
Brief Scope of Work:	Program development and project implementation to advance the Estuary Blueprint.
Project Cost Not to Exceed:	\$909,800
Funding Source:	Bipartisan Infrastructure Investment and Jobs Act funding through the U.S. Environmental Protection Agency
Fiscal Impact:	Funds to be programmed into FY 2023-24 and will be programmed in the FY24-25 and FY 25-26 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, to enter into a funding agreement with the U.S. Environmental Protection Agency on behalf of the Association of Bay Area Governments and the San Francisco Estuary Partnership in an amount up to \$909,800 to implement the San Francisco Estuary Blueprint under the National Estuary Program.
ABAG Executive Board Approval:	Jesse Arreguin, ABAG President
Approval Date:	May 18, 2023



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0772 **Version:** 1 **Name:**

Type: Report **Status:** Executive Board Consent

File created: 5/12/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans

Sponsors:

Indexes:

Code sections:

Attachments: [06h 1 Summary Sheet AB 1335 Zbur v1.pdf](#)
[06h 2 Attachment Jont MTC ABAG Legislation Summary Sheet AB 1335 Zbur.pdf](#)

Date	Ver.	Action By	Action	Result
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Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans

Georgia Gann Dohrmann

Oppose / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 6.h.

Legislation

Subject:

Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans

Background:

Because the Joint MTC ABAG Legislation Committee was unable to meet on May 12, 2023, the following legislation is going directly to the ABAG Executive Board:

- Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans
- Prescribes new population forecasting methodology for the regional transportation plan (RTP)/sustainable communities' strategies (SCS).
- Staff recommendation: Oppose / ABAG Executive Board Approval

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve an oppose position on Assembly Bill 1335 (Zbur).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission
Joint MTC ABAG Legislation Committee

May 12, 2023

Agenda Item 3d

Assembly Bill 1335 (Zbur): Population Forecasting for Long Range Plans

Subject:

Prescribes new population forecasting methodology for the regional transportation plan (RTP)/sustainable communities' strategies (SCS).

Background:

Regional Transportation Plan/Sustainable Communities Strategy Background

An RTP/SCS is a long-range transportation and land use planning document. Federal law requires that metropolitan planning organizations (MPOs) update their RTP – a federally mandated long-range transportation plan – every four or five years (in the Bay Area, the update is required every four years). Since 2008, state law (Senate Bill (SB) 375, Steinberg) has mandated that each MPO's RTP also include an SCS, an integrated transportation and land use strategy to reduce greenhouse gas emissions from cars and light duty truck travel, including planning for adequate housing to accommodate projected population growth. MTC and ABAG jointly develop and approve the SCS; the Bay Area's most recently adopted RTP/SCS is Plan Bay Area 2050.

One of the key components of Plan Bay Area 2050 is a Regional Growth Forecast, which is a projection of how much the Bay Area's population, jobs, and housing are expected to grow through the year 2050. In projecting population growth, the forecasting process considers factors such as housing-supportive policies, employment growth, new transportation patterns, and other policy interventions which can affect population trends. These interventions are aligned with state and regional policy goals tied to the SCS (climate, housing affordability, etc.). The forecast includes housing for all projected households plus the number of units that would be needed to house the increased number of workers estimated to otherwise commute into the region, consistent with state law.

Regional Housing Needs Assessments and the RTP/SCS

SB 375 also integrated transportation and housing planning processes by synchronizing the regional housing needs allocation (RHNA) and RTP/SCS schedules and requiring that the SCS identify areas within the region sufficient to house the eight-year projection of regional housing need (also called the regional housing needs determination (RHND)). Further, SB 375 required that the Department of Housing and Community Development (HCD) in developing the RHND consider both the RTP/SCS regional growth forecast *and* Department of Finance (DOF) population projections, though in practice HCD typically defaults to relying on the DOF projections.

State housing law further requires consistency between the distribution of the RHND to cities, towns and counties (i.e., RHNA) and the development pattern in the RTP/SCS (which is finalized first). Notably, these two planning processes seek to address the housing needs over different time horizons. For example, Plan Bay Area 2050 has a planning horizon of 2050, while the current RHNA cycle covers an eight-year period from 2023 to 2031. MTC/ABAG in Plan Bay Area 2050 achieved this consistency by ensuring that planned growth for the region, as well as planned growth at a more localized (county and sub-county) level was greater in the long-range plan than over the eight-year RHNA cycle.

AB 1335 Summary

AB 1335 would establish DOF population projections as the default baseline for the Regional Growth Forecast in future RTP/SCSs, applicable to the next update of Plan Bay Area. Specifically, the bill requires that the SCS portion of an RTP be based on 1) population projections produced by the DOF and 2) the regional population forecasts used in determining the eight-year RHNA. This would replace the current approach where MTC/ABAG (and other regions) develop a Regional Growth Forecast for the RTP/SCS. The bill *does not* propose to change state housing law, which requires that regional housing needs determinations are developed based on projections by DOF *and* Regional Growth Forecasts in the RTP/SCS, creating an inconsistency in statute.

AB 1335 would also require local governments to include in their housing element progress reports an update on how the jurisdiction is aligning its land use strategies with those in the applicable SCS.

Recommendation:

Oppose / ABAG Executive Board Approval

Oppose / MTC Commission Approval

Discussion

While we understand that the intent of the bill is to align the SCS and RHNA and support state housing goals, staff has several substantive concerns with AB 1335. First, state transportation planning law and state housing law already require alignment, so we do not believe this bill is necessary. Second, we are concerned that the bill would undercut our ability to incorporate strategies that advance specific policy goals (climate, housing affordability, etc.) into our Regional Growth Forecast, creating a disconnect between our policies and our growth forecasts. DOF population projections – in contrast to regional growth forecasts – are developed based solely on past trends and exclude policy changes such as those in Plan Bay Area 2050.

Further, we believe the bill would have the unintended consequence of substantially *reducing* planned growth; in the Bay Area, **using the DOF projections would have roughly halved** the amount of planned housing in Plan Bay Area 2050, making it harder to achieve state climate and housing goals and more difficult to justify future enhancements to the regional transportation network, which are deemed necessary based on our own projected changes in population. Lastly, we have technical concerns regarding implementation.

We appreciate that the author's office and bill sponsor have met with us numerous times and shared openness to addressing several of these concerns. However, we have not – to date – been able to identify a compromise. Given the significance of the Regional Growth Forecast to MTC and ABAG's work and the severity of our concerns, staff recommends an "oppose" position on AB 1335.

Known Positions

Support

Abundant Housing LA (sponsor)

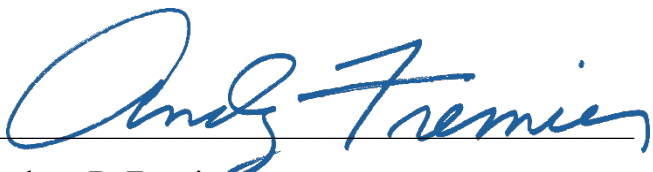
Oppose

California Building Industry Alliance

Southern California Association of Governments

Attachments:

none


Andrew B. Fremier



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #: 23-0626 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 4/13/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Report on ABAG Administrative Committee Meetings of April 14, 2023 and May 12, 2023

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Report on ABAG Administrative Committee Meetings of April 14, 2023 and May 12, 2023

Jesse Arreguin

Information



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Legislation Details (With Text)

File #: 23-0627 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 4/13/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Report on Joint MTC ABAG Legislation Committee Meetings of April 14, 2023 and May 12, 2023

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Report on Joint MTC ABAG Legislation Committee Meetings of April 14, 2023 and May 12, 2023

Jesse Arreguin

Information



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #: 23-0567 **Version:** 1 **Name:**

Type: Report **Status:** Executive Board Approval

File created: 4/5/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Senate Bill 532 (Wiener): Local Ballot Measure Labels
Provides option for local bonds and other tax measures to provide details via the voter guide instead of on the ballot label, with transparency safeguards.

Sponsors:

Indexes:

Code sections:

Attachments: [08b 1 Summary Sheet SB 532 Weiner v1.pdf](#)
[08b 2 Attachment Joint MTC ABAG Legislation Summary Sheet SB 532 Wiener.pdf](#)

Date	Ver.	Action By	Action	Result
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Senate Bill 532 (Wiener): Local Ballot Measure Labels

Provides option for local bonds and other tax measures to provide details via the voter guide instead of on the ballot label, with transparency safeguards.

Julie Snyder

Support / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 8.b.

Legislation

Subject:

Senate Bill 532 (Wiener): Local Ballot Measure Labels

Background:

On April 14, 2023, the Joint MTC ABAG Legislation Committee received a report on the following state legislation:

- Senate Bill 532 (Wiener): Local Ballot Measure Labels
- Provides option for local bonds and other tax measures to provide details via the voter guide instead of on the ballot label, with transparency safeguards.
- Staff recommendation: Support / ABAG Executive Board Approval

The Joint MTC ABAG Legislation Committee recommended ABAG Executive Board approval of a support position on SB 532.

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve a support position on Senate Bill 532 (Weiner).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

April 14, 2023

Agenda Item 3e

Senate Bill 532 (Wiener): Local Ballot Measure Labels

Subject:

Provides option for local bonds and other tax measures to provide details via the voter guide instead of on the ballot label, with transparency safeguards.

Background:

In California, measures going before voters are summarized in a 75-word “ballot label” that appears next to “yes” or “no.” For local measures that impose or increase a tax, state legislation passed in 2015 requires the ballot label to outline the tax rate, duration and expected revenue (Assembly Bill (AB) 809, Obernolte). A subsequent bill by the same author expanded the statute to apply to local bond measures (AB 195, Statutes of 2017), which would include a future regional housing bond measure placed on the ballot by the Bay Area Housing Finance Authority. Though the focus of the legislation was to increase transparency, the new requirements can result in misleading information about the cost of a bond to property owners given the actual cost is determined by a range of factors including interest rates and the pace of bond issuances, which are not known when the ballot label is finalized. Importantly, when combined with the 75-word limit for ballot labels, the required statement can consume most of the 75-word limit, leaving little room to outline how the funds will be spent. For tiered tax rates with multiple rate categories, even a simple description of the rates can consume all the space.

Senate Bill (SB) 532 attempts to address these concerns by providing an alternate approach for proponents of a local bond or tiered tax measure. Specifically, instead of describing the rate on the ballot label itself, this option would allow the label to direct voters to “See voter guide for measure information statement.” The voter guide would be required to include all the tax rate, duration and expected revenue information and additional details about factors affecting the tax rate and the measure’s expected public benefits. SB 532 requires a local jurisdiction to select this option to specify the reasons for doing so in the resolution calling for the election.

Recommendation:

Support / ABAG Executive Board Approval

Support / MTC Commission Approval

Discussion:

SB 532 is timely for the Bay Area, with a regional housing bond anticipated to be on the November 2024 ballot and a future transportation measure also under development. The bill's approach ensures voters have access to more accurate and complete information than under current law, while also providing additional space for proponents of local bonds or tiered tax measures to describe the proposed uses of the funds. Polling results suggest this additional information can have a material impact on voters' willingness to support local bond and tax measures. According to the author, local agencies considering bonds or other revenue measures have seen support for the proposals drop by 5 to 15 percentage points in polls when the new Elections Code ballot label requirements are included. The polling shows this change does not reflect a change in voters' beliefs but rather is a result of confusion. The expanded explanations allowed under SB 532 related to how much a measure will cost the voter as well as how the proceeds will be spent would provide voters with a much clearer overview of the costs and benefits of these measures. For these reasons, staff recommends a support position on SB 532.

Known Positions:

Support

Nonprofit Housing Association of Northern California (co-sponsor)
Coalition for Adequate School Housing (co-sponsor)
Association of Federal State County and Municipal Employees, CA
Association of California Construction Managers
Association of California Healthcare Districts
Association of California School Administrators
California Housing Partnership Corporation
California Special Districts Association
California State Association of Counties
California State Council of Service Employees International Union
Community College Facility Coalition
Corona Norco Unified School District
Mayor London Breed - City & County of San Francisco
Mayor Todd Gloria - City of San Diego

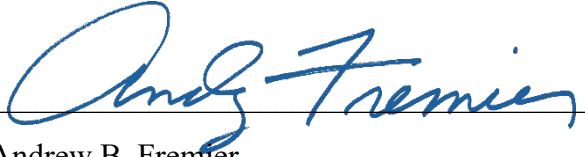
Mayor Matt Mahan - City of San José
Mayor Sheng Thao - City of Oakland
Riverside Community College District
San Diego Housing Federation
San Diego Unified School District
Santa Clara Valley Water District
School Energy Coalition
Small School Districts' Association
SV@home
Urban Counties of California

Oppose

California Association of Realtors
California Taxpayer's Association
Howard Jarvis Taxpayer's Association
Livable California
Mission Street Neighbors
Orange County Realtors

Attachments:

None



Andrew B. Fremier



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	23-0618	Version:	1	Name:	
Type:	Report	Status:		Executive Board Approval	
File created:	4/13/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform AB 817 would expand remote-meeting options for non-decision-making local legislative bodies, including advisory boards, that do not take final action on legislation, regulations, contracts, licenses, permits, or other entitlements.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	08c 1 Summary Sheet AB 817 Pacheco v2.pdf 08c 2 Attachment Joint MTC ABAG Legislation Summary Sheet AB 817 Pacheco.pdf				

Date	Ver.	Action By	Action	Result
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Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform

AB 817 would expand remote-meeting options for non-decision-making local legislative bodies, including advisory boards, that do not take final action on legislation, regulations, contracts, licenses, permits, or other entitlements.

Georgia Gann Dohrmann

Support / ABAG Executive Board Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 8.c.

Legislation

Subject:

Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform

Background:

Because the Joint MTC ABAG Legislation Committee was unable to meet on May 12, 2023, the following legislation is going directly to the ABAG Executive Board:

- Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform
- Expands remote meeting options for non-decision-making local legislative bodies – including advisory boards – that do not take final action.
- Staff recommendation: Support / ABAG Executive Board

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve a support position on Assembly Bill 817 (Pacheco).

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

**Metropolitan Transportation Commission
Policy Advisory Council**

May 12, 2023

Agenda Item 3c

Assembly Bill 817 (Pacheco): Brown Act Teleconferencing Reform

Subject:

Expands remote meeting options for non-decision-making local legislative bodies – including advisory boards – that do not take final action.

Background:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a local legislative body be open to the public and that all persons be permitted to attend, unless a closed session is authorized. The law for decades has provided for the option of teleconferencing, so long as each teleconferenced location is posted in the meeting agenda; the agenda is posted outside the teleconference location; the teleconference location is open to the public; and at least a quorum of the legislative body participates from locations within the boundaries of its jurisdiction.

With the onset of the COVID-19 pandemic, local legislative bodies struggled to conduct their meetings in compliance with the requirements of the Brown Act while still abiding by stay-at-home orders. In response, Governor Newsom issued executive orders and Assembly Bill (AB) 361 (Rivas, 2020) was enacted providing that while a state of emergency was in place, local legislative bodies could hold meetings remotely without providing notice of, or public access to, the remote location (i.e., homes). AB 361 extended public accessibility and transparency by, among other items, requiring the opportunity for the public to join via telephone or video conference.

On February 28, 2023, the state-issued COVID-19 State of Emergency ended, which impacted legislative bodies' ability to conduct remote meetings utilizing AB 361. A 2022 bill, AB 2449 (Rubio) does allow local agencies to hold remote public meetings without identifying each teleconference location and without making each location accessible to the public, but only if a quorum of the legislative body participates from a *single physical location open to the public*. Notably, this alternative can only be used under limited circumstances and is challenging to utilize in conjunction with the more general teleconferencing option.

AB 817 Overview

AB 817 (Pacheco) would provide that “subsidiary bodies” – which the bill defines as a body that serves exclusively in an advisory capacity and does not take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements – may *indefinitely* use alternative teleconferencing provisions similar to the emergency provisions, so long as the legislative body that established the subsidiary body makes specified findings and votes every 12 months to allow for remote meetings. Specifically, subsidiary bodies may meet remotely without posting the location of each member and without regard to where participants are located to meet current law’s quorum requirements, so long as the bodies comply with the following:

- Subsidiary bodies meeting remotely must ensure the public may hear and visually observe the meeting and address the subsidiary body, including through providing public comment in real time.
- Members of the subsidiary body must participate through both audio and visual technology.
- Meetings must be noticed as otherwise required by the Brown Act, except that physical locations do not need to be posted and instead the notice must include information about how members of the public may access the meeting and offer public comment.

While some public agencies have been interested in restoring the broad flexibility to meet entirely remotely as was allowed during the state of emergency, there is significant resistance to this among the Legislature. This “compromise” bill – which is co-sponsored by the League of California Cities, California Association of Recreation and Parks Districts, California Association of Counties, Urban Counties of California and Rural Counties of California – would retain the requirement that *decision-making bodies* (including MTC, the ABAG Executive Board, city councils and boards of supervisors) meet either in person or in compliance with current law’s teleconference requirements.

For MTC and ABAG, committees that would likely be eligible under AB 817 to take advantage of this flexible remote meeting option include:

- Policy Advisory Council (and subsidiary committees)
- Partnership Board
- ABAG Housing Committee
- ABAG Regional Planning Committee
- Advancing California Finance Authority Credit Committee
- Bay Area Housing Finance Authority Advisory Committee

Some standing committees are not listed above, such as the Joint MTC/ABAG Legislation Committee and the Clipper Executive Board (CEB), as there is some ambiguity as to whether they qualify as a subsidiary body. Further evaluation is needed before staff can make a final determination.

Recommendation:

Support / ABAG Executive Board Approval

Support / MTC Commission Approval

Discussion

MTC/ABAG's 2023 Advocacy Program supports Brown Act reform to provide long-term flexibility for regional and multi-jurisdictional agencies to conduct business remotely as a means of increasing board member, advisory council and public participation.

While AB 817 does not extend remote meeting options to all regional and multi-jurisdictional agency meetings, staff's assessment is that it threads the needle between maintaining the transparency and accountability spirit of the Brown Act – a priority for decisionmakers in Sacramento – while expanding options for remote participation where it is most critical, namely with advisory bodies. This is a politically viable approach that could help retain the uptick in civic engagement made possible during the COVID emergency. Additionally, remote meetings make it possible for a more diverse and representative cross sector of the Bay Area public to serve on our various advisory bodies. Members of MTC's Policy Advisory Council have shared the significant challenges they face participating in person or under current law's "open meeting"

requirements for teleconferencing. Last month, the Policy Advisory Council approved a motion recommending MTC support the bill (see Attachment A).

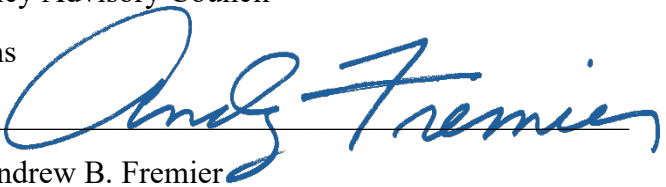
For these reasons, staff recommends a “support” position on AB 817.

Known Positions

See Attachment B

Attachments:

- Attachment A: Memo from MTC’s Policy Advisory Council
- Attachment B: AB 817 Known Positions



Andrew B. Fremier



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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WEB www.mtc.ca.gov

Memorandum

To:

Metropolitan Transportation Commission (MTC)

From:

MTC Policy Advisory Council Chair Randi Kinman

CC:

MTC Policy Advisory Council Members

Date:

April 12, 2023

Work Item Number:

1114

Regarding:

Assembly Bill (AB) 817 (Pacheco): Brown Act Teleconferencing Reform

Summary:

At its Wednesday, April 12, 2023 meeting, the Policy Advisory Council received a report from Rebecca Long, Director of Legislation and Public Affairs, providing an update on legislative efforts to reform the Ralph M. Brown Act, known colloquially as “California’s sunshine law for local government.”

Councilmember Adina Levin suggested that the Council vote on the statement below, which passed unanimously with 19 “ayes” (including all the Councilmembers present).

Council Statement to Metropolitan Transportation Commission:

“The Commission should support AB 817 – The Brown Act Teleconferencing Reform” bill.

Regards,

A handwritten signature in black ink that reads "Randi Kinman".

Randi Kinman, Council Chair

Known Positions - Assembly Bill 817 (Pacheco)

as of April 25, 2023

Support

California Association of Recreation and Parks Districts [CO-SPONSOR]

California State Association of Counties [CO-SPONSOR]

League of California Cities [CO-SPONSOR]

Rural County Representatives of California [CO-SPONSOR]

Urban Counties of California [CO-SPONSOR]

AARP

Association of California School Administrators

Association of California Healthcare Districts (ACHD)

Bay Area Air Quality Management District

Bet Tzedek

CA In-home Supportive Services Consumer Alliance

California Air Pollution Control Officers Association

California Association of Councils of Governments

California Association of Public Authorities for Ihss

California Commission on Aging

California Municipal Utilities Association (CMUA)

City and County Association of Governments of San Mateo County

City Clerks Association of California

City of Bell

City of Belmont

City of Carlsbad

City of Downey

City of Mountain View

City of Norwalk

City of Redwood City
City of San Marcos
City of Thousand Oaks
City of West Hollywood
City of Winters
City of Woodland
Civicwell (formally the Local Government Commission)
Conejo Recreation and Park District
Contra Costa County
Contra Costa County Advisory Council on Aging
County of Monterey County of Santa Barbara
County of Santa Cruz
County of Yolo
Democracy Winters
Disability Rights California
Fair Oaks Recreation & Park District
Hand in Hand: the Domestic Employers Network
Homebridge
Justice in Aging
Lake Cuyamaca
Livermore Area Recreation and Park District
Los Angeles County Division, League of California Cities
Los Angeles County Sanitation Districts
Peninsula Traffic Congestion Relief Alliance (COMMUTE.ORG)
Placer Independent Resource Services
Regional Climate Protection Authority
Rim of The World Recreation and Park District
Sacramento Area Council of Governments

San Carlos; City of

San Diego; County of

San Mateo County Board of Supervisors

Santa Barbara County Association of Governments

Santa Cruz County Board of Supervisors

Sonoma Clean Power

Sonoma County Transportation Authority

Thousand Oaks; City of

Village Movement California

Yolo County In-home Supportive Services Advisory Committee

Opposition

ACLU California Action

Cal Aware

California Broadcasters Association

California News Publishers Association

First Amendment Coalition

Howard Jarvis Taxpayers Association (HJTA)

Leadership Council for Justice and Accountability

National Press Photographers Association

Nlgja: Association of LGBTQ+ Journalists

Northern California Society of Professional Journalists

Radio Television Digital News Association

San Diego Pro Chapter of The Society of Professional Journalists

Society of Professional Journalists, Greater Los Angeles Chapter

Society of Professional Journalists, Northern California Chapter



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #: 23-0773 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 5/12/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Fiscal Year (FY) 2023-24 State Budget Update

Sponsors:

Indexes:

Code sections:

Attachments: [08d 1 Summary Sheet State Budget Update v1.pdf](#)
[08d 2 Attachment Joint MTC ABAG Legislation Summary Sheet Fiscal Year 2023-](#)
[08d 3 Attachment Joint MTC ABAG Legislation Lagislation A 4-25-](#)

Date	Ver.	Action By	Action	Result
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Fiscal Year (FY) 2023-24 State Budget Update

Rebecca Long

Information

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 8.d.

Legislation

Subject:

Fiscal Year (FY) 2023-24 State Budget Update

Background:

Because the Joint MTC ABAG Legislation Committee was unable to meet on May 12, 2023, the following is going directly to the ABAG Executive Board:

- Fiscal Year (FY) 2023-24 State Budget Update
- Update on FY 2023-24 State Budget Negotiations, including an overview of the May Revise and advocacy related to transit operating assistance.
- Staff recommendation: Information

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

Information

Attachments:

- A. Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Andrew Fremier

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

May 12, 2023

Agenda Item 3a

Fiscal Year (FY) 2023-24 State Budget Update

Subject:

Update on FY 2023-24 State Budget Negotiations, including an overview of the May Revise and advocacy related to transit operating assistance.

Summary:

State budget negotiations are heating up this month. On April 26, Senate Democrats released their FY 2023-24 budget blueprint, the “Protect our Progress” plan available at this [link](#). This plan is a response to the Governor’s January Budget. It stakes out the Senate Democratic caucus’ priorities for the upcoming budget year. Notably, the Protect our Progress plan would reject the Governor’s proposed cuts to transportation capital programs that were included in last year’s transportation package, including rejecting proposed cuts to the Transit and Intercity Rail Capital Program (TIRCP). Encouragingly, the plan also includes the following **new** Senate proposal:

“Sets expectation of working with stakeholders, Assembly, and the Administration in establishing local flexibility opportunities with various transportation funding streams to assist transit agencies with operations expenses. This will be paired with reform and accountability measures and will serve as a bridge until additional long-term operations funding can be established. Critical infrastructure projects will be identified and protected in these discussions.”

Senator Wiener released an updated transit operations budget request letter in anticipation of this budget proposal (Attachment A) reiterating the request that this year’s budget “support our public transit systems with transit operating assistance so they can continue providing the essential service of moving Californians around our communities and across the state.” His letter also outlined a suite of revenue options and policy changes – aligned with those endorsed by the California Transit Association and MTC – to meet the statewide funding need.

On April 27, the Senate Budget Subcommittee No. 5 held a hearing that included a discussion of the transit fiscal cliff. At the hearing Chair Durazo expressed her support for addressing the problem and an interest in reforms aimed at attracting back riders. Representatives of the Administration also stated that this is a major issue that needs to be solved. The Legislative Analyst's Office presented a handout that detailed the challenges facing transit agencies and offered a high-level overview of options available to the Legislature to address the shortfall, inclusive of options endorsed by the California Transit Association and MTC. The handout is available at this [link](#).

As it relates to housing, the Protect our Progress plan would restore cuts to housing and homelessness programs that were proposed in the January budget. It would also newly provide \$1 billion in *ongoing* funding to the Homeless Housing, Assistance and Prevention (HHAP) program, which provides local governments with funding to support regional coordination and expand or develop local capacity to address homelessness challenges.

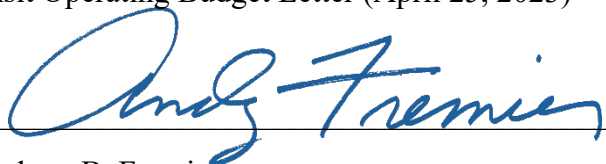
Given the May Revise may not be released until the day of the committee meeting, staff will provide a verbal update with any late breaking news.

Recommendation:

Information

Attachments:

- Attachment A: Senator Wiener Transit Operating Budget Letter (April 25, 2023)



Andrew B. Fremier

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California State Senate

SENATOR
SCOTT WIENER

威善高

ELEVENTH SENATE DISTRICT



MENTAL HEALTH CAUCUS
CHAIR
LEGISLATIVE JEWISH CAUCUS
CO-CHAIR
COMMITTEES:
HOUSING
CHAIR
APPROPRIATIONS
GOVERNANCE & FINANCE
HEALTH
JOINT RULES
JUDICIARY
LEGISLATIVE ETHICS
PUBLIC SAFETY
SELECT COMMITTEE ON
BAY AREA PUBLIC TRANSIT
CHAIR
SELECT COMMITTEE ON
MENTAL HEALTH & ADDICTION
CHAIR

April 25, 2023

The Honorable Gavin Newsom
Governor of the State of California

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate

The Honorable Nancy Skinner
Chair, Senate Budget Committee
California State Senate

The Honorable María Elena Durazo
Chair, Budget Subcommittee No. 5
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

The Honorable Phil Y. Ting
Chair, Assembly Budget Committee
California State Assembly

The Honorable Steve Bennett
Chair, Budget Subcommittee No. 3
California State Assembly

Re: State Budget Funding to Avoid Public Transportation Fiscal Cliff

Dear Governor Newsom, Pro Tempore Atkins, Speaker Rendon, Senator Skinner,
Assemblymember Ting, Senator Durazo, and Assemblymember Bennett,

After months of diligent stakeholder engagement and building a large coalition of transit advocates, policy experts, and other stakeholders to identify solutions to challenges transit agencies are facing, I am proud to submit this updated and detailed budget request (supplementing our previously submitted request) to support our public transit systems with transit operating assistance so they can continue providing the essential service of moving Californians around our communities and across the state.

California's transit agencies are facing major funding shortfalls — in some cases, as early as this coming year — that will knee cap their ability to maintain service for Californians, including our most vulnerable, transit-reliant residents. **The state budget must provide desperately needed transit operations bridge funding to help agencies avoid these shortfalls as federal emergency funding ends and as agencies' fare revenue continues to recover. The budget must also provide flexibility of funds to help our transit systems through this difficult time.**

Transit systems across California are at risk of drastic service cuts due to large near-term operating budget shortfalls precipitated by slower than expected ridership recovery, inflation-driven increases in operating and capital costs, and the exhaustion of federal relief funds.

In the absence of new state funding to address these budget shortfalls, many agencies may soon be forced to implement major service cuts. If transit service becomes less frequent, and thus less attractive to riders, these potential cuts would result in further ridership and revenue losses, which would necessitate still more service cuts. Additionally, some agencies may need to increase fares or slow down much needed capital projects.

Failing to provide public transit agencies with operating funding support, as they continue to recover and stabilize operations from pandemic ridership declines, is not a viable option for California. The resulting service cuts would lead to fewer mobility options for Californians and increased driving, congestion, and greenhouse gas emissions, thus undermining our shared equity, access, mobility, and climate goals.

Our public transportation systems have faced their share of difficulties — both longstanding and new — since the onset of the pandemic. Near-term operations funding from the state will help provide agencies with time to identify long-term, sustainable funding and operational models that will improve transit service and protect against future service declines.

Recognizing the difficult budget outlook that the state is facing for Fiscal Year 2023-24, The California Transit Association has, through its Transit Operations Funding Subcommittee and through a unanimous vote of its Association's leadership the week of April 16, identified its state funding request and policy recommendations to address the near-term operating deficits faced by California transit agencies. I support the Association's funding request:

Provide \$5.15 billion in multi-year funding over five years for transit operations from a collection of state funding sources that have historically supported transit capital and operations.

- **An Additional Appropriation of Revenue from Sales Tax on Diesel Fuel (\$1.35B from FY 24 - 28)**
- **An Additional Appropriation of Unallocated Cap and Trade Revenue (\$2.5B from FY 24 - 28)**
- **The Conversion of Transit Capital Funding to Transit Operations Funding (\$300M in FYs 27 & 28)**
- **Flexibility to Use Transit Capital Funding for Transit Operations (Up to \$1B in FY 24 - 28): The adopted FY 23 budget commits \$4 billion in General Fund revenue in FYs 2023-24 and 2024-25 for transit capital projects, to be distributed to regions via a population-based formula. The Governor's proposed FY 24 budget proposes to reduce that commitment by \$2 billion. This \$2 billion reduction should be reversed in the state budget.**

Additionally, the state should maintain existing flexibility in the State Transit Assistance-State of Good Repair Program and Expand Flexibility in the Low Carbon Transit

Governor Newsom, Pro Tempore Atkins, Speaker Rendon, Senator Skinner,
Assemblymember Ting, Senator Durazo, and Assemblymember Bennett
April 25, 2023
Page 3

Operations Program through FY 28. The general fund impact of the above request is limited - it would only result in a \$213 million reduction to General Fund revenue in FY 24.

Because the above request would not fully meet the statewide need for the transit agencies, in addition to the California Transit Association's request, I also believe the state should explore additional opportunities for flexible state and federal sources to address capital and operations expenses. **Specifically, the state could explore an increase to the Transportation Improvement Fee for higher-valued vehicles. Also, to better align statewide transportation spending with our climate goals, I support a limited term redirection of a portion of California's increase in federal highway funding to mitigate serious potential cuts for transit agencies.** Because California is receiving over \$1 billion annually more than anticipated in federal highway funds, there's plenty of highway funding to support this flexibility. This approach is consistent with President Biden's fiscal year 2024 Budget, which "encourages States to support their transit systems by transferring available Federal-Aid Highway funding for transit operating needs" (page 110 of the [President's FY 24 Budget](#)). This shift could be scaled to ensure that an increased level of funding for highway programs remains, while ensuring that California continues to meet its SB1 Roadway Asset management targets.

I understand the state is projecting a budget shortfall and that the options presented above represent difficult choices and tradeoffs. However, allowing the state's transit systems to unravel would have long-term, possibly irreversible, devastating impacts on California's transportation system and climate goals. Transit is not optional — it is an essential service for millions of Californians as they go about their daily lives, whether going to work, school, home, doctor's appointments, grocery shopping, or any other number of trips. Transit is also an essential tool in meeting the ambitious goals that science and our constituents demand to reduce our greenhouse gas emissions and avoid increased traffic congestion.

Thank you for considering this request. If you have any questions, please do not hesitate to contact me or have your staff reach out to Raayan Mohtashemi on my staff at (916) 651-4011 or Raayan.Mohtashemi@sen.ca.gov.

Sincerely,



Scott Wiener
Senator, 11th District

Cc:

CalSTA Secretary Toks Omishakin
CalSTA Undersecretary Mark Tollefson
CalSTA Chief Deputy Secretary for Rail and Transit Chad Edison
Deputy Cabinet Secretary James Hacker
California Air Resources Board Executive Officer Steve Cliff



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0628 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 4/13/2023 **In control:** ABAG Executive Board
On agenda: 5/18/2023 **Final action:**
Title: Report on ABAG Finance Committee Meeting of May 18, 2023
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Report on ABAG Finance Committee Meeting of May 18, 2023

David Rabbitt

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0629 **Version:** 1 **Name:**

Type: Report **Status:** Informational

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On agenda: 5/18/2023 **Final action:**

Title: Report on ABAG Housing Committee Meeting of April 13, 2023 and May 11, 2023

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Report on ABAG Housing Committee Meeting of April 13, 2023 and May 11, 2023

Carlos Romero

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0569 **Version:** 1 **Name:**

Type: Report **Status:** Executive Board Approval

File created: 4/5/2023 **In control:** ABAG Executive Board

On agenda: 5/18/2023 **Final action:**

Title: Approval of the BAHFA Business Plan Equity Framework and Funding Programs by the ABAG Executive Board acting as the Executive Board to the Bay Area Housing Finance Authority

Sponsors:

Indexes:

Code sections:

Attachments: [10b 1 Summary Sheet BAHFA Business Plan Equity Framework Funding Programs v2.pdf](#)
[10b 2 Attachment BAHFA OC Summary Sheet Business Plan Equity Framework.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of the BAHFA Business Plan Equity Framework and Funding Programs by the ABAG Executive Board acting as the Executive Board to the Bay Area Housing Finance Authority

Kate Hartley and Daniel Saver

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 10.b.

Bay Area Housing Finance Authority

Subject

Approval of the BAHFA Business Plan Equity Framework and Funding Programs by the ABAG Executive Board acting as the Executive Board to the Bay Area Housing Finance Authority

Background:

At its meeting on May 11, 2023, the ABAG Housing Committee, meeting jointly with the Bay Area Housing Finance Authority (BAHFA) Oversight Committee, received the report on the BAHFA Business Plan Equity Framework and Funding Programs.

The staff request for approval of the BAHFA Business Plan Equity Framework and Funding Programs is being reported directly to both the Bay Area Housing Finance Authority and the ABAG Executive Board acting as the Executive Board to BAHFA.

The ABAG Housing Committee summary sheet is attached.

Recommended Action:

The ABAG Executive Board acting as the Executive Board to BAHFA is requested to approve the BAHFA Business Plan Equity Framework and Funding Programs, as reported.

Attachments:

A. Summary Sheet, joint ABAG Housing Committee and BAHFA Oversight Committee

Reviewed:



Andrew Fremier

May 11, 2023

Agenda Item 7.a.

BAHFA Business Plan Equity Framework and Funding Programs

Subject:

Presentation of the BAHFA Business Plan Equity Framework and Funding Programs and request for recommendation of approval by the BAHFA Board and the ABAG Executive Board acting as the Executive Board to BAHFA

Background:

BAHFA launched its business planning process (Business Plan) in 2021 with the goal of creating bold, regional solutions to the Bay Area's housing challenges. The principal means by which BAHFA and its partners will deliver effective outcomes is by deploying BAHFA's statutory authority to place a regional revenue measure on the ballot across all nine counties. The Business Plan, supported by a consultant team led by Forsyth Street Advisors, with its subconsultant Othering and Belonging Institute at UC Berkeley (OBI) leading the Equity Framework, has three main threads of work:

- (1) The **Equity Framework**, which focuses BAHFA's Business Plan on delivery of 3P programs (Production, Preservation and Protections) that prioritize equity, racial justice, and protection of communities most impacted by the region's affordability challenges.
- (2) (2) The **Funding Programs**, which propose strong, impactful, and self-sustaining funding programs that can successfully establish BAHFA as a permanent agency that consistently achieves its 3P mission.
- (3) (3) The **Business Plan**, which will be the integrated, strategic plan inclusive of both the Equity Framework and Funding Programs that recommends best practices and phasing for BAHFA's allocation of the resources it secures, including a potential regional general obligation bond in 2024.

Staff provided updates to the BAHFA Oversight and ABAG Housing Committees about progress on the Business Plan drafting in January, April, and July of 2022. In January 2023, the consultant team presented full drafts of the Equity Framework and Funding Programs to the Committees.

Outreach and Updates:

This presentation of the Equity Framework and Funding Programs, as proposed for final approval, is the culmination of more than a year's work. Starting with a series of interviews and conversations with local experts and stakeholders across the region that informed early drafts, the consultant team solicited additional input from multiple sources and conducted an iterative, creative process of drafting, revising and presenting back to engaged collaborators. Specific outreach activities included:

May 11, 2023

Agenda Item 7.a.

BAHFA Business Plan Equity Framework and Funding Programs

- **Initial Interviews:** over 25 interviews with housing, finance, and equity leaders involved in housing production, preservation, and protection.
- **Public Listening Sessions:** three virtual public listening sessions held in June 2022, during which 138 stakeholders discussed and provided recommendations on draft equity goals, objectives, and metrics. Invitations for the sessions were distributed to over 300 stakeholders and 175 local government staff working across all 3Ps.
- **Equity Working Group Sessions:** several meetings with a group of 11 leaders from across the region between May 2022 and March 2023. The Equity Working Group used a consensus-based decision-making process to co-create the Equity Framework, and provide input on the Funding Programs, drawing from their extensive experience related to housing preservation, production, protection, and social equity as well as relationships to the communities and places most impacted by the housing crisis.
- **Public Workshops:** two virtual public workshops in February and March 2023, during which BAHFA staff presented the Draft Equity Framework and Draft Funding Programs to over 160 stakeholders from across the region. Participants provided feedback on both drafts, including recommendations for how to strengthen the connection between the Equity Framework and Funding Programs. Invitations for the sessions were distributed to over 560 stakeholders.
- **BAHFA and ABAG Feedback:** the BAHFA Oversight Committee and the ABAG Housing Committee received several updates throughout 2022 about the Business Plan process. Staff and the consulting team presented the Draft Equity Framework and Draft Funding Programs to the Joint Housing Committees as well as the BAHFA Advisory Committee in January 2023 for feedback.

Throughout this process, the consultant team closely collaborated to ensure that the Equity Framework and Funding Programs are integrated components of the Business Plan – even while each retains a separate focus – and that they are aligned in their objectives and approach to catalyzing regional housing transformation.

These final versions of the Equity Framework and Funding Programs contain revisions that draw upon the most recent public townhall meetings and Committee presentations held between January and March 2023. Recommended changes are summarized below:

- Clarification of Funding Program goals, for example:
 - Production: Explicitly state that long-term affordability is required.

May 11, 2023

Agenda Item 7.a.

BAHFA Business Plan Equity Framework and Funding Programs

- Protections: Elevate the need to protect residents *across* the housing spectrum from displacement and homelessness – including those with formal leases as well as those with more precarious living situations.
- Preservation:
 - Clarify that AB 1487 guards against the permanent displacement of existing residents.
 - Broaden the spectrum of preservation properties to assist existing non-profit owned, low-income properties that need to be recapitalized.
- Recognition of additional steps BAHFA can take to advance Equity, for example:
 - Capacity Building: Many stakeholders expressed a need to assist emerging and small community-based developers with capacity building grants. While general obligation bond funding may not be used for such activities, BAHFA can support these development companies in different ways, e.g., surplus cash sharing formulas in Preservation projects that help ensure adequate funding for staff.
 - BAHFA's Equity Opportunities: The Challenges and Opportunities sections are revised to add language reflecting stakeholder recommendations on additional actions BAHFA can take to advance the Equity Objectives, including demonstrating strong leadership, engaging in regional collaboration, and continually evaluating its program impacts.

Equity Framework and Funding Program Documents:

Upon the approval of the ABAG Executive Board and BAHFA Board, BAHFA will structure the Business Plan into these component parts for publication:

Equity Framework

- 1) Introduction
- 2) Objectives and Metrics: Guides and measures the impact of BAHFA's work for each of the 3Ps and for a fourth "Cross Cutting" category for items that advance all 3Ps or do not fit squarely within any one of the separate categories.
- 3) Regional Leadership and Technical Assistance: Provides strategies for expanding, diversifying and strengthening the region's housing ecosystem.

May 11, 2023

Agenda Item 7.a.

BAHFA Business Plan Equity Framework and Funding Programs

- 4) Accountability and Implementation Strategies: Looks forward to future cycles of evaluation, program design and engagement with local jurisdictions and impacted communities to ensure broad accountability.
- 5) Social Equity Goals: Articulates a long-term, aspirational vision for an equitable future of housing in the Bay Area.
- 6) Appendix: Includes a comprehensive Stakeholder Engagement Report.

Funding Programs

- 1) Executive Summary
- 2) Funding Programs Description: Provides a detailed financing strategy for each of the 3Ps and for an Innovation Program that aims to expand the range of financeable projects. Addresses the key objectives of each program and outlines recommended terms to help meet those objectives.
- 3) Appendix: Provides an analysis of the current 3Ps funding landscape and financing ecosystem. Discusses regional housing needs and opportunities that informed the Funding Programs.

Issues:

The last component of the Business Plan is a Revenue Analysis and Recommendations for Organizational Sustainability and Operations. The Business Plan consulting team expects to present an update on the business planning components to the Committee and Board for review in late summer/early fall 2023. Upon approval, the final, complete Business Plan will be presented for Committee and Board approval by December 2023.

May 11, 2023

Agenda Item 7.a.

BAHFA Business Plan Equity Framework and Funding Programs

Recommended Action:

The BAHFA Oversight Committee is requested to recommend approval of the BAHFA Business Plan Equity Framework and Funding Programs by the BAHFA Board and the ABAG Executive Board acting as the Executive Board to BAHFA.

Attachments:

- A. Presentation
- B. Final Equity Framework
- C. Equity Framework Appendices
- D. Funding Programs Executive Summary
- E. Production Program Description
- F. Innovation Program Description
- G. Preservation Program Description
- H. Protection Program Description

Reviewed:



Andrew Fremier



BAHFA BUSINESS PLAN:

Equity Framework and Funding Programs – Final Drafts



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

ABAG Housing & BAHFA
Oversight Committees
May 11, 2023

Agenda

1. Overview of Components and Process
2. Presentation of Final Equity Framework and Funding Programs and their Integrated Application
3. Next Steps



Stakeholder Engagement Process

1. Review of regional plans, policies, and community proposals
2. Interviews with 20+ equity leaders (November 2021– March 2022)
3. Formation of 11-member Equity Working Group (March – May)
4. Meetings of Equity Working Group (May – December)
5. 3 Public Listening Sessions attended by 138 stakeholders (June)
6. Equity Working Group vote on Draft Equity Framework (November-December)
7. Presented Draft to BAHFA Oversight & ABAG Housing Committees and BAHFA Advisory Committee (January 2023)
8. 2 public workshops soliciting feedback; 160 attendees (February, March 2023)

Purpose of the Equity Framework

The Equity Framework is the **foundation** of the BAHFA Business Plan.

- Articulates BAHFA's **commitment** to advancing equity
- Sets **objectives** for BAHFA's impact on equity through its programs, guided by overarching **goals**
- Defines **metrics** for measuring impact of programs
- Provides a regional framework for **Affirmatively Furthering Fair Housing**



Business Plan

Will describe Funding Programs and revenue generation strategies designed to meet Equity Objectives

Equity Objectives: Key Themes

- **Targeting resources toward residents most impacted by housing insecurity**
 - People (e.g. ELI households, unhoused residents)
 - Communities (e.g. Equity Priority Communities, Transit Priority Areas)
- **BAHFA's service as a regional leader**
 - Lifting up community priorities
 - Advancing local alignment with regional equity priorities
 - Commitment to ongoing, equitable engagement focused on impacted communities
- **“Both/And” Approaches**
 - Social mobility and community reinvestment
 - Achieving scale and supporting emerging developers
 - Individual and collective wealth building
 - Rental, homeownership, and community ownership

3Ps Funding Program Development

BAHFA's *initial* Funding Programs will help it **earn revenue** while also **building a track record within the region's housing ecosystem**.

These Funding Programs must:

- **Comply with requirements of BAHFA's authorizing legislation (AB1487) and general obligation bond rules for Production, Preservation, and Tenant Protections**
- **Advance social and racial equity**
- **Address the region's housing crisis at scale**
- **Add value, be different, try new things – lead the way to better housing delivery!**

Over time, BAHFA will **expand and broaden the variety of Funding Programs it provides**, while also maintaining its readiness and ability to **quickly respond to new opportunities** as they arise.

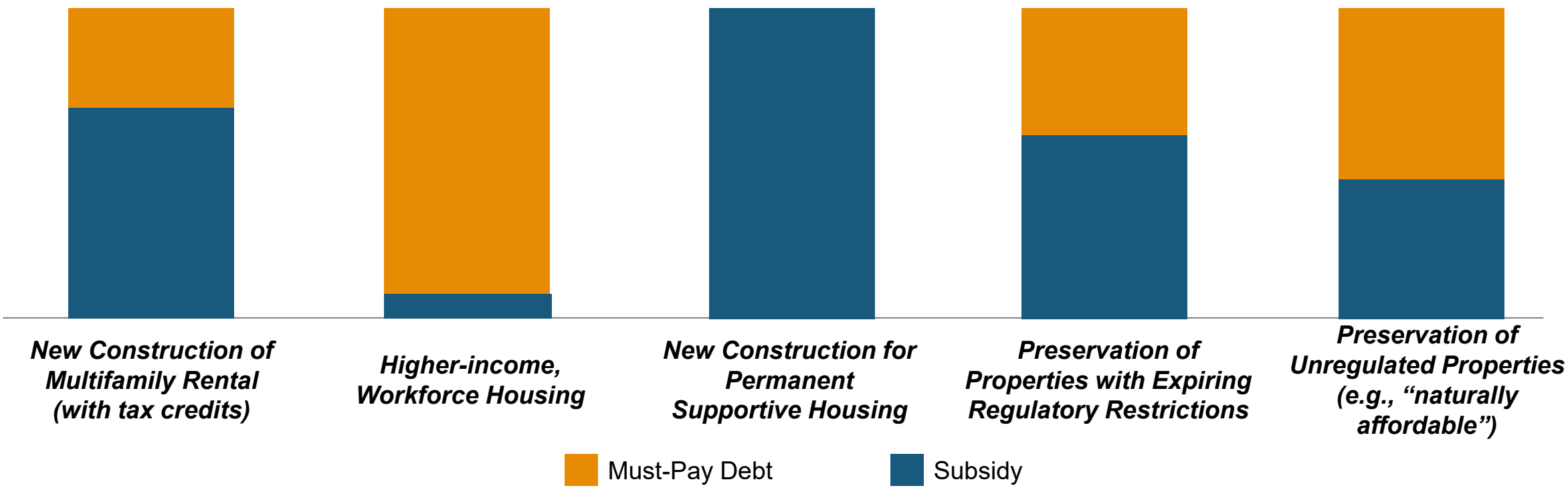
Stakeholder Feedback/Program Updates

Final revisions generated through stakeholder feedback:

- *Clarification* of Equity Framework and Funding Programs Goals:
 - Production – Explicitly state long-term affordability is required
 - Protection – Elevate the need to protect residents across the housing spectrum from displacement and homelessness, i.e., those with formal leases and those in precarious living situations
 - Preservation – Make clear the prohibition of permanent displacement and broaden the spectrum of preservation properties to assist existing nonprofit-owned buildings in need of rehab
- Recognition of *additional* steps BAHFA can take to advance Equity (examples):
 - Capacity Building - BAHFA can assist emerging developers with healthy upfront developer fees and surplus cash sharing to support staffing and property operations
 - BAHFA should provide leadership, regional collaboration, and continual evaluation of its program impacts

How BAHFA's Products Support Projects

Usings **different blends** of BAHFA's "must-pay" debt and **subsidy loan** products, BAHFA is able to support a **wide variety of projects across the region.**



**Note that these types of projects may incorporate financing from other sources (e.g., tax credits, subsidy from the local jurisdiction, etc.)*

Production | Description

Overview

BAHFA's core **Production Program** will provide **first mortgage loans and subsidy loans** for the production of **large, Multifamily Rental projects**.

Products

With its core Production Program, BAHFA will leverage tax credits and act as a coordinated source of financing by providing:

- **First Mortgage Loans**, to be provided by BAHFA or a capital partner; and
- **Subsidy Loans**, to be provided by BAHFA and/or the local jurisdiction.

Innovation | Description

Overview

BAHFA's **Innovation Program** will fund projects:

- **“Efficient Delivery”** for PSH/ affordable housing projects that meet cost and timing goals;
- **“Affordable Unit Buy-Down”** will pay for the cost of adding additional affordable housing units in market rate projects; and
- **“Adaptive Re-Use”** to help fund the conversion of commercial buildings to residential.

Products

In order to support a wider range of project types, BAHFA's Innovation Program funding may be made available as:

- **Construction Loans**, to be provided by BAHFA for projects that meet its cost and timing goals; and
- **Subsidy Loans**, to be provided by BAHFA and/or the local jurisdiction, particularly for projects without tax credits, or to support the conversion of commercial or market-rate units to affordable housing.

Equity Objectives: Production

1. Produce more affordable housing, especially for Extremely Low Income (ELI) households
2. Invest in historically disinvested areas
3. Create affordable housing opportunities in historically exclusionary areas
4. Create programs that address homelessness
5. Achieve regional climate and environmental justice goals

Incorporating Equity in Production Programming

Program Overview

Produce new affordable rental housing for a range of incomes – from ELI up to 80% AMI

Set-asides may include:	Equity Objectives	Funding Goals
LIHTC Projects for ELI and PSH Households	<ul style="list-style-type: none">Produce More Housing for ELI HouseholdsInvest in Historically Disinvested Areas	<ul style="list-style-type: none">Streamline FinancingPromote Scale
PSH Innovation Set-Aside	<ul style="list-style-type: none">Produce ELI HousingAddress Homelessness	<ul style="list-style-type: none">Streamline FinancingPromote Scale
Essential Workforce Housing (Teachers, Workforce up to 80% AMI)	<ul style="list-style-type: none">Produce More HousingInvest in Historically Disinvested AreasCreate Housing in Historically Exclusionary AreasAchieve Climate & Environmental Justice Goals	<ul style="list-style-type: none">Streamline FinancingPromote ScalePromote Long-Term Financial Sustainability
Prioritize PB Section 8; SB 35; Cost-Effectiveness; VMT-Reducing Locations	<ul style="list-style-type: none">All of the Above	<ul style="list-style-type: none">All of the Above

Preservation | Description

Overview

Provide various loan products to acquire, rehabilitate, recapitalize, and preserve affordability in existing buildings:

- **“Unregulated Properties”** naturally affordable to lower-income tenants with no current regulatory restrictions; and
- **“Expiring Use Properties”** at risk of losing their affordability restrictions and converting to market rate

Products

With its Preservation Program, BAHFA will support the properties described above by providing:

- **Acquisition / Rehabilitation Loans**, to be provided by BAHFA and/or CDFI partners or local jurisdictions;
- **First Mortgage Loans**, provided by BAHFA at a lower cost than market; and
- **Subsidy Loans**, to be provided by BAHFA and/or the local jurisdiction.

Equity Objectives: Preservation

1. Preserve expiring-use affordable housing to prevent displacement
2. Convert existing unsubsidized housing to permanently affordable housing
3. Structure investments to serve most impacted residents
4. Create opportunities for community-owned housing

Incorporating Equity in Preservation Programming

Program Overview

Preservation of both unregulated, naturally affordable housing as well as properties with expiring affordability restrictions

Set-asides may include:	Equity Objectives	Funding Goals
Targeted investments in Historically Marginalized Communities	<ul style="list-style-type: none">• Focus on Most Impacted Residents• Prevent Homelessness• Invest in Historically Disinvested Areas	<ul style="list-style-type: none">• Prevent Displacement• Promote Long-Term Financial Sustainability
Investments that Maximize Impact: Large Buildings; VMT-Reducing Locations; Cross-Subsidy Structures to Protect ELI Households	<ul style="list-style-type: none">• Invest in Historically Disinvested Areas• Achieve Climate & Environmental Justice Goals	<ul style="list-style-type: none">• Prevent Displacement• Promote Long-Term Financial Sustainability
Prioritize New Models: Community-Owned Development	<ul style="list-style-type: none">• Create new opportunities for deep, lasting impact• Support community wealth building and community-based organizations	<ul style="list-style-type: none">• Prevent Displacement• Promote Long-Term Financial Sustainability

Protections | Overview

Overview

BAHFA will provide **regional leadership** and **advocacy**, along with **technical and financial support** to create regional systems and services that **protect tenants** from displacement and **prevent homelessness**.

Program (Near Term)

- **Create regional support for Protections:** Facilitate regional collaboration; conduct research; and provide technical assistance
- **Support tenant protections pilot programs:** help local jurisdictions prevent displacement, e.g., eviction diversion, right to counsel, and expanded tenant education programs
- **Support local jurisdiction efforts** to better integrate and implement **homelessness prevention programs**

Program (Longer Term)

- **Improve system capacity and infrastructure across the region**
- **Provide funding for tenant protection services and/or direct rental and relocation assistance:** to fund legal services, counseling, renter education; emergency rental and relocation assistance; data gathering

Equity Objectives: Protection

1. Increase access to anti-displacement and homelessness prevention services
2. Support tenant education and advocacy
3. Prioritize protections and investments for households and communities facing the greatest housing precarity
4. Structure BAHFA investments to create tenant protection funding streams
5. Provide regional leadership on tenant protections

Incorporating Equity in Protections Programming

Program Overview

Funding programs designed to both protect tenants from displacement and prevent homelessness.

Funding Initiatives:	Equity Objectives	Funding Goals
<ul style="list-style-type: none">• Pre-eviction and eviction legal services• Counseling, training and renter education• Emergency rental assistance• Relocation assistance• Displacement and eviction tracking and data collection	<ul style="list-style-type: none">• Prevent Homelessness• Focus on highest need residents• Increase access to tenant services• Support tenant education and advocacy	<ul style="list-style-type: none">• Secure as Much Funding as Possible

Equity Objectives: Cross-Cutting

1. Support community-based and community-owned organizations and developers
2. Support individual and community wealth building
3. Serve as a regional leader on local equitable programs and practices
4. Commit to ongoing, meaningful, and equitable engagement
5. Secure more flexible and unrestricted funding
6. Target most flexible BAHFA funding to accelerate AFFH

Applying the Equity Framework

Accountability and Implementation Strategies

- Data collection and reporting on program outcomes
- Equity evaluation as part of program design for all future funding programs
- Commitment to engage BAHFA Advisory Committee, stakeholders, & equity leaders
- Periodic reevaluation of the Equity Framework
- Coordination, evaluation and collaboration with local jurisdictions

Business Plan Timeline

2022

*EQUITY FRAMEWORK:
Background Research,
Stakeholder Engagement:
OBI Lead*

Draft
Equity
Framework

*FUNDING PROGRAMS: Background
Research; Stakeholder Engagement;
Incorporation of Equity Framework:
Forsyth Street Lead*

Draft Funding
Program
Concepts

2023

**Equity Framework Adoption,
Final Funding Programs:
Q2 2023**

Drafting Business Plan (incorporating
Equity Framework, Funding Programs,
Revenue Analysis, and organizational
structure/operations):
Forsyth Street Lead
Q2-Q3 2023

**Business Plan
Adoption:
Q4 2023**

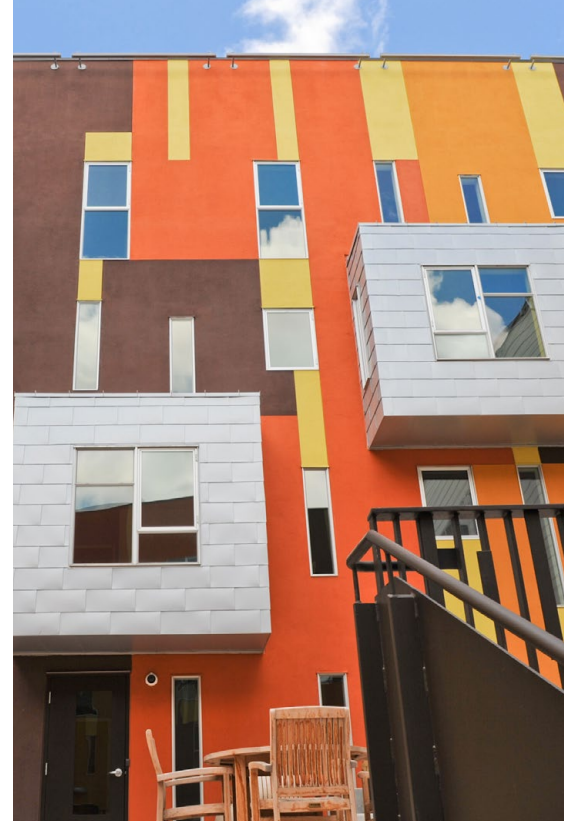
2024

Outreach, Ballot Measure Polling, Preparation for a November 2024 Election

Thank You



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Bay Area Housing Finance Authority
Business Plan

Equity Framework



Bay Area Housing
Finance Authority

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Cover Images, from left: Station Center in Union City, PHOTO BY BRUCE DAMONTE, COURTESY OF MIDPEN HOUSING; Rene Cazenave Apartments in San Francisco, PHOTO BY TIM GRIFFITH, COURTESY OF BRIDGE HOUSING; Armstrong Place Senior Housing in San Francisco, PHOTO BY JULIO CESAR MARTINEZ, COURTESY OF BRIDGE HOUSING



Half Moon Village in Half Moon Bay
PHOTO BY BRUCE DAMONTE, COURTESY OF MIDPEN HOUSING

Introduction

ACROSS THE BAY AREA, countless residents are experiencing the pain of insurmountable housing costs that have been escalating for years. Living one paycheck away from eviction, in overcrowded or unsafe conditions, out of a car or tent, and other harsh realities are the lived experience of the crisis. People are moving to the edges of the region, the climate crisis is worsened by “mega commutes,” employers have difficulty hiring workers, and community networks are disrupted as people are displaced.

The harmful impacts of the Bay Area’s chronic affordability challenges are far from equally distributed. Low-income communities as well as Black, Indigenous and other People of Color (BIPOC), immigrants, people with disabilities, and other members of protected classes are underhoused or unhoused at persistently higher demographic proportions. BIPOC residents own their homes at a rate of 49 percent, compared to 63 percent of white residents.¹ Twenty-five percent of BIPOC renters experience extreme rent burden compared to 20 percent of white renters,² with Black renters experiencing the most burden. Despite making up less than 7 percent of the region’s population, Black residents comprise nearly 30 percent of people experiencing homelessness.³

In the context of race, these disparities are the direct result of explicitly discriminatory policies and practices, such as redlining and racial covenants, as well as ostensibly race-neutral, but implicitly discriminatory, mechanisms such as exclusionary zoning.⁴ Research has documented how, throughout the Bay Area’s history, local public and private sector institutions used housing policies and practices to exclude people of color, and in several cases, established models for exclusion that were replicated throughout the rest of the US.⁵ This legacy, alongside other ongoing forms of structural racism,⁶ continues to shape patterns of segregation and disparities in life outcomes across the region today.⁷

BAHFA recognizes that an equitable regional housing system and equitable housing conditions cannot be achieved by a single agency alone, but that the new regional agency has a critical role to play.

The Bay Area Housing Finance Authority (BAHFA) is committed to advancing racial and social equity by confronting the structural drivers of disparities in access to housing. BAHFA defines equity as “inclusion into a Bay Area where everyone can participate, prosper, and reach their full potential.”⁸ Because housing is a cornerstone of health, opportunity, and belonging, equity can only be achieved if every person has a stable, affordable, and safe home.

The challenges of untangling the centuries-long threads of structural racism, ableism, classism and other forms of marginalization – all while building a new institution and responding to the urgency of the region’s affordability challenges – are immense. BAHFA is committed to an equity-focused approach that values diversity as a strength from which everyone benefits, and which involves taking proactive steps to include communities that are most impacted by structural racism and housing insecurity. This means:

- Pursuing targeted strategies that actively reduce housing disparities faced by impacted communities, and furthermore, seeking to transform housing systems in ways that better enable the Bay Area to strive towards a future where housing is treated as a human right;
- A commitment to ongoing equity analyses, evaluation, iteration, and accountability as BAHFA develops its own institutional practices and infrastructure for equity; and
- Aligning with other public, nonprofit and private institutions in the broader effort to end structural racism and inequitable systems that perpetuate housing insecurity.

A comprehensive set of strategies that account for the particular capacities and barriers of every community will allow BAHFA to move the region toward a future where every Bay Area resident can thrive with a safe and affordable home. A future where residents from all walks of life – teachers, first responders, and service workers, families, veterans, and people with disabilities – are free to pursue their dreams, feel connected to their neighborhoods, and access the amenities that make the Bay Area such a great place to live. A future where the Bay Area’s racial and ethnic diversity is preserved and recognized as one of its core strengths, where everyone – Black and white, Latinx and Asian, and Indigenous – can comfortably call the Bay Area home.



Drs. Julian & Raye
Richardson Apartments
in San Francisco
PHOTO BY BRUCE DA-
MONTE, COURTESY OF
HOMERISE

Purpose of the Equity Framework

The Equity Framework serves as the foundation of the BAHFA Business Plan. It articulates BAHFA’s commitments to advancing social equity and sets objectives for BAHFA’s impact on equity through its regional Funding Programs.

The Funding Programs, which are funded by the 20 percent of regional housing revenue that BAHFA directly oversees, serve as the implementation plan for the Equity Framework within BAHFA’s statutory mandate. For the remaining 80 percent of “return to source” revenue, BAHFA plans to work with counties and other direct allocation jurisdictions to determine how the Equity Framework can be applied within their local expenditure plans and reporting systems. As a new institution, BAHFA has a rare opportunity to integrate equity at its foundation and at every stage of its organizational development. This will involve building practices and an organizational culture where equity is a central and driving consideration, not simply

an isolated analysis late in the process of program design or decision-making. The Equity Framework of the Business Plan is both a reflection of this dynamic and a blueprint for how BAHFA can deliver on this commitment in the years and decades to come.

Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH) is a thread woven throughout the Equity Framework. AFFH is rooted in the Fair Housing Act (1968), which requires the US Department of Housing and Urban Development (HUD) and its grantees to take proactive steps to further fair housing and end segregation. In 2015, HUD established a rule on the obligation to affirmatively further fair housing, though this rule was suspended and ultimately repealed by the Trump Administration only to be partially reinstated by the Biden Administration in 2021. During these shifts at the federal level, the State of California adopted Assembly Bill 686 (2018, Santiago) to codify and expand the 2015 federal AFFH rule as a matter of state law. Under California law, all state and local public agencies must affirmatively further fair housing through all programs and activities related to housing and community development.

Affirmatively Furthering Fair Housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. - California Gov. Code Section 8899.50(a)(1); 24 C.F.R. Section 5.151

A regional AFFH framework does not mean that the same policies or programmatic interventions must be applied across all of the region's cities, neighborhoods, or populations.

All of the Bay Area's 109 local jurisdictions have a responsibility to AFFH through their own actions and policies. Local change is essential, but because racialized and other disparities in access to housing and opportunity are shaped by regional dynamics of the housing market, BAHFA recognizes that local jurisdictions' efforts must be complemented by a regionwide fair housing framework.

A regional AFFH framework does not mean that the same policies or programmatic interventions must be applied across all of the region's cities, neighborhoods, or populations. The region's housing crisis is multidimensional; therefore, addressing its many layered causes and impacts will require multiple strategies that add up to a targeted universalist approach.⁹ While they should all point to the same overarching goal of equitable and fair housing, different strategies are needed to target the distinct forms of inequity experienced by individual communities, especially those most deeply impacted by housing insecurity. The strategies must each respond to how different groups are situated within structures, across geographies, and as a result of historic and structural harms that shape their access to housing.

While a comprehensive approach is essential, housing strategies are often framed as "either/or" choices: social mobility or community reinvestment, developing housing at greater scale or providing deeper affordability, immediate responses to urgent needs or long-term transformative solutions, individual wealth building or collective wealth building. These different strategies can indeed be in tension with each other and require difficult tradeoffs, especially in the context of limited resources.

The Equity Framework Objectives reflect the need to hold, and eventually overcome, these tensions by taking a “both/and” instead of an “either/or” approach. For example, this means:

- Investing in expanding access to existing high-resource areas for low-income and other marginalized households, while also investing in existing lower-resource areas to stop displacement, maintain cultural vibrancy, and improve overall quality of life for existing residents;
- Investing in tried-and-true programs that can match the scale of the region’s housing shortage that disproportionately impacts people of color, while also investing intentionally in emerging and/or community-led organizations even if they are currently operating at a smaller scale.

The Equity Framework does not conclusively resolve these tensions. Rather, it calls for ongoing analysis and engagement to define a comprehensive “both/and” strategy that effectively prioritizes and balances all of the region’s needs. Through regular reporting on the metrics defined in the Equity Framework, along with other accountability and implementation strategies named in this report, BAHFA will continually evaluate, and when needed, recalibrate, its “both/and” approach.

The Equity Framework Development Process

To create the Equity Framework, a team led by the Othering and Belonging Institute at UC Berkeley (OBI) facilitated a planning process designed to achieve broad public access and be deeply informed by the communities who have been most impacted by housing insecurity. This planning process included:

- **Interviews:** over 20 interviews with housing and equity leaders involved in housing production, preservation, and protection.
- **Public Listening Sessions:** three virtual public listening sessions held in June 2022, during which 138 residents discussed and provided recommendations on draft goals, objectives, and metrics. Invitations for the sessions were distributed to over 300 stakeholders and 175 local government staff working across all 3Ps.
- **Equity Working Group Sessions:** several meetings with a group of 11 leaders from across the region between May 2022 and March 2023. The Equity Working Group used a consensus-based decision-making process to co-create the Equity Framework, drawing from their extensive experience related to housing preservation, production, protection, and social equity as well as relationships to the communities and places most impacted by the housing crisis. For a list of Equity Working Group members and criteria used in their selection, see Appendix B.
- **Public Workshops:** two virtual public workshops in February and March 2023, during which BAHFA staff presented the Draft Equity Framework and Draft Funding Programs to over 160 stakeholders from across the region. Participants provided feedback on both drafts, including recommendations for how to strengthen the connection between the Equity Framework and Funding Programs. Invitations for the sessions were distributed to over 550 stakeholders.
- **BAHFA and ABAG Feedback:** regional policymakers on the BAHFA Oversight Committee and the ABAG Housing Committee received several reports throughout 2022 about the Equity Framework, and provided comments on the full Draft Equity Framework in January 2023 and recommended the final Equity Framework for adoption in May 2023.

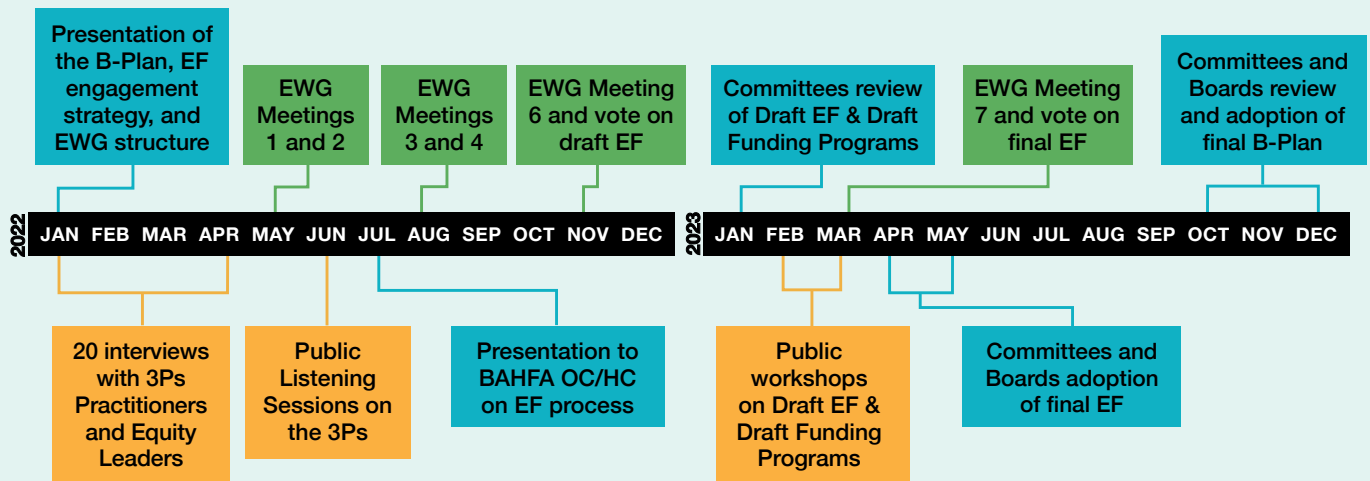


Figure 1.

Equity Framework Engagement Timeline

LEGEND

- Public engagement
- BAHFA Advisory Committee (AC), BAHFA Oversight Committee (OC), ABAG Housing Committee (HC), BAHFA Board, and/or ABAG Executive Board action
- Equity Working Group engagement (EWG)

Drafting the Equity Framework was an iterative process of co-creation and numerous feed-back loops through which BAHFA staff, Equity Working Group members, BAHFA’s Business Plan consultant team, and members of the public provided specific language and ideas that were incorporated into working drafts, discussed at Equity Working Group meetings, and revised over the course of ten months.

The goal of the Equity Working Group engagement process was to reach consensus on the content of a complete Equity Framework to be reviewed, and ultimately adopted, by the BAFHA Board and ABAG Executive Board. The final Equity Framework presented here has been unanimously endorsed/approved by the Equity Working Group.

Structure of the Equity Framework

BAHFA recognizes that an equitable regional housing system and equitable housing conditions cannot be achieved by a single agency alone, but that the new regional agency has a critical role to play. The Equity Framework is designed to clarify specific outcomes BAHFA will aim to achieve (the “Objectives”); the ways that BAHFA will measure its impact (the “Metrics”); and the regional vision for an equitable future of housing that informs the Objectives (the “Goals”).

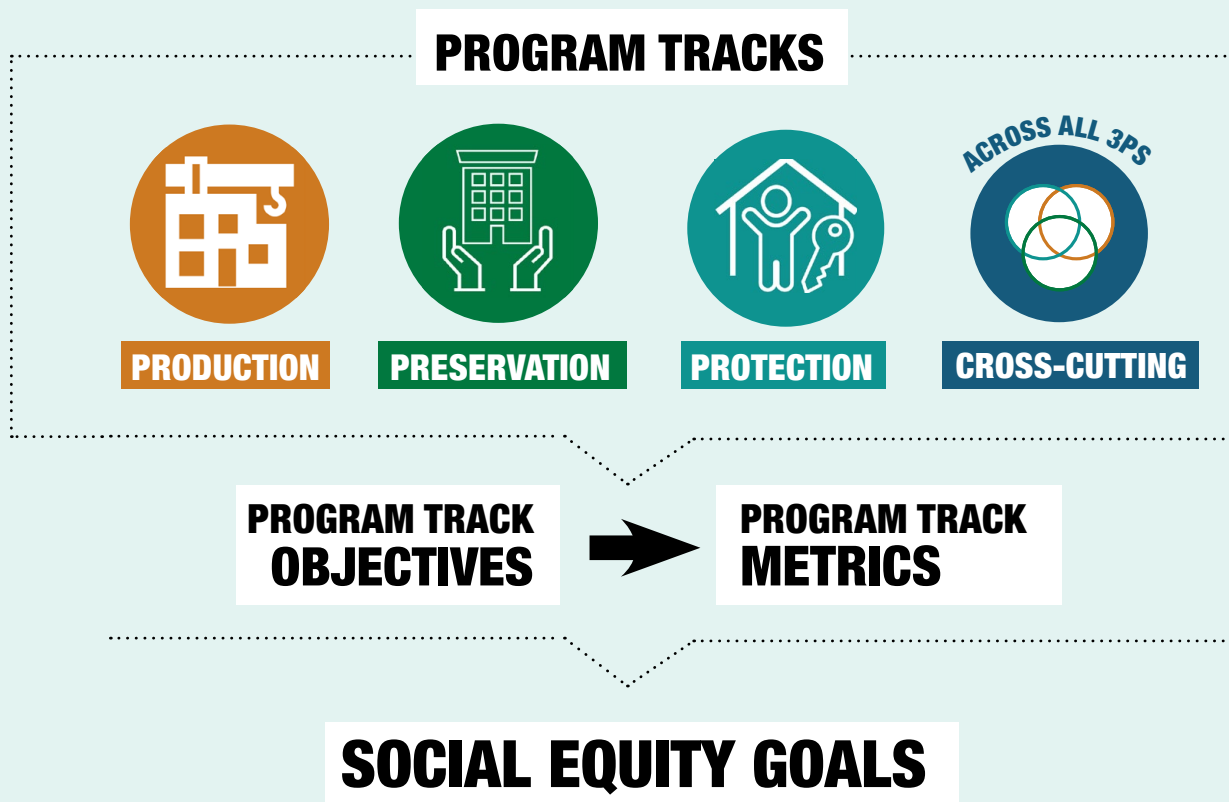


Figure 2.

Equity Framework Conceptual Structure

- **Objectives:** Specific outcomes that BAHFA's actions should reach in order to move the region closer to the overarching equity goals. The objectives are the “destination” BAHFA plans to reach in terms of its impact.
- **Metrics:** Specific measurements of social equity by which BAHFA will design and evaluate program strategies. The metrics are the “yardsticks” to measure progress toward achieving the objectives. Note: Different Metrics for BAHFA and the Cities/Counties (“Jurisdictions”) are noted where relevant due to different governing requirements in AB 1487 for how revenue may be used.
- **Goals:** High level, overarching societal conditions that BAHFA's work should be oriented toward but cannot be achieved by BAHFA actions alone. The goals are the “north star” for transformation of the region's housing system.

In its mandate, BAHFA has three major program strategies: Production, Preservation, and Protection. For each of these, the Equity Framework establishes specific objectives and metrics designed to guide and evaluate programs. An additional “cross-cutting” track captures strategies that advance all 3Ps or do not otherwise fit easily within one of the Ps. Figure 2 shows how the program tracks relate to the objectives, metrics, and goals.

Within each program track, the Equity Framework also presents a summary of “Opportunities and Challenges” uplifted by stakeholders for BAHFA to consider as it implements the Business Plan and designs programs to further the Equity Objectives. These include opportunities that BAHFA should take advantage of, such as a promising program concept that could

be scaled up to serve the whole region; and challenges that BAHFA may need to account for and address, such as a gap in the capacity of existing housing organizations to meet a specific community need. A more expansive discussion of Opportunities and Challenges raised during the stakeholder engagement process is included in the Stakeholder Engagement Report (Appendix C).

This report has five appendices:

- **Appendix A (Definitions)** covers definitions of key terms referenced throughout the Equity Framework, including various developer types (community-based developers, BIPOC-led developers, etc.) and geographic typologies (Equity Priority Communities, etc.)
- **Appendix B (Equity Working Group Members)** provides a list of the 11 members of the Equity Working Group who participated in co-creating the Equity Framework, in addition to a list of criteria used for selecting Equity Working Group members.
- **Appendix C (Stakeholder Engagement Report)** is a more comprehensive summary of feedback and recommendations received through the Equity Framework stakeholder engagement process, expanding upon the brief discussions of “Opportunities and Challenges” within the Equity Framework.
- **Appendix D (Guiding Questions for Program Development and Design)** is a set of “rubrics” that have been developed as planning tools to help generate ideas and evaluate program strategies that further the Objectives in the Equity Framework. BAHFA will use these questions to apply the Equity Framework as it further develops and implements its Business Plan and Funding Programs, as well as other future programs.
- **Appendix E (Data Sources)** provides a table of all Metrics included in the Equity Framework and identifies data sources for each. It also includes a discussion of opportunities and challenges related to data collection.



Station Center in Union City, PHOTO BY BRUCE DAMONTE, COURTESY OF MIDPEN HOUSING

Equity Objectives and Metrics

OBJECTIVES are the desired outcomes that BAHFA's programs will be designed to achieve. The Objectives can be thought of as the destinations that BAHFA should reach to move the region closer to the longer-term Social Equity Goals. While the Objectives set the destination for all of BAHFA's programs, they do not specify the path that BAHFA will take to reach that destination.

METRICS are how BAHFA will measure its success in achieving the Objectives. They can be thought of as the yardsticks that BAHFA will use to measure changes in progress toward achieving the Objectives. The metrics also serve as a prospective guide for program development; they will inform program design choices by illuminating how different options may potentially advance equity along these measures.

PRODUCTION



PRESERVATION



PROTECTION



CROSS-CUTTING





Production

Under AB 1487, “Production” for BAHFA-administered funds means creating new rental housing that is restricted by recorded document to be affordable to lower income households (up to 80% AMI) for at least 55 years.

Production Objectives

1. **Produce more affordable housing, especially for extremely low-income (ELI) households.** Increase production of housing with long-term affordability restrictions across the region, and provide special focus on the production of housing types that meet the needs of ELI households and populations most disproportionately impacted by housing inequity.
 - a. BAHFA: limited to rental housing up to 80% AMI with at least a 55-year term
 - b. Jurisdictions: provide different tenure types
2. **Invest in historically disinvested areas.** Address systemic racism by investing in developments identified by impacted communities as priorities and that create stability for residents while transforming historically disinvested neighborhoods (such as Equity Priority Communities) into areas of opportunity.
3. **Create affordable housing opportunities for lower-income households in historically exclusionary areas.** Address systemic racism by investing in developments that replace segregated living patterns with integrated, diverse and balanced living patterns in areas of concentrated affluence.
4. **Create programs that address homelessness.** Increase housing types, in coordination with counties, that directly serve the needs of unhoused residents (including permanent supportive housing), while developing strategies to ensure that operating and services subsidies are available and utilized to the greatest extent possible. This Objective recognizes that more housing of appropriate types is a key solution to homelessness.
5. **Achieve regional climate and environmental justice goals.** Prioritize affordable housing placement near high-quality transit and invest in housing that achieves high performance scores in recognized sustainable building systems.



Production Metrics

Note: Metrics apply to both BAHFA- and Jurisdiction-sponsored developments unless noted.

1. **Total funding value of production funds provided (including those generated/raised via non-ballot activities) and as a percentage of total BAHFA funds**
2. **Number of homes entitled, permitted, and with certificates of occupancy**
3. **Number and percentage of all homes created located in:**
 - a. Racially and ethnically concentrated areas of poverty (R/ECAPs) and racially concentrated areas of affluence (RCAAs)
 - b. Equity Priority Communities
 - c. Estimated Displacement Risk Area
 - d. Transit Priority Areas
 - e. Priority Development Areas
 - f. High-Opportunity Areas
4. **Average affordability at project levels**
 - a. Number and percentage of extremely low-income (ELI), very low-income (VLI), and low-income (LI) units
5. **Number and percentage of total homes created as permanent supportive housing (PSH)**
 - a. Number of 100% PSH buildings and, for all, source(s) of operating and services subsidies
6. **Number and percentage of total homes to accommodate people with disabilities**
 - a. Number and percentage of total homes designed to meet California Building Code Chapter 11B requirements for 'Residential Dwelling Units with Mobility Features' and 'Residential Dwelling Units with Communication Features'
 - b. Number and percentage of total homes that exceed state and local accessibility requirements for people with disabilities through integration of design features and operational strategies for accessibility and inclusion¹⁰
 - c. Number and percentage of total homes reserved for people with disabilities
 - d. Of homes with mobility and sensory accessibility features, percentage occupied by people with disabilities
 - e. Of buildings with these homes, average percentage of total units designated for people with disabilities
7. **Number and percentage of homes in developments identified by BIPOC and impacted communities as priorities**



Production Metrics continued

-
- 8. Number and percentage of homes produced that are community-owned**
-
- 9. For jurisdictions only, tenure of housing created**
 - a. Number and percentage of homeownership units (note housing type, e.g., inclusionary; single-family; condominium; limited equity cooperative; other community-ownership models)
 - b. Number and percentage of rentals
-
- 10. Number and percentage of total homes created that achieve high or highest performance ratings for sustainable building systems (e.g., gold or platinum LEED ratings, gold or emerald for National Green Building Standard, etc.)**
-
- 11. Number and percentage of all homes produced in areas with high environmental pollution burden, as measured by tracts in the top quintile of Pollution Burden using the CalEnviroScreen scoring system**
-
- 12. Resident characteristics (race, age, family size, income, disability status, etc.) at move-in, only.¹¹**
-
- 13. By property, length of tenancy, disaggregated by:¹²**
 - a. Less than 3 years
 - b. 3-5 years
 - c. Over 5 years



Production Opportunities and Challenges

Extremely Low-Income and Permanent Supportive Housing

Creating stable housing opportunities for extremely low-income households, including permanent supportive housing, is a top priority of many stakeholders. Production of ELI housing presents two main challenges: the tradeoff of providing fewer units in order to create deeper affordability, and especially in the case of permanent supportive housing, the need to secure ongoing funding for operating subsidies and supportive services. The need for supportive services arises from the focus on serving the most vulnerable members of our communities, including formerly homeless individuals and families, who face multifaceted and compounding effects of poverty and marginalization. Supporting these residents to remain housed for the long term often requires the right package of services as well as trauma-informed property management practices – all of which increases the cost of providing these specialized housing types. Adding to this challenge is the fact that currently bond proceeds cannot be used to support ongoing services, and thus BAHFA's most likely source of near-term revenue would need to be paired with other sources to make these projects feasible – and there is a severe shortage of funding for operating subsidies and supportive services.

One potential opportunity for BAHFA to explore is the use of mixed-income housing models, with higher-income units that can cross-subsidize ELI units. Facilitating the creation of integrated, mixed-income housing for people with disabilities (rather than segregating ELI and accessible housing in separate buildings) can also be a potential strategy for advancing equal access to choice and opportunity. Another opportunity is to explore partnerships with local housing authorities, which control the most reliable sources of funding for operating subsidies, to coordinate investments. Moreover, BAHFA has the opportunity to serve as a regional leader by promoting evidence-based best practices for supportive services and trauma-informed property management. This can help ensure that residents of BAHFA-funded properties stay successfully housed and avoid retraumatization that comes with evictions or additional periods of homelessness – which can have a particularly detrimental impact on families with children and people with disabilities.



Fell Street Apartments in San Francisco
PHOTO BY CLARK MISHLER, COURTESY OF
BRIDGE HOUSING

The need for supportive services arises from the focus on serving the most vulnerable members of our communities, including formerly homeless individuals and families, who face multifaceted and compounding effects of poverty and marginalization.



Production Opportunities & Challenges continued

Balancing Social Mobility and Community Reinvestment Strategies

BAHFA's goal to address systemic racism in housing seeks to advance a “both/and” approach that increases affordable housing opportunities in historically disinvested communities facing displacement as well as historically exclusionary communities. To deliver new affordable housing at the necessary scale in all of these place types, BAHFA must leverage its funds with existing housing production programs, the largest of which by far is the Low Income Housing Tax Credit (LIHTC) program. However, LIHTC funds and other state and federal programs often come with their own explicit geographic targeting criteria (e.g., the California Tax Credit Allocation Committee “Opportunity Maps”) or implicitly favor certain geographies over others (e.g., by privileging low-cost areas). The priorities set by these state or federal programs may not always coincide with BAHFA's “both/and” approach yet will influence BAHFA's expenditures to the extent that BAHFA seeks to take advantage of the leverage they offer. Furthermore, regular changes to these other funding programs create a level of uncertainty that presents a challenge for BAHFA to design its own programs in a way that complements or enhances the sources of leverage. To respond to the constantly evolving landscape of affordable housing finance, BAHFA will need to regularly evaluate its own program outcomes and adjust as needed to more effectively advance the Equity Framework objectives – especially ensuring an appropriate mix of investments that can overcome the lingering impacts of systemic racism as those manifest in different place types.

As it designs its programs, BAHFA will also need to carefully evaluate the potential impacts of various geographic targeting methodologies according to each program's specific goals, with a focus on ensuring that impacted communities whom the programs are intended to reach are not unintentionally disadvantaged by the selected methodologies.



Preservation



Under AB 1487, “Preservation” funding must be used to preserve housing that is restricted by recorded document to be affordable to low- or moderate-income households (up to 120% AMI) for 55 years. Preservation funding may be used to acquire, rehabilitate, and preserve existing housing units restricted for affordability, as well as unregulated housing from the private market in order to prevent the loss of affordability. AB 1487 also specifies that no existing residents of buildings acquired for the purpose of affordable housing preservation shall be permanently displaced as a result. Furthermore, if housing units are occupied at the date of acquisition, preservation projects that involve rehabilitation work must result in no net loss of units controlling for unit size and affordability level and provide a right of return for existing residents. AB 1487 permits BAHFA’s preservation activities to result in rental or ownership units.

Preservation Objectives

1. **Preserve expiring-use affordable housing to prevent displacement.** Fund the acquisition and rehabilitation of existing affordable housing with expiring restrictions that without intervention could be converted to market-rate housing and result in displacement of lower-income residents.
2. **Preserve existing unsubsidized housing and convert to permanently affordable housing.** Convert existing unsubsidized housing to permanently affordable housing for the purpose of preventing displacement and achieving stabilized, healthy living conditions for existing residents, especially low-income households, residents of Equity Priority Communities (EPCs), and other marginalized communities.
3. **Target preservation investments for most impacted residents.** Tailor financing products to enable occupancy by ELI households and households at risk of homelessness.
4. **Create opportunities for community-owned housing.** Invest in developments that enable community control and/or equity growth, especially in Equity Priority Communities and for households facing discriminatory and/or structural barriers to homeownership.



Preservation Metrics

1. **Total funding value of Preservation funds provided (including those generated/raised via non-ballot activities) and as a percentage of total BAHFA funds**
2. **Number of existing subsidized homes preserved by affordability level and level of risk-of-loss¹³**
3. **Number of unsubsidized homes converted to affordable housing, by affordability level**
4. **Number and percentage of homes preserved or converted in:**
 - a. RCAAs and R/ECAPs
 - b. Equity Priority Communities
 - c. Estimated Displacement Risk Areas
 - d. Transit Priority Areas
 - e. Priority Development Areas
 - f. High-Opportunity Areas
5. **Per building, target average AMI cap to achieve over time**
6. **Number and percentage of homes identified by BIPOC and impacted communities as priorities**
7. **Number and percentage of existing units with Disabled Access**
 - a. Number and percentage of units with mobility accessibility features
 - b. Number and percentage of units with sensory accessibility features
8. **Number and percentage of units made newly accessible and/or with enhanced accessibility features**
9. **Average affordability levels**
 - a. Number and percentage of units for each income band (ELI, VLI, LI, M)
 - b. Number and percentage of units serving households that were formerly homeless or at-risk of homelessness (e.g., buildings assisted with Homekey)
10. **Median change in rents paid by tenants after preservation, if any, by affordability level**
11. **Number and percentage of homes preserved or converted by tenure:**
 - a. Rental
 - b. Individual household ownership
 - c. Community ownership and similar models
12. **Resident characteristics (race, age, family size, income, disability status, etc.), at permanent finance closing, only**
13. **By property, length of tenancy since permanent finance closing, disaggregated by:¹⁴**
 - a. Less than 3 years
 - b. 3-5 years
 - c. Over 5 years



Preservation Opportunities and Challenges

Embracing Innovation and Risk

Very few funding sources exist for the preservation of unsubsidized housing, especially for the conversion of unsubsidized units to community-controlled or shared equity models that are deed-restricted for long term affordability. While these models have not been supported at scale, they are an effective means of preventing displacement, maintaining the existing affordable housing stock, and advancing community self-determination, especially for marginalized groups who have been historically excluded from homeownership opportunities. Because these types of development are less familiar to financing institutions and also have a variety of financing challenges distinct from new affordable housing construction, regional leadership is needed to expand funding programs designed for them. BAHFA can lead the sector in designing innovative preservation programs, including those specifically for community-controlled housing.

Innovation requires accepting and planning for risk. Too often, investment in emerging developers embedded in impacted communities is deemed too great of a risk because they have not yet established enough of a track record for traditional development. Stakeholders reported that this dynamic fails to recognize the value of community-controlled development organizations and reinforces the structural barriers that limit the self-determination of BIPOC and impacted communities. BAHFA could accept a small level of risk, for example, by creating a loan loss reserve to underwrite promising nascent organizations, which builds in a plan for a small percentage of potential loss. Additionally, BAHFA can incentivize partnerships between established and emerging or community-based developers to grow the capacity and track record of the latter.

AB 1487 requires a minimum of 15% of BAHFA's revenue to be used for preservation programs, which may be appropriate in the near term as the preservation ecosystem matures and develops the capacity to absorb more significant funding. However, in the medium to long term, a greater share may be required to create a transformative impact. BAHFA should actively monitor the demand for and capacity to utilize preservation resources, seek innovative opportunities to support the growth of the preservation ecosystem's capacity, and when appropriate, seek to create a greater balance in funding allocated to each of the 3Ps.



Zygmunt Arendt House, San Francisco
PHOTO BY BRUCE DAMONTE, COURTESY OF HOMERISE

BAHFA can lead the sector in designing innovative preservation programs, including those specifically for community-controlled housing.



Preservation Opportunities & Challenges continued

Defining Community Priorities

BAHFA is committed to advancing equity-focused, community self-determination by investing in housing production and preservation developments that are identified by EPCs and other impacted communities as priorities. It is important to note that defining “community priorities” and assessing what projects have meaningful community support is a challenge. EPCs and other impacted communities are not monoliths, and groups within them may hold different, even conflicting, priorities. As BAHFA seeks to prioritize the needs of communities most impacted by housing unaffordability, BAHFA will need to develop a rigorous methodology for making equitable determinations about which projects most represent the widest held or highest impact, equity-focused community priorities and meaningfully advance community self-determination. One opportunity is to set community engagement standards for proposed projects and create scoring criteria that awards points based on community involvement or sponsorship by a community institution.

BAHFA has the opportunity to create structures and pathways through which communities can more formally determine and articulate their priorities.

Furthermore, BAHFA has the opportunity to create structures and pathways through which communities can more formally determine and articulate their priorities. Equity Working Group members recommended that BAHFA invest in community planning initiatives, which could be supported or run by community engagement experts; an opportunity here is for BAHFA to collaborate with MTC and ABAG on their programs related to community planning and engagement.

BAHFA will also need to develop its own practice of community engagement and equitable decision-making that allows members of EPCs and other impacted communities to meaningfully inform BAHFA’s programs and investments. BAHFA should experiment, assess, and iterate on its approach to identifying and uplifting community priorities as it seeks to advance community self-determination in line with equity principles.



Protection



Under AB 1487, “Protection” funding may be used for the following forms of tenant protection programs: preeviction and eviction legal services, counseling, advice and consultation, training, renter education, and representation, and services to improve habitability that protect against displacement of tenants beyond what is legally required of landlords according to local or state law; emergency rental assistance for lower-income households; relocation assistance for lower-income households; and collection and tracking of information related to displacement and displacement risk, rents, and evictions in the region.

Protection Objectives

1. **Increase access to anti-displacement and homelessness prevention services.** Deploy BAHFA funding to programs with a track record of preventing displacement and homelessness, improving tenant quality of life, and increasing housing stability – such as legal assistance, counseling and advice, financial assistance, and enhanced relocation assistance. Support residents across the full spectrum of anti-displacement and homelessness prevention needs, including tenants with formal leases as well as those with more precarious living situations.
2. **Support tenant education and advocacy.** Invest in training, education, advocacy, and outreach that raises awareness of tenant rights and facilitates greater access to community resources available to support housing stability. Support tenant associations and similar organizations that reduce power disparities between renters and property owners.
3. **Prioritize protections and investments in households and communities facing the greatest housing precarity.** Target BAHFA programs so that tenants at greatest risk of displacement and homelessness – disproportionately ELL, residents of Equity Priority Communities, and other impacted households in areas facing displacement pressures – are prioritized.
4. **Ensure adequate funding for tenant protections.** For BAHFA revenue sources that prohibit expenditures on Protections (e.g., general obligation bonds), design BAHFA funding programs so that they generate new revenue streams that can be reinvested in Protections regionwide. Proactively seek other revenue such as state and federal grants to enhance BAHFA tenant protection funding.
5. **Elevate the urgency of tenant protections through regional leadership.** Invest in research, data collection, and coordination to inform policy change and region wide adoption of best practices.



Protection Metrics

1. **Total funding value of tenant protections provided (including those generated/raised via non-ballot activities) and as a percentage of total BAHFA funds**
2. **Amount and percentage devoted to:**
 - a. Legal services, counseling, and advice and consultation
 - b. Training, education and outreach
 - c. Emergency rental assistance
 - i. Value devoted to severely rent-burdened ELI seniors
 - d. Relocation assistance to supplement landlord-required assistance
 - e. Research, data collection and tracking, and regional coordination
 - f. Other/innovative forms of tenant services (not included in AB 1487)
3. **For legal assistance, counseling, or advice:**
 - a. Number of households served
 - b. Tenant characteristics (race, age, family size, income, disability status, etc.)
 - c. Case outcomes (tenancy preserved, “soft landing” secured, habitability improvements secured, etc.)
4. **For emergency rental assistance:**
 - a. Number of households served
 - b. Tenant characteristics (race, age, family size, income, disability status, etc.)
 - c. Average amount of rental assistance provided
 - d. Household outcomes (drawing upon existing reporting systems of service providers)
5. **For relocation assistance:**
 - a. Number of households served
 - b. Average amount of relocation assistance provided
 - c. Tenant characteristics (race, age, family size, income, disability status, etc.)
6. **Number and percentage of tenants served in:**
 - a. RCAAs and R/ECAPs
 - b. Equity Priority Communities
 - c. Estimated Displacement Risk Areas
 - d. Transit Priority Areas
 - e. Priority Development Areas
 - f. High-Opportunity Areas



Protection Opportunities and Challenges

Limited Funding to Match the Need and Urgency for Protections

Growing unaffordability, compounded by the lasting impacts of the Covid-19 pandemic, has elevated the region's already critical need for protection programs. AB 1487 revenue requirements specify that protection funding must account for, at minimum, 5% of BAHFA's revenue spending. With protection comprising the smallest percentage of BAHFA's funds, securing enough funding to match the need is a challenge. This challenge is further complicated by regulations that prohibit the use of certain forms of revenue, including those generated by a general obligation bond, for most types of tenant protections. BAHFA must therefore prioritize strategies and financing products that generate revenue that can be reinvested in its protection programs, while also pursuing funding opportunities for which tenant protections are an eligible expense (e.g., philanthropic donations, state or federal grants, etc.). Additionally, BAHFA should, within the scope of its authority, pursue and support actions that eliminate or mitigate existing constitutional prohibitions on the use of general obligation bonds for tenant protections and related services.

Stakeholders stressed the importance of protection programs that reduce people's vulnerability to displacement before reaching a crisis point of becoming unhoused. Recommendations for upstream interventions include permanent housing subsidies, expanded outreach and education programs that raise awareness of tenants' rights as well as available financial and legal resources, and overall strengthening of the region's institutional infrastructure (across public, nonprofit, and legal services agencies) to deliver these and other essential forms of support. Some of these interventions – such as long-term or permanent housing subsidies for ELI households who are not seniors – are not permitted uses of bond funds (as noted above) and also are limited by AB 1487 itself. As noted above, BAHFA should leverage its financing programs to generate unrestricted revenue that can be used to fund the full spectrum of tenant protection and homelessness prevention activities, complementing the activities that are enumerated in AB 1487. Additionally, BAHFA should consider pursuing amendments to AB 1487 that would expand eligibility of general obligation bond revenue to take full advantage of a potential constitutional change on that topic, as well as to enable a comprehensive suite of upstream as well as emergency interventions to protect against displacement and homelessness.



Fair Oaks Plaza in Sunnyvale PHOTO BY FRANK DOMIN, COURTESY OF MIDPEN HOUSING

Stakeholders stressed the importance of protection programs that reduce people's vulnerability to displacement before reaching a crisis point of becoming unhoused.



Protection Opportunities & Challenges continued

Regional Leadership on Protection Policies

In addition to programs that deliver protection services and assistance, many stakeholders emphasize the importance of local protection policies – specifically rent stabilization, just cause for eviction, and anti-harassment policies. While BAHFA does not have the authority to compel local governments to adopt these policies, it can lead the region by elevating the urgency of these specific policies as it coordinates with other regional agencies (e.g., MTC and ABAG) as well as local jurisdictions to, where possible, incentivize and support their adoption. BAHFA can promote best practices and emerging trends in tenant protections policies, such as pairing rent stabilization and just cause policies together, limiting no-fault evictions of families with school-age children during the academic year, and encouraging multijurisdictional collaboration on program administration to achieve greater economies of scale. One opportunity to explore is strengthening existing tenant protection policies by providing funding and technical assistance for enforcement to jurisdictions that have adopted these policies.

Another potential opportunity for BAHFA to explore is requiring or incentivizing tenant protections in BAHFA-funded developments. BAHFA should also explore collaborating with MTC on implementation of the Transit Oriented Communities Policy, which leverages transportation funding to incentivize housing policy adoption including tenant protections.

More broadly, BAHFA can play a role in developing a shared regional understanding of the displacement dynamics affecting lower-income neighborhoods. In part, this could include a recognition that some public investments (e.g., in infrastructure, transportation, housing, etc.) that result in neighborhood improvements may have the unintended consequence of spurring displacement through increased land values. As a regional public agency with a core anti-displacement mandate, BAHFA is well positioned to collaborate with other public entities to elevate “investment without displacement” frameworks that encourage devoting resources to historically disinvested areas while ensuring that existing residents can remain to enjoy the benefits.



Cross-Cutting



The following Objectives and Metrics guide BAHFA's overall work to advance the Equity Framework Goals and address systemic racism and exclusion in housing. They apply broadly – both across, as well as beyond, all 3Ps.

Cross-Cutting Objectives

1. **Support community-based and community-owned organizations and developers.** Expand, diversify and strengthen the capacity of the region's housing ecosystem by investing in community-based developers and organizations across all 3Ps.
2. **Support individual and community wealth building.** Create opportunities for historically marginalized people and residents historically excluded from homeownership, to build wealth through housing, including traditional and shared homeownership opportunities.
3. **Serve as a regional leader on local equitable programs and practices.** Advance local alignment with regional equity priorities across all 3Ps, encouraging counties and cities to incorporate and build off of this Equity Framework.
4. **Commit to ongoing, meaningful, and equitable engagement.** Advance community participation among historically marginalized populations through ongoing engagement with and outreach to stakeholders equally distributed across the 3Ps, with an intentional focus on organizations who are accountable to and part of communities most impacted by housing unaffordability.
5. **Secure more flexible and unrestricted funding.** Seek to expand and secure funding sources to achieve a broader range of equity needs across all 3Ps, including uses that would be difficult to fund with likely funding sources (e.g., general obligation bond).
6. **Target most flexible BAHFA funding to accelerate AFFH.** Develop programs within BAHFA's optional 10% Local Government Incentive Program that address any gaps in a comprehensive AFFH approach given AB 1487's parameters. Target any non-housing investments (e.g., infrastructure, community or cultural spaces, and public services) in communities that have faced historic disinvestment and/or are home to the region's most impacted residents.



Cross-Cutting Metrics

1. **Within each of the Ps, amount and percentage of total funding disbursed to community-based organizations (CBOs) & community-based developers:**
 - a. Community-based developers
 - BIPOC-led
 - Emerging
 - Community-owned
 - b. To BIPOC led developers
 - c. To CBOs (for activities not related to development, e.g., tenant services CBOs)
 - i. BIPOC-led CBOs
2. **For BAHFA's 10% Local Government Incentive Program (if it exists and as allowed by funding sources):**
 - a. Amount and percentage of funding dedicated to:
 - i. 3Ps activities (measure separately for Production, Preservation, Protection)
 - ii. Technical assistance
 - iii. Infrastructure needs (transportation, schools, parks, etc.)
 - iv. One-time uses that address homelessness
 - v. Homeownership programs
 - vi. Other/innovative activities
 - b. For each of the categories above, amount and percentage of funds spent in:
 - i. R/ECAPs and RCAAs
 - ii. Equity Priority Communities
 - iii. Estimated Displacement Risk Areas
 - iv. Transit Priority Areas
 - v. Priority Development Areas
 - vi. High-Opportunity Areas
3. **Number of units and dollar value of investment in the following housing types that enable wealth building through some sort of ownership structure, including:**
 - a. Deed-restricted traditional homeownership
 - b. Shared equity models (community land trusts, limited equity cooperatives and similar models)
4. **Engagement/participation of people from historically marginalized populations (including, but not limited to, BIPOC, people with disabilities, tenants, people with lived experience of homelessness) in:**
 - a. BAHFA's formal decision making bodies
 - b. Public engagement initiatives
 - c. BAHFA-funded community planning initiatives, and funds allocated for such initiatives
5. **Number of counties and direct allocation jurisdictions that report to BAHFA and/or the public on the Equity Metrics contained herein for their own programs (regarding the "return to source" provisions of a regional ballot measure)**
6. **Value and percentage of BAHFA's total funds secured from sources other than a ballot measure (e.g., state or federal grants, BAHFA's own revenue-generating activities, etc.)**



Cross-Cutting Opportunities and Challenges

Capacity Building for Underrepresented Developers

Stakeholders expressed consensus around the need to expand, diversify and strengthen the capacity of the region's housing ecosystem in order for BAHFA to address systemic racism and support projects prioritized by EPCs and other marginalized communities. One key recommendation for how to achieve this is the creation of programs that are designed to address the unique funding gaps faced by BIPOC, Emerging, Community-Based and Community-Owned Developers, especially for community-controlled or -stewarded housing models. Specific needs named by such developers include funding for organizational capacity building and pre-development capital. Investment in capacity building is necessary for the region as a whole; without growing the field, the region cannot deliver the wider range, in addition to a greater volume, of housing choices that communities need.

While the need for capacity building is large, AB 1487 and regulations governing the use of general obligation bond revenue limit BAHFA's ability to fund organizational capacity building or enterprise level funding for developers. Moreover, BAHFA alone cannot meet the full range of community-based developers' funding needs, but it can play a leadership role in seeking new funding and advancing strategic coordination among the many other institutions throughout the region who are dedicating resources and support toward advancing projects led by Emerging, Community-Based and Community-Owned Developers. Additionally, once BAHFA becomes a reliable and long-term source of funding, it can help to sustain organizational capacity by supporting a sufficient variety and volume of new projects (and associated developer fees) that can make underrepresented developers' business models more viable.

Wealth Building

Requirements set by AB 1487 also present a challenge to the objective of supporting wealth building for historically marginalized people. The legislation requires that regional housing revenue directly administered by BAHFA for production is utilized for rental housing only, not individual or collective homeownership opportunities. The Equity Working Group recommends that BAHFA pursue amending AB 1487 in the future to enable programs targeted toward homeownership and expand BAHFA's ability to fund capacity building for developers. Importantly, revenue raised by a regional ballot measure that is returned to the county of origin is eligible for homeownership; BAHFA could play a role in encouraging counties and other direct allocation jurisdictions to develop production funding portfolios with an appropriate mix of rental and wealth building programs.



St Josephs Senior Center in Oakland
PHOTO BY CLARK MISHLER, COURTESY OF BRIDGE HOUSING

Regional Leadership and Technical Assistance

ACHIEVING BAHFA'S EQUITY OBJECTIVES will only be possible if the housing sector as a whole can increase its capacity and take bold, coordinated action to solve the housing crisis. This notion was strongly reinforced by stakeholders through the Equity Framework engagement process.

Part of BAHFA's role is to provide regional leadership and technical assistance that serves to expand, diversify and strengthen the capacity of the region's housing ecosystem and marshal the collective resources in service of equitable outcomes. BAHFA's contribution in this regard is at least three-fold. First, BAHFA can use its regional stature and financing powers to **spur transformation of the financing and funding landscape to be more streamlined, strategic, and targeted to achieve the Equity Objectives**. This will involve collaborating with local jurisdictions, state and federal agencies, as well as private financial institutions such as CDFIs and private banks. This is a long-term, systems change effort that is critical to delivering on the transformational vision in BAHFA's social equity goals. In the near term, BAHFA must take concrete, incremental steps towards making the housing finance system more efficient and equity-focused.

Second, BAHFA can demonstrate regional leadership by **supporting local jurisdictions in developing and implementing their own housing programs and practices**. For many of BAHFA's most powerful revenue mechanisms, 80 percent of the funds are administered directly by counties and larger cities. Additionally, local jurisdictions retain land use authority and bear ultimate responsibility to protect the health and wellbeing of residents within their boundaries. Therefore, it is critical that BAHFA work with local jurisdictions to understand their varied levels of capacity and expertise, and then to assist, complement, and fortify their efforts to deliver projects and programs that will collectively move the needle on BAHFA's equity goals at a regional scale.

Third, BAHFA can support **enhancing the capacity of nonprofit developers, service providers, and other community-based organizations that operate on the front lines of housing precarity and within impacted communities.** The particular needs of these organizations vary across organization type, geography and the phase of an organization's development (e.g., emerging vs established organizations). Additionally, the capacity of the nonprofit and community-based housing ecosystem is not evenly spread across the region; some locations may require intentional and sustained efforts to build new or expand the scope of existing organizations to respond to their communities' housing needs. BAHFA – in partnership with community-serving organizations, impacted community members and local government partners – can play a role in strategically evaluating the highest priority capacity building needs across the region while working toward enhancing the capacity of the overall ecosystem throughout the Bay Area.

Taken together, these three components of BAHFA's mandate to provide regional leadership and increase the capacity of the Bay Area's housing practitioners function as necessary ingredients to enable effective coordination across sectors and institutions, driving collective impact and equitable outcomes.

All of these activities require financial resources of some kind, and ultimately BAHFA will need to devote significant resources to fully leverage the opportunity for regional leadership and to respond to the full range of technical assistance needs. However, requirements set forth by AB 1487 and limitations on the eligible uses of bond funding present challenges for funding this work. BAHFA will therefore need to secure unrestricted funding and leverage opportunities to partner with other regional agencies that fund or directly provide technical assistance, including MTC, ABAG and philanthropic institutions, as it develops its own technical assistance offerings.

There are some lower-cost steps that BAHFA can take in the near term to fulfill this mandate, while simultaneously pursuing strategies to raise funding for technical assistance and related activities. As the state's first regional housing finance agency, BAHFA has a powerful opportunity to lead by example as it develops its own programs in alignment with the Equity Framework, while also coordinating and providing resources that support local implementation. For example, BAHFA can establish models and best practices for various housing programs that advance equity, address shared needs across jurisdictions for data or other resources, and convene peer learning and strategy spaces.

BAHFA is committed to further engagement with local stakeholders to understand how the agency can effectively support their efforts through regional leadership and technical assistance. As the agency implements its technical assistance program, BAHFA will include a report on program activities and outcomes in its regular report on metrics for each of the Equity Framework Objectives.



Armstrong Place Senior Housing and Armstrong Townhomes in San Francisco
PHOTO BY STEVE PROEHL, COURTESY OF BRIDGE HOUSING

Equity Framework Accountability and Implementation Strategies

TO STAY ON TRACK IN ITS COMMITMENT to the Equity Objectives, BAHFA will need to implement practices for continually applying the Equity Framework and maintaining accountability to stakeholders and impacted communities. This section of the Equity Framework describes how BAHFA will apply and iterate upon the Equity Framework throughout future cycles of evaluation, program design, and engagement with local jurisdictions and impacted communities.

Data collection and reporting on program outcomes

AB 1487 imposes annual statutory reporting obligations on BAHFA regarding its performance (e.g., funds raised, expenditures, satisfaction of 3Ps minimum allocations, and the characteristics of households served). In addition, BAHFA will report annually on the metrics associated with each Equity Objective and accept public comments on the annual report. This will require rigorous, consistent data collection and tracking of the agency's program activities and outcomes, with a goal of analyzing equity in outcomes by race, gender, income, and disability status (and their intersections) through disaggregated data on people served by BAHFA investments. BAHFA will seek to inform its equity reporting with the regional indicators associated with the Framework's Social Equity Goals as a means of analyzing broader trends and housing needs (see Appendix E). Where quantitative data is insufficient for assessing impact, BAHFA may also engage in qualitative evaluation methods, such as interviews and listening sessions. Reporting on broader regional indicators outside of BAHFA's control and qualitative evaluations are not anticipated every year, especially during the BAHFA's early years as it builds towards significant revenue and scaled programmatic and organizational infrastructure.

BAHFA will need to have dedicated staff and funding for data collection, analysis and reporting – though this will need to be scaled appropriately in accordance with BAHFA's operating budget and program revenues. To support counties and direct-allocation jurisdictions in their reporting, BAHFA will provide guidance on data collection practices and reporting forms to coordinate and standardize efforts across the region.

To strengthen efforts to gather information from the people whom BAHFA's programs are intended to serve, BAHFA could allocate funding toward partnerships with community-based organizations who have trusting relationships with "hard to reach" populations for community-led data collection efforts. Further out in the future, BAHFA could also consider conducting a survey of residents in BAHFA-supported affordable housing developments. Such forms of primary data collection could complement data collected through affordable housing providers, local jurisdictions, and other secondary data sources.

Equity analysis as part of future program design

The Equity Framework includes a set of rubrics that BAHFA will utilize to help identify, evaluate, and prioritize program strategies that most effectively further the Framework's Equity Objectives (Appendix C). BAHFA will contemplate these guiding questions as it develops and designs all future funding programs, with an eye toward forecasting program impacts (e.g., who will benefit or be burdened by different program design choices), examining the potential unintended consequences, and developing strategies to mitigate unintended negative consequences. To inform this analysis, the rubrics build in a process of reviewing available data and reports on precedents for potential programs. BAHFA will also gather input from stakeholders involved in the program area (Production, Preservation, or Protection) on the rubric questions. The resulting equity analysis will be included in relevant staff reports to the BAHFA Advisory Committee and Oversight Committee.

Commitment to engaging with the BAHFA Advisory Committee, stakeholders, and equity leaders

As specified in AB 1487, BAHFA will work with a nine-member Advisory Committee that will assist in the development of funding guidelines and the overall implementation of programs. The composition of the BAHFA Advisory Committee reflects both racial diversity and gender equality, as well as elevates the voices of equity-focused housing practitioners working with communities across the diverse geographies of the region.

BAHFA will also continue its engagement with and outreach to stakeholders equally distributed across the 3Ps, with an intentional focus on equity-oriented organizations who are accountable to and part of communities most impacted by housing unaffordability. As part of its engagement with stakeholders, BAHFA will query organizations that are categorically eligible for funding, and/or have placed themselves on a notification list, but which did not apply for funding, as to why they did not apply.

BAHFA will also strive to create equitable structures that will inform its operations, in collaboration with MTC's newly formed Access(ibility), Culture, and Racial Equity Office and other equity leaders. One opportunity is to develop long-term relationships with existing equity-focused coalitions and resident-led spaces where BAHFA staff can periodically present updates and receive feedback, making an attempt to "meet people where they are at," rather than expecting impacted residents to attend formal meetings of the various advisory and governing bodies mentioned above in order to participate in BAHFA's work. This approach can support ongoing equity analysis and provide a direct connection to impacted communities as BAHFA implements the Equity Framework and Business Plan.

Periodic reevaluation of the Equity Framework

The Equity Framework should be considered a living document that will be periodically reevaluated and, if needed, amended to remain relevant and responsive to the region's changing context and housing needs. Reevaluation will provide the opportunity to consider, for example, shifts in BAHFA's legislative mandate and other relevant state or federal policies, evolving equity priorities of stakeholders, and outcomes of BAHFA programs in prior periods. BAHFA will conduct this reevaluation every five years though could make adjustments more frequently as circumstances warrant. In accordance with the reevaluation and potential amendment of the Equity Framework in five years, BAHFA may seek to adjust the minimum percentages designated for each of the 3Ps under AB 1487.¹⁵

Coordination and collaboration with local jurisdictions on program evaluation and Equity Framework implementation

Advancement of the Equity Framework will require a coordinated regional strategy that is designed to most effectively leverage the region's resources to advance equity goals. Toward this end, BAHFA will work with counties and other jurisdictions receiving a direct allocation of regional housing revenue to facilitate and support their alignment with the Equity Framework. This may involve, for example, collaboration on reporting and evaluation of program outcomes, modeling and incentivizing best practices, and providing technical assistance to local jurisdictions on implementing equity strategies.

The above implementation strategies are important ways of facilitating BAHFA's accountability to the Equity Framework, stakeholders, and Bay Area residents and communities as a whole.



Armstrong Place Senior Housing in San Francisco
PHOTO BY JULIO CESAR MARTINEZ, COURTESY OF BRIDGE HOUSING

Social Equity Goals

THE SOCIAL EQUITY GOALS DETAIL BAHFA'S LONG-TERM, ASPIRATIONAL VISION for an equitable future of housing in the Bay Area. They represent the “north star” for transformation of the region’s housing system that serves to orient BAHFA’s work.

Each Goal is associated with Metrics that serve to measure the region’s progress towards the goal over the long term. It is important to note that progress on these metrics cannot be achieved by BAHFA’s actions alone. While BAHFA can serve as a key leader, progress will ultimately require action and transformation across all institutions that comprise the region’s housing ecosystem, in addition to change in other sectors and levels of government. Rather than direct measures of BAHFA’s impact, these Metrics thus serve to illuminate regional trends in housing that BAHFA should track and respond to, particularly with regard to how inequity in housing manifests and who it disproportionately impacts. These metrics can be applied longitudinally as new data become available as a way to guide strategic decisions and course correction of BAHFA programming based on changing conditions. Existing and potential data sources for all Equity Framework metrics are contained in Appendix E.

Core Metrics

In addition to the metrics associated with each goal, the following is a set of core metrics that apply across all of the Goals:

- Number and percentage of households experiencing housing cost burden by tenure, race/ethnicity, income level, and disability status
- Number and percentage of overall population and K-12 student population experiencing homelessness by race/ethnicity
- Percentage of homeowner households by race/ethnicity
- Median wealth by race/ethnicity
- Regional affordable housing shortfall by affordability level

Individual-Level Outcomes

GOALS	METRICS
<p>Choice and Opportunity. All people, regardless of race or income, have autonomy in deciding where and how they live – whether that means staying in their existing home or community or moving to a different one – and accessing opportunities and resources within their community. These include quality schools and jobs, well-maintained transit and other public infrastructure systems, neighborhoods free from violence, and home- and community-based services and amenities that support health and wellbeing.</p>	<ul style="list-style-type: none"> • For low-resourced neighborhoods, change in HCD/TCAC opportunity index compared to change in number/share of population by race/ethnicity.¹⁶ • Percentage of extreme commuters by race/ethnicity, poverty level, mode of transportation and housing tenure
<p>Stable, affordable housing for all. Every resident enjoys a safe, stable, accessible, affordable, habitable home.</p>	<ul style="list-style-type: none"> • Percentage of homes meeting the American Housing Survey (AHS) definition of physical adequacy¹⁷ • Percentage of households living in overcrowded homes¹⁸ • Percentage of regional housing supply accessible to people with disabilities
<p>Security, safety and belonging. Every resident has a sense of security in and belonging to their local community and the region, which is manifested through social systems and trusting relationships that ensure that they are fully integrated into the community and that their full range of human needs are met and cared for.</p>	<ul style="list-style-type: none"> • Security, safety and belonging are difficult concepts to measure, but nonetheless crucial to an equitable future of housing. Evaluating progress towards this goal may be best accomplished using qualitative methods (e.g., surveys or focus groups of residents in Equity Priority Communities or BAHFA-supported housing developments).

Community-Level Outcomes

GOALS	METRICS
<p>Neighborhood stabilization and cultural placekeeping. Families and individuals have the ability to stay in their homes, maintain community connections, and preserve the cultural fabrics of their neighborhoods, without being displaced by unaffordable housing costs, policy decisions, or other forces.</p>	<ul style="list-style-type: none"> • Percent of low-income households by race/ethnicity across areas with Estimated Displacement Risk (EDR) • Metro comparison of displacement risk (Bay Area compared to other metros) • Change in number and share of BIPOC populations within Equity Priority Community (EPCs)
<p>Community self-determination and participation. People most impacted by the housing affordability crisis have the power to collectively shape the future of their communities.</p>	<ul style="list-style-type: none"> • Percent of elected officials by race/ethnicity compared to percent of regional population by race/ethnicity • Number of housing units stewarded by community-owned housing organizations • Voter turnout in local elections, including affordable housing ballot measures, by race/ethnicity

Systems-Level Outcomes

GOALS	METRICS
<p>Repair. Public institutions and social systems are transformed in order to acknowledge and, when possible, repair the harms and indignities of historic and contemporary housing policies, practices, and systems that have perpetuated racial and social inequities. This includes the advancement of opportunities for historically marginalized communities to build economic and social wealth, at both individual and community levels.</p>	<ul style="list-style-type: none"> • Percentage of census tracts designated as Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs) • Percentage of census tracts designated as Racially Concentrated Areas of Affluence (RCAAs)
<p>Environmental Health and Justice. Homes have healthy living conditions and neighborhood environments such that no community is disproportionately exposed to air pollution, climate change effects, or other hazards. Persons and communities have viable opportunities to make choices that reduce climate impacts; and the design, location and construction of homes reduces climate impacts.</p>	<ul style="list-style-type: none"> • Percentage of population by race/ethnicity and pollution burden quintile¹⁹ • Percentage of sensitive populations by environmental exposure and adaptive capacity²⁰ • Percentage of population by race/ethnicity and Healthy Places Index (HPI) quintile²¹
<p>Prevention. The Bay Area's housing ecosystem has built in structural safeguards that respond to moments of crisis to prevent people from experiencing housing precarity, thereby ending homelessness throughout the region.</p>	<ul style="list-style-type: none"> • Number and percentage of households receiving Housing Choice Vouchers or other permanent housing subsidies • Percentage of households protected by rent stabilization, just cause eviction, right to legal counsel, and/or anti-harassment policies • Number of people who are unhoused by race/ethnicity



The Asher in Fremont, PHOTO BY NOAH BERGER

Conclusion

ACHIEVING THE LONG-TERM VISION for equitable housing in the Bay Area would bring to their fullest potential the cherished diversity and dynamic cultures of the region. Beginning from where the region is today means starting with the varied interests and particular challenges that span the 101 cities and 9 counties around the Bay. The launch of BAHFA as the state's first regional housing finance authority provides a platform for collective efforts to chart a pathway toward an equitable housing system.

This Equity Framework articulates the specific objectives that BAHFA will use to design and evaluate its programs, such that the homes built, preserved, and protected will make measurable progress in equitable ways for neighborhoods across the region. The metrics provide a tool for the public and all stakeholders to observe what BAHFA's impact is and where improvement must be made.

BAHFA cannot achieve the vision in this Framework without partnerships with local jurisdictions, developers, tenants, lenders, and policymakers. Much of what BAHFA can accomplish will depend on the revenue that is made available, which in turn will rely on voter approval and thus reflects a need for BAHFA to demonstrate its value proposition to Bay Area residents as a whole.

The Bay Area faces a shortfall of over 220,000 homes affordable to its poorest residents. According to the State's Regional Housing Needs Determination, this translates to a collective responsibility to build at least 30,000 homes for moderate-, low- and extremely low-income residents each year over the next eight years. This is more than five times the number built each year in recent years. Even if production approaches this pace, protections for low-income tenants and preservation of affordable housing must expand substantially to stem the tide of displacement in the meanwhile. To accelerate the region's housing system and achieve this progress requires a transformation of what is normal.

What is at stake is the opportunity to live in a region where everyone thrives, where current residents can enjoy improvements in their neighborhoods without the threat of displacement, and where future generations of Bay Area residents can comfortably live and prosper.

Endnotes

- 1 Homeownership. (2019). Bay Area Equity Atlas. <https://bayareaequityatlas.org/indicators/home-ownership#/>
- 2 Housing burden. (2019). Bay Area Equity Atlas. <https://bayareaequityatlas.org/indicators/housing-burden>
- 3 Bellisario, J., Covert, A., Sciaruto, A., & Lopez, E. (2021, June). Bay Area Homelessness - New Urgency, New Solutions. Bay Area Council Economic Institute. <http://www.bayareaeconomy.org/files/pdf/HomelessnessReportJune2021.pdf>
- 4 Rothstein, R. (2017). The Color of Law: A Forgotten History of How Our Government Segregated America. Liveright Publishing.
- 5 Moore, E., Montojo, N., & Mauri, N. (2019). Roots, Race and Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area. Othering and Belonging Institute, University of California, Berkeley. <https://belonging.berkeley.edu/rootsraceplace>
- 6 Structural racism refers to the totality of ways in which societies foster racial discrimination through mutually reinforcing systems of housing, education, employment, earnings, benefits, credit, media, health care, and criminal justice. These patterns and practices in turn reinforce discriminatory beliefs, values, and distribution of resources. See Bailey, Z. D., Krieger, N., Agénor, M., Graves, J., Linos, N., & Bassett, M. T. (2017). Structural racism and health inequities in the USA: evidence and interventions. Lancet (London, England), 389 (10077), 1453–1463. [https://doi.org/10.1016/S0140-6736\(17\)30569-X](https://doi.org/10.1016/S0140-6736(17)30569-X)
- 7 Menendian, S., Gambhir, S., & Gailes, A. (2019). Racial Segregation in the San Francisco Bay Area. Othering and Belonging Institute, University of California, Berkeley. <https://belonging.berkeley.edu/segregationinthebay>
- 8 Equity Platform. (2022). Metropolitan Transportation Commission. <https://mtc.ca.gov/about-mtc/what-mtc/equity-platform>
- 9 powell, j., Menendian, S., & Ake, W. (2019). Targeted Universalism - Policy & Practice. Othering and Belonging Institute, University of California, Berkeley. <https://belonging.berkeley.edu/targeted-universalism>
- 10 Examples of design features and operational strategies for accessibility and inclusion include: design charrettes with people with disabilities, 100% visitability, wayfinding and cognitively clear signage, accessible community spaces that enables connection with nature and neighbors, flexible shower arrangements, usable kitchens, wide corridors, and disability-friendly parking. For more information, see The Kelsey, Housing Design Standards for Accessibility and Inclusion (2022), page 14 at https://thekelsey.org/wp-content/uploads/2022/08/TKHousingDesignStandards_070522.pdf.
- 11 Any demographic information collected for these metrics would be requested, but not required, of residents via questionnaire.
- 12 BAHFA anticipates collecting this information from housing providers on a periodic basis, likely initially on five-year intervals to coincide with the update to the Equity Framework.
- 13 The California Housing Partnership (CHPC) analyzes conversion patterns among the state's stock of subsidized affordable rental housing to identify which homes are most at risk of converting to market rate. "At-risk homes" are defined as affordable homes with very high, high and moderate risk of losing affordability in the next 10 years. For more information on risk levels see CHPC's 2022 report Affordable Homes at Risk at <https://chpc.wpenginpowered.com/wp-content/uploads/2022/02/Affordable-Homes-At-Risk-Report-2022.pdf>.
- 14 BAHFA anticipates collecting this information from housing providers on a periodic basis, likely initially on five-year intervals to coincide with the update to the Equity Framework.

Endnotes Continued

- 15 Government Code Section 64650(b)(3) authorizes the BAHFA Board and the ABAG Executive Board to reconsider the minimum expenditures across the 3Ps no earlier than five years after approval of a regional ballot measure.
- 16 This two-part metric is intended to help understand whether low-resourced neighborhoods are transforming into areas of opportunity while controlling for racialized displacement of residents. Neighborhoods which are categorized as either Low Resource or High Segregation and Poverty in the base year should be measured longitudinally in terms of the composite opportunity index and racial/ethnic characteristics. Measuring the same neighborhoods in the target year, an increased index score coupled with relatively stable racial/ethnic characteristics could signify that place-based resource access is improving without racialized displacement of residents. The HCD/TCAC Opportunity Map is designed with specific policy goals in mind, including the goal of increasing access to opportunity for low-income families. It should not be used for understanding the general opportunity landscape. BAHFA should evaluate other existing and future opportunity models in the context of its programs. For more details in the HCD/TCAC Opportunity Maps, see the detailed methodology document at <https://www.treasurer.ca.gov/ctcac/opportunity/2022/2022-hcd-meth-odology.pdf>.
- 17 Housing adequacy is measured at the metro level in the biennial AHS. For more details on how adequacy is defined, see this HUD report on the AHS at <https://www.census.gov/content/dam/Census/programs-surveys/ahs/publications/HousingAdequacy.pdf>.
- 18 The U.S. Census defines an overcrowded home as one that is occupied by more than 1 person per room, excluding bathrooms and kitchens. Homes with more than 1.5 persons per room are considered severely overcrowded.
- 19 Using CalEnviroScreen 4.0 pollution scores, CalEPA has found clear disparities between the racial composition of neighborhoods and highest pollution burden, especially for Black and Latino populations. For more details, see this report from the Office of Environmental Health Hazard Assessment at CalEPA at <https://oehha.ca.gov/media/downloads/calenviroscreen/document/calenviro-screen40raceanalysisf2021.pdf>.
- 20 Climate Change & Health Vulnerability Indicators for California (CCHVIs) are produced by the California Department of Public Health (CDPH). Sensitive communities include, but are not limited to, children, the elderly, and those with physical or mental disabilities. For more details, see CDPH's data visualization platform for CCHVIs at <https://skylab.cdph.ca.gov/CCHViz/>.
- 21 HPI is a health equity project of the Public Health Alliance of Southern California. HPI can be used to compare the health and well-being of communities, identify health inequities and quantify the factors that shape health. For more details, see the HPI homepage at <https://www.healthy-placesindex.org/>.



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**Bay Area Housing
Finance Authority**

Appendices

Bay Area Housing Finance Authority
Business Plan

Equity Framework



Bay Area Housing
Finance Authority

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Appendix A

Definitions

Housing Affordability Levels

Most federal and state housing assistance programs set maximum incomes for eligibility to live in subsidized housing, and maximum rents and housing costs that may be charged to eligible residents, usually based on “Area Median Income” (AMI). AMI refers to the median family income, adjusted for family size, of a geographic area of the state, as annually estimated by the United States Department of Housing and Urban Development. Affordability levels for subsidized housing are based on four AMI bands:

- Extremely low-income (ELI): 0-30% of AMI
- Very low-income (VLI): 30% to 50% of AMI
- Low- or lower-income (LI): 50% to 80% of AMI (the term may also be used to mean 0% to 80% of AMI)
- Moderate-income: 80% to 120% of AMI

Community-Based Developers

California Department of Housing Community Development’s (HCD) Multifamily Housing Program (MHP) sets experience guidelines for entities applying as Community-Based Developers, which include demonstration of community knowledge, commitment to long-term community investment, and population-specific cultural competency, all through a combination of the following: receipt of grant funds for services within the relevant neighborhood or community, cultural and linguistic competency on staff, a record of hiring from the community, and membership in or recruitment from a local Urban League (or substantially equivalent) organization. More detailed information is available in the [2021 Multifamily Housing Program Final Guidelines](#).

BIPOC-led Developers

“BIPOC” means Black, Indigenous, and Other People of Color. HCD’s MHP also sets experience guidelines for entities applying as Emerging BIPOC Developers. To be considered a qualifying BIPOC nonprofit organization, the entity must have a BIPOC Executive Director/Chief Executive Officer and 51% of the organization’s board must be BIPOC. For purposes of this paragraph, People of Color means “a person who checked the Black or African American, American Indian and Alaska Native, Asian, or Native Hawaiian and Other Pacific Islander race category or who answered yes to the Hispanic Origin question on the 2020 United States Census or, if that data is not yet publicly available, the 2010 United States Census.” More detailed information is available in the [2021 Multifamily Housing Program Final Guidelines](#).

Emerging Developers

HCD's MHP also sets experience guidelines for entities applying as Emerging Developers. Entities, including Tribal Entities, applying as Emerging Developers must have developed, owned, or operated at least one (1) but not more than three (3) Affordable Housing Developments that are equivalent to the proposed Affordable Housing Development in size, scale, amenity, and target population. More detailed information is available in the [2021 Multifamily Housing Program Final Guidelines](#).

Community Ownership and Community-Owned Developers

Community Ownership is a category of tenure – separate from traditional, single-household rental and ownership tenures – that combines the legal and financial characteristics of both owning and renting. Community ownership encompasses multiple tenure types, including community land trusts, limited equity cooperatives, resident self-managed rental housing and non-equity cooperatives. These housing models, also referred to as “community-controlled housing” and included within a broader category of social housing, strive for permanent affordability, democratic resident control, and social inclusivity.¹ The Equity Framework refers to organizations that produce or preserve housing through community ownership models as “community-owned developers.”

Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs)

R/ECAPs are defined by the US Department of Housing and Urban Development as census tracts with populations that are 50 percent or more persons of color and 40 percent or more of individuals living at or below the poverty line. For more details on the use of R/ECAPs, see [HCD's Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements](#).

Racially Concentrated Areas of Affluence (RCAAs)

HCD developed a regionally-normalized version of RCAAs which reflect predominantly white areas with high income relative to regions. HCD encourages local jurisdictions to use both R/ECAPs and RCAAs in their housing element analyses. For more details on the use of RCAAs, see [HCD's Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements](#).

Transit Priority Areas (TPAs)

A TPA is defined in [California Public Resource Code, Section 21099](#) as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

Estimated Displacement Risk (EDR)

The EDR “Overall Displacement” model was developed by the Urban Displacement Project and identifies varying levels of displacement risk for low-income renter households in California while controlling for regions. UDP defines displacement risk as a census tract with characteristics which are strongly correlated with more low-income population loss than gain. For the broader purpose of the Equity Framework Metrics, all categories forecasting displacement risk for extremely-low, very-low, and low-income households should be combined into a singular category representing at-risk neighborhoods. For more details on the EDR methodology, see [HCD's Affirmatively Furthering Fair Housing Data and Mapping Resources](#).

Equity Priority Communities (EPCs)

EPCs are identified by MTC and ABAG as census tracts with a significant concentration of historically underserved populations, including (but not limited to) people with low incomes, people of color, seniors, people with disabilities, single-parent families and severely rent-burdened households. More detailed information on Equity Priority Communities can be found in the [Plan Bay Area 2050 Equity Analysis Report](#).

High-Opportunity Areas (HOAs)

HOAs are derived from the TCAC Opportunity Map, which identifies areas in every region of the state whose characteristics have been shown by research to support positive economic, educational, and health outcomes for low-income families—particularly long-term outcomes for children. More detailed information is available in the [Opportunity Mapping Methodology](#). Opportunity mapping is a way to measure and visualize place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility.

Priority Development Areas

MTC and ABAG define two types of PDAs, both within one-half mile of quality transit: 1) Transit-Rich PDAs, which have high-quality transportation infrastructure already in place to support additional growth, and 2) Connected Community PDAs, which offer basic transit services and have committed to policies that increase mobility options and reduce automobile travel. More detailed information of PDAs is available from [MTC and ABAG's PDA webpage](#).

APPENDIX B

Equity Working Group

The Equity Working Group is comprised of 11 individuals:

1. Aboubacar “Asn” Ndiaye, PowerSwitch Action*
2. Allie Cannington, The Kelsey
3. Andy Madeira, East Bay Asian Local Development Corporation (formerly), Community Vision Capital & Consulting, and NeighborWorks Capital*
4. Anthony Carrasco, UC Berkeley*
5. Debra Ballinger, Monument Impact
6. Duane Bay, East Palo Alto Community Alliance & Neighborhood Development Org.
7. Katie Lamont, Tenderloin Neighborhood Development Corporation
8. Melissa Jones, Bay Area Regional Health Inequities Initiative
9. Poncho Guevara, Sacred Heart Community Service
10. Raquelle “Kelly” Myers, National Indian Justice Center
11. Steve King, Oakland Community Land Trust

** organizational affiliation listed for identification purposes only*

The Othering & Belonging Institute, with input from the consultant team and BAHFA staff, developed the following criteria for the selection of Equity Working Group members.

The Equity Working Group includes representatives from organizations who:

1. **Explicitly name racial and/or social equity as part of their mission statement and/or guiding principles;**
2. **Are embedded in and accountable to impacted communities through at least one of the following:**
 - a. Formal decision-making structures that directly involve people from marginalized communities with lived experience of racial or social inequities in housing, or
 - b. Leadership (board, staff) and membership bases that are made up of at least a majority people directly impacted by racial or social inequities.
3. **Approach housing from a holistic lens (in relationship to other racial equity issues, e.g. health or broader community development);**
4. **Have direct experience producing or preserving housing, or protecting people facing various forms of housing instability;**
5. **Add diversity in representation across the following dimensions:**

- a. Geography - major parts of the region (North Bay, East Bay, South Bay/Silicon Valley, San Francisco), urban/large city and suburban/small or mid-sized cities
 - b. 3Ps - production, preservation, protection
 - c. Marginalized populations and racial groups - including Black, Indigenous, Latinx, Asian and Pacific Islander communities, and people with disabilities
 - d. Sector - including nonprofit advocacy & organizing, legal & support services, and community-based development.
- 6. If representing a membership organization, must be able to respond to potential recommendations within the schedule described in Equity Working Group Scope;
 - 7. On balance, the Working Group should embody all the criteria listed above and also have experience working with public institutions in government processes, especially those with formal public decision-making processes.

APPENDIX C

Stakeholder Engagement Report

Introduction

DEVELOPMENT OF THE EQUITY FRAMEWORK involved an iterative, year-long process of broad community engagement and co-creation with the BAHFA Equity Working Group. This Stakeholder Engagement Report, which serves as a companion to the Equity Framework, provides a comprehensive summary of the feedback received through the stakeholder engagement process. Any adoption or implementation of a recommendation forwarded by stakeholders by BAHFA will be done in accordance with federal and state law.

The recommendations documented here include those presented in each of the four “Opportunities and Challenges” sections of the Equity Framework, alongside additional themes and recommendations shared by stakeholders throughout the engagement process.

The Equity Framework Stakeholder Engagement Process

To create the Equity Framework, a team led by the Othering and Belonging Institute at UC Berkeley (OBI) facilitated a planning process designed to achieve broad public access and be deeply informed by the communities who have been most impacted by housing insecurity. This planning process included:

- **Interviews:** over 20 interviews with housing and equity leaders involved in housing production, preservation, and protection.
- **Public Listening Sessions:** three public listening sessions held in June 2022, during which 138 residents discussed and provided recommendations on draft goals, objectives, and metrics. Invitations for the sessions were distributed to over 300 stakeholders and 175 local government staff working across all 3Ps.
- **Equity Working Group Engagement:** several meetings with a group of 11 leaders from across the region between May 2022 and March 2023. The Equity Working Group used a consensus-based decision-making process to co-create the Equity Framework, drawing from their extensive experience related to housing preservation, production, protection, and social equity as well as relationships to the communities and places most impacted by the housing crisis. For a list of Equity Working Group members and criteria used in their selection, see Appendix B.
- **Public Workshops:** two virtual public workshops in February and March 2023, during which BAHFA staff presented the Draft Equity Framework and Draft Funding Programs to over 160 stakeholders from across the region. Participants provided feedback on both drafts, including recommendations for how to strengthen the connection between the Equity Framework and Funding Programs. Invitations for the sessions were distributed to over 550 stakeholders.

- **BAHFA and ABAG Feedback:** regional policymakers on the BAHFA Oversight Committee and the ABAG Housing Committee received several reports throughout 2022 about the Equity Framework, and provided comments on the full Draft Equity Framework in January 2023.

Key Themes

Stakeholder recommendations presented in this report are organized into five sections:

- Defining Equity
- Cross-Cutting Opportunities and Challenges
- Production Opportunities and Challenges
- Preservation Opportunities and Challenges
- Protection Opportunities and Challenges

Defining Equity

Stakeholders emphasized the importance of setting a clear definition of equity as a foundation for BAHFA's Equity Framework and organizational practice. The following are key elements of how stakeholders defined equity and described opportunities for BAHFA to make equity actionable.

- **Directing resources to the most critical community needs and most vulnerable populations.** BAHFA can achieve this by prioritizing solutions to homelessness, displacement and housing instability through targeted, race-conscious interventions (to the extent legally permissible) that directly respond to the unique ways in which structural inequity is experienced by different groups.
- **Repairing legacies of structural racism, wealth extraction, and other forms of harm perpetuated through housing policies and practices that have historically driven underinvestment and disenfranchisement of Black, Indigenous and other People of Color (BIPOC) and other marginalized communities.** BAHFA can take steps toward this by leading with a rigorous “problem definition” that the region must solve for, grounded in a structural analysis of disparities shaped by housing inequality as well as the root causes (both historic and current) of these disparities. Several stakeholders recommended that this problem definition should directly inform decisions about revenue strategies to pursue, noting the importance of revenue strategies designed to equitably redistribute public resources and curb the extraction of wealth from housing.
- **Transforming public systems and structures so that they are designed to ensure that all people's needs are cared for and met, enabling individuals to determine their own future and, as integral members of their communities, shape the future of the region.** Structural transformation needed for equity cannot be achieved by BAHFA alone, but BAHFA has the opportunity to set a bold vision for what this transformation can look like and coordinate with its partners to make inroads toward this vision.
- **Establishing pathways for resident engagement that prioritize the voices of people who have been excluded from decision-making spaces.** Numerous stakeholders envisioned a form of governance that involves direct participation of people from marginalized communities, with equal representation of stakeholders from each of the 3Ps. While operationalizing this form of participatory decision-making would need to be explored, BAHFA can begin “meeting people where they're at” by building

new institutional connections and direct relationships with established community organizations and networks. Forming such partnerships should start with deep listening and creating transparency and accessibility of information.

Cross-Cutting Opportunities and Challenges

Capacity Building for Underrepresented Developers

Stakeholders reported a need for capacity building opportunities geared toward developers based in marginalized communities, especially emerging developers who face high barriers to entry into the affordable housing industry. Capacity building for underrepresented developers is seen as a fundamental part of a broader strategy to expand, diversify and strengthen the capacity of the region's housing ecosystem. Without growing the field and sustaining it over the long term, the region cannot deliver the wider range, in addition to a greater volume, of housing choices that communities need.

Several stakeholders highlighted that levels of development capacity and infrastructure differ across sub-regions. For example, fewer BIPOC-led, community-based developers are based in and operate throughout the South Bay compared to the East Bay and San Francisco. Such disparities in capacity will need to be accounted for to ensure that all Bay Area sub-regions can equitably access and benefit from BAHFA's regional programs.

While the need for capacity building is large, AB 1487 and regulations governing the use of general obligation bond revenue limit BAHFA's ability to fund organizational capacity building or enterprise level funding for developers. Moreover, BAHFA alone cannot meet the full range of community-based developers' funding needs, but it can play a leadership role in advancing strategic coordination among the many other institutions throughout the region who are dedicating resources and support toward advancing projects led by BIPOC, Emerging, Community-Based and Community-Owned Developers.

Stakeholder Recommendations

- Create programs that are designed to address the unique funding gaps faced by BIPOC-led, Emerging, Community-Based and Community-Owned Developers, especially for community-stewarded housing and preservation projects. One model to consider is a "catalyst fund" dedicated to helping emerging BIPOC-led developers scale up by providing resources for organizational capacity building and pre-development capital. Funding targeted toward emerging developers should have lower eligibility requirements (e.g. a lower requirement for the number of completed projects) than what funding agencies typically require. This type of investment would require "patient capital" that recognizes the importance of creating capacity to produce and/or preserve housing over the long term, even if the funded projects do not result in the delivery of units in the short term.
- Ensure BIPOC-led, Emerging, Community-Based and Community-Owned developers receive information about NOFAs and RFPs, engagement and partnership opportunities, and available land, and provide this information in multiple languages. Make funding application processes as accessible and streamlined as possible, with clear, easy to understand guidance and explanation of requirements.
- Maintain engagement with underrepresented developers to understand structural barriers to accessing resources and sustaining long-term capacity as the funding landscape evolves. Conduct regular surveys of organizations that are categorically

eligible for funding, and/or have placed themselves on a notification list, and which did not apply for funding, to understand why they did not apply.

- Facilitate partnerships between emerging and established developers, as well as between developers and local governments, that are designed to build capacity and relationships across all participants. These relationships could be the basis for mutual learning as well as joint development projects, which would support emerging developers in establishing their own development track record and operating budget. One model to consider is the Los Angeles County CLT Pilot Program. While BAHFA should prioritize funding for projects jointly proposed by emerging and established developers, it should not require emerging developers to engage in joint development in order to be eligible for funding.
- Explore the creation of a cohort-based institute or incubator program that supports emerging developers in building capacity needed to become eligible for BAHFA funding. This type of program would be beneficial not just for the developers, but also for the local jurisdictions they are interfacing with, by ensuring that the projects that come forward are well designed, feasible, and sustained over the long term.
- Support or collaborate with existing capacity building programs designed to meet specific needs of emerging developers (e.g. California Community Land Trust Network Real Estate Institute, LISC Housing Development Training Institute).
- For capacity building needs that BAHFA cannot directly provide, explore developing a coordinated funding strategy with philanthropic institutions that may be better positioned to meet these needs through grant funding.
- Pursue and support actions that eliminate or mitigate existing constitutional prohibitions on the use of general obligation bonds for capacity building initiatives. In addition, consider pursuing related amendments to AB 1487 that would expand eligibility of general obligation bond revenue to take full advantage of a potential constitutional change.
- Explore revenue options that would not be subject to the same limitations as general obligation bonds and that target the root causes of housing inequity. One model to explore is the City of Los Angeles's United to House LA real estate transfer tax, though expanded the taxing mechanisms available to BAHFA would require amending AB 1487.

Individual and Community Wealth Building

Closing the racial wealth gap is a priority of many stakeholders. Stakeholder conversations highlighted the importance of strategies for both individual economic wealth building and collective wealth building that uplifts communities as a whole. It is also important to note that some stakeholders also raised concerns about investing in individual wealth building through homeownership, which perpetuates the use of housing for profit.

Requirements set by AB 1487 present a challenge to the objective of supporting wealth building for historically marginalized people. The legislation requires that regional housing revenue directly administered by BAHFA for production is utilized for rental housing only, not individual or collective homeownership opportunities.

Stakeholder Recommendations

- Pursue amending AB 1487 in the future to enable regional production programs targeted toward individual and collective homeownership. Stakeholders noted that such programs could serve as a pathway for upward mobility and continued stability

for affordable housing tenants who would lose their housing when their incomes increase beyond the eligibility limit.

- Encourage counties and other direct allocation jurisdictions (which can use revenue for local homeownership programs) to develop production funding portfolios with an appropriate mix of rental and wealth building programs. In addition to programs that create opportunities for first-time homebuyers, stakeholders recommended program concepts aimed at sustaining homeownership, such as accessory dwelling unit (ADU) production support to provide stabilizing revenue for low-income homeowners, foreclosure prevention education and assistance, and financial assistance for improvements and repairs that enable homeowners to age in place.
- Explore how BAHFA can play a role in the development of a regional social housing and community wealth building strategy that moves land into public or nonprofit community control. Strategies to consider include land banking, facilitating disposition of surplus/underutilized public land, and designing financing products that enable Community or Tenant Opportunity to Purchase Act (COPA/TOPA) acquisitions. Some models to explore are LA Metro's Joint Development Program and Los Angeles County's Land Banking Pilot Program.
- Ensure that term sheets for BAHFA programs do not rule out the possibility of collectively owned housing, including conversion from rental to homeownership, cooperatives, and tenancies in common.
- Support wealth building through affordable housing industry practices and jobs. For example, BAHFA could advance workforce and economic development in marginalized communities through requirements for Disadvantaged Business Enterprise and Small Business Enterprise contractors for affordable housing contracts. BAHFA can also look to community plans such as the Golden Gate Village Resident Council Revitalization Plan for Golden Gate Village in Marin City, which includes green renovation and job training programs that will provide residents with opportunities to become skilled tradespeople.
- Explore the possibility of transferring portions of regional revenue to community-controlled funds or BIPOC-led CDFIs as a way for these institutions to build their own capital cycles.
- Advance the use of community ownership tenure models as a means for collective wealth generation. One model is the community land ownership model of the Agua Caliente Band of Cahuilla Indians, which holds legal title to 28,000 acres of land in the Coachella Valley and generates collective wealth through leasing portions of their land.

Regional Public Sector Leadership

Achieving BAHFA's Equity Objectives will only be possible if BAHFA works closely with the housing sector as a whole to increase its capacity and take bold, coordinated action to solve the housing crisis. Stakeholder feedback related to this theme is incorporated into the "Regional Leadership and Technical Assistance" section of the Equity Framework.

Stakeholder Recommendations

- Set clear expectations for how counties and direct allocation jurisdictions should spend return to source funds to meet statutory obligations and align with the BAHFA Equity Framework. This should include standards for vetting development projects and organizations that apply for funding, clear guidelines for reporting and evaluation,

and a plan for ensuring that officials of counties and direct allocation jurisdictions (including both elected officials and staff) are accountable to the requirements set forth by AB 1487.

- Provide capacity building and technical assistance to local jurisdictions that helps them align with a clearly defined regional vision for housing equity and affirmatively furthering fair housing. Many local officials are seeking to apply an equity lens to their work, but they require additional resources and guidance to implement equitable policies, programs and practices. Stakeholders noted the following as forms of support that would be beneficial: spaces for peer learning on race and equity for local government staff and elected officials, grants to increase staffing capacity, and resources that clarify best practices for implementation of local housing programs, such as templates of fair housing standards, program rules, underwriting guidelines, and term sheets that can be applied across jurisdictions. These will be critical to ensuring that funding processes are streamlined and resources are deployed as effectively and efficiently as possible.
- Pay specific attention to the varied levels of local jurisdictions' capacity, and target capacity building efforts toward jurisdictions with less capacity and resources to manage housing programs, real estate assets, and reporting requirements to promote equitable access to BAHFA resources throughout the region.
- Create spaces and channels for ongoing communication and engagement with local jurisdiction staff, with the purpose of sharing key information about BAHFA's plans and progress that allows them to plan and strategize accordingly, ask questions and provide input, develop the local infrastructure needed to effectively administer return to source funds, and leverage regional funding opportunities.
- Serve as a centralized resource for data collection and reporting on regional housing trends. Provide local jurisdictions with data and other research that can support officials in creating equitable housing policies, conducting equity analyses of local housing conditions, and reporting on equity impacts of local programs and policies.
- Work with equity-oriented organizations to develop a toolkit for local governments on how to assess racial equity impacts of program implementation and make real-time course corrections to address inequitable program outcomes.
- Serve as a leader in advancing a regionalist approach to housing equity; facilitate region-wide, cross-sector efforts to advocate with one voice at higher levels of government to ensure that the Bay Area has the resources necessary for advancing equity.

Production Opportunities and Challenges

Extremely Low-Income and Permanent Supportive Housing

Creating stable housing opportunities for extremely low-income households, including permanent supportive housing, is a top priority of many stakeholders. Production of ELI housing presents two main challenges: the tradeoff of providing fewer units in order to create deeper affordability, and especially in the case of permanent supportive housing, the need to secure ongoing funding for operating subsidies and supportive services. The need for supportive services arises from the focus on serving the most vulnerable members of our communities, including formerly homeless individuals and families, who face multifaceted and compounding effects of poverty and marginalization. Supporting these residents to remain housed for the long term often requires the right package of services as well as trauma-informed property management practices – all of which increases the cost of providing these

specialized housing types. Adding to this challenge is the fact that currently bond proceeds cannot be used to support ongoing services, and thus BAHFA's most likely source of near-term revenue would need to be paired with other sources to make these projects feasible – and there is a severe shortage of funding for operating subsidies and supportive services.

Stakeholder Recommendations

- Establish set-asides or preferences for projects that include a minimum percentage of PSH or ELI housing or other projects that meet criteria aligned with Equity Objectives. The County of Santa Clara's Measure A Program, which prioritizes funding for ELI developments, is one model for BAHFA to consider.
- Some stakeholders expressed that middle-income and mixed income housing are also priorities for their jurisdictions, especially as they strive to create enough housing for workers at all income levels. Explore the potential of mixed-income housing models that use rents generated from higher-income units to cross-subsidize ELI units. Facilitating the creation of mixed-income housing and integrated housing for people with disabilities (rather than segregating ELI units and accessible housing in separate buildings) is also an important strategy for advancing equal access to choice and opportunity.
- Explore partnerships with local housing authorities, which control the most reliable sources of funding for operating subsidies, to coordinate investments.
- Serve as a regional leader to promote evidence-based best practices for supportive services and trauma-informed property management. This can help ensure that residents of BAHFA-funded properties stay successfully housed and avoid retraumatization that comes with evictions or additional periods of homelessness – which can have a particularly detrimental impact on families with children and people with disabilities.
- Consider tracking and reporting on acutely low-income housing production and outcomes of acutely low-income affordable housing residents.

Balancing Social Mobility and Community Reinvestment Strategies

BAHFA seeks to address systemic racism in housing by advancing a “both/and” approach that increases affordable housing opportunities in historically disinvested communities facing displacement as well as in historically exclusionary communities. To deliver new affordable housing at the necessary scale in all of these place types, BAHFA must leverage its funds with existing housing production programs, the largest of which by far is the Low Income Housing Tax Credit (LIHTC) program. However, LIHTC funds and other state and federal programs often come with their own explicit geographic targeting criteria (e.g., TCAC's “Opportunity Map”) or implicitly favor certain geographies over others (e.g., by privileging low cost areas).

The priorities set by these state or federal programs may not always coincide with BAHFA's “both/and” approach yet will influence BAHFA's expenditures to the extent that BAHFA seeks to take advantage of the leverage they offer. Furthermore, regular changes to these other funding programs create a level of uncertainty that presents a challenge for BAHFA to design its own programs in a way that complements or enhances the sources of leverage.

Stakeholder Recommendations

- To respond to the constantly evolving landscape of affordable housing finance, BAHFA will need to regularly evaluate its own program outcomes and adjust as needed to more effectively advance the Equity Framework objectives – especially

ensuring an appropriate mix of investments that can redress the lingering impacts of systemic racism as those manifest in different place types.

- Join with affordable housing partners throughout the region to advocate for changes to state affordable housing funding programs that would advance equity through a “both/and” approach.
- In designing programs, carefully evaluate the potential impacts of various geographic targeting methodologies according to each program’s specific goals, with a focus on ensuring that impacted communities whom the programs are intended to reach are not unintentionally disadvantaged by the selected methodologies. Engage stakeholders in this process.
- Seek a balance between creating affordable housing opportunities in exclusionary jurisdictions that are resistant to new housing development and responding to the needs of communities who are more receptive to new housing and/or waiting for resources for shovel-ready projects.
- Explore opportunities to support projects that leverage statewide streamlining policies like SB 35 to advance development in high opportunity areas.
- See also recommendations regarding “Defining and Advancing Community Priorities” under “Preservation Opportunities and Challenges” below.

Holistically Designed Housing

Numerous stakeholders articulated their vision for affordable housing that is designed according to far different standards than the status quo. Instead of buildings and units designed to be competitive for LIHTC funding, many envision homes that are designed first and foremost to meet the holistic needs of residents. This requires listening to and engaging community members in the design process, rather than assuming what residents want and need.

Stakeholder Recommendations

- To expand possibilities for affordable housing design, include funding programs that do not rely on leveraging LIHTC funds within BAHFA’s portfolio. Design funding sources to enable elements of holistically designed housing, such as incorporation of community serving amenities (meeting and gathering places, ground floor spaces for community-based anchor and cultural institutions), integration with broader community development (walkability and proximity to essential services, transit and employment opportunities) and alignment with equitable design standards (Housing Design Standards for Accessibility and Inclusion, Crime Prevention Through Environmental Design, LEED, and National Green Building Standards).
- Prioritize the uniqueness of developers that are co-designing concepts with communities who are most impacted by housing unaffordability. For example, design NOFAs and RFPs to award points for projects that were designed through participatory or community-led processes that center the voices of marginalized residents. One model is a NOFA released by the City of Oakland in 2020 for the Bond Measure KK Acquisition & Conversion to Affordable Housing Program, which awards points for projects with tenant involvement.
- Play a leadership role in advancing universal design in new developments to ensure that people with disabilities have full access to affordable housing opportunities. Encourage BAHFA-supported projects to not only meet, but exceed, state and local accessibility requirements. One model to consider here is a NOFA released by the City of San Jose, which awards bonus points for “projects that are committed

to increasing accessibility beyond the minimum ADA requirements and are open to feedback and input from people with disabilities.” Consider setting project requirements that ensure units designated for people with disabilities are integrated throughout developments, rather than segregated in separate developments. In addition to tracking the number and percentage of units meeting and exceeding accessibility requirements, monitor whether accessible units are being provided to the populations they are intended to serve, with accessibility features matched to the residents’ accommodation needs.

Equity in Resident Selection and Property Management in Affordable Housing Developments

Equity in BAHFA’s Production Programs ultimately hinges upon who is able to move in and stay in newly built affordable housing units. It will be important for BAHFA to track resident characteristics (race, age, family size, income, disability status, etc.) at move-in to identify and address potential disparities in access.

Stakeholder Recommendations

- Where disparities in accessing new affordable housing opportunities exist, examine barriers that are causing people in need to “fall through the cracks.”
- Ensure that information about new affordable housing opportunities as they come online are shared widely and made accessible. Partner with community-based organizations to conduct intentional outreach to marginalized populations, including people of color, immigrants and refugees, unhoused families with children, and domestic violence survivors, as new affordable housing opportunities arise. Because applying for affordable housing can be an unfamiliar process that requires the disclosure of highly sensitive personal information, this form of outreach and application support is best conducted through trusted community-based institutions. Encourage affordable housing developers and managers to partner with schools, community anchor institutions, and legal aid organizations serving marginalized populations to facilitate outreach and greater understanding of community needs throughout the housing application process.
- Create standards for data collection practices that affordable housing applicants and residents can trust, and provide these as resources to property management organizations to help support and streamline data collection and reporting. Make disclosure of sensitive information voluntary, and implement rigorous privacy and data security protections for any personal information collected by BAHFA and housing providers as part of housing application and program evaluation processes. Provide resources for property managers to work with trusted community anchor and legal aid organizations to develop data security practices and gather resident data that supports program evaluation required by the Equity Framework.
- Encourage the formation of democratic, resident-led property management structures and equitable resident engagement processes in affordable housing developments.
- As part of funding application review processes, ensure that potential developers and property managers of BAHFA-supported developments have a demonstrated track record of equitable and ethical property management.
- Establish requirements for equitable tenant selection and protection policies, such as a standard fair chance housing policy, in BAHFA-supported developments.

Preservation Opportunities and Challenges

Embracing Innovation and Risk

Very few funding sources exist for the preservation of unsubsidized housing, especially for the conversion of unsubsidized units to community-controlled or shared equity models that are deed-restricted for long-term affordability. While these models have not been deployed at scale, they are an effective means of preventing displacement, maintaining the existing affordable housing stock, and advancing community self-determination, especially for marginalized groups who have been historically excluded from homeownership opportunities. Because these types of development are less familiar to financing institutions and also have a variety of financing challenges distinct from new affordable housing construction, regional leadership is needed to expand funding programs designed for them. BAHFA can lead the sector in designing innovative preservation programs, including those specifically for community-controlled housing.

Innovation requires accepting and planning for risk. Too often, investment in emerging developers embedded in BIPOC communities is deemed too great of a risk because they have not yet established enough of a track record for development. Stakeholders reported that this dynamic fails to recognize the value of community-controlled development organizations, and reinforces the structural barriers that limit the self-determination of BIPOC and other impacted communities.

Stakeholder Recommendations

- Actively monitor the demand for and capacity to utilize preservation resources, seek innovative opportunities to support the growth of the preservation ecosystem's capacity, and when appropriate, seek to create a greater balance in funding allocated to each of the 3Ps. Create a preservation funding program and financial products that are specifically designed to work with community ownership models and/or small sites, separate from programs that are designed for a broader range of tenure and building types. For financial products designed for broader purposes, include terms that are accessible for community ownership models.
- Design funding programs to allow for greater flexibility around risk. For example, build in a loan loss reserve to underwrite promising nascent organizations and plan ahead a small percentage of potential loss, or explore partnering with CDFIs or other institutions to increase the availability of loan guarantees.
- Consider opportunities to catalyze investment by private capital and push the market in new directions, such as taking a first loss position.
- See also recommendations regarding "Capacity Building for Underrepresented Developers," under "Cross-Cutting Opportunities and Challenges" above.

Defining and Advancing Community Priorities

Stakeholders emphasized the importance of advancing equity-focused, community self-determination by investing in housing production and preservation developments that are identified by BIPOC and impacted communities as priorities. It is important to note that defining "community priorities" and assessing what projects have meaningful community support is a challenge. BIPOC and impacted communities are not monoliths, and groups within them may hold different, even conflicting, priorities. As BAHFA seeks to prioritize the needs of communities most impacted by housing unaffordability, BAHFA will need to develop a rigorous methodology for making

equitable determinations about which projects most represent the widest held or highest impact, equity-focused community priorities and meaningfully advance community self-determination.

Stakeholder Recommendations

- Explore setting community engagement standards for proposed projects and scoring criteria that award points based on community involvement or sponsorship by a community institution. As previously noted, one model is the City of Oakland's 2020 NOFA for the Bond Measure KK Acquisition & Conversion to Affordable Housing Program, which awards points for projects with tenant involvement.
- Create structures and pathways through which communities can formally determine and articulate their priorities. Allocate funding to community planning and needs assessment initiatives led by organizations embedded in and accountable to BIPOC and other marginalized communities, which provide a foundation for future housing production and preservation project proposals. Invest in support for equitable community engagement experts, who can provide technical assistance to developers on community engagement or directly run community engagement processes themselves. An opportunity here is for BAHFA to collaborate with MTC and ABAG on their programs related to community planning and engagement.
- Support Community/Tenant Opportunity to Purchase policies (COPA/TOPA) and coordinate a regional COPA/TOPA strategy. Incentivize adoption of local COPA/TOPA policies through preservation funding programs.
- Experiment, assess, and iterate on BAHFA's approach to identifying and uplifting community priorities through equitable community engagement practices and decision-making structures. Directly reach out to marginalized communities to identify community priorities, and create opportunities for community leaders to participate in evaluating and selecting project proposals for funding.

Additional Recommendations

The following are additional stakeholder recommendations related to preservation:

- Integrate environmental sustainability objectives into preservation projects by incentivizing electric upgrades or other decarbonization strategies, and pairing funding for preservation projects with funding for transit and walkability improvement.
- Provide funding for rehabilitation of the region's aging housing stock (separate from funding for acquisition), including upgrades for accessibility, environmental sustainability, and safety. Funding for rehab is critically needed for both existing deed-restricted units as well as unsubsidized homes.
- Examine and address barriers to accessing preservation funding for projects in specific marginalized geographies with unique conditions, such as the Bayview in San Francisco, which consists of predominantly single-family homes.

Protection Opportunities and Challenges

Limited Funding to Match the Need and Urgency for Protections

Growing unaffordability, compounded by the lasting impacts of the Covid-19 pandemic, has elevated the region's already critical need for protection programs. AB 1487 revenue requirements specify that protection funding must account for, at minimum, 5 percent of BAHFA's revenue spending. With protection comprising the smallest percentage of BAHFA's funds,

securing enough funding to match the need is a challenge.

This challenge is further complicated by regulations that prohibit the use of certain forms of revenue, including those generated by a general obligation bond, for most types of tenant protections. BAHFA must therefore prioritize strategies and financing products that generate revenue that can be reinvested in its protection programs, while also pursuing funding opportunities for which tenant protections are an eligible expense (e.g., philanthropic donations, federal/state grants, etc.).

Stakeholder Recommendations

- While focusing limited resources for maximum impact, also create protection programs that span a range of anti-displacement and homelessness prevention needs. In addition to emergency assistance and eviction protection for tenants at risk of displacement, the region needs protections for individuals living without permanent housing (people who are unhoused as well as people who are precariously housed and living in hotels, garages, or transitional housing) as well as “upstream” interventions to keep tenants stably housed. Upstream interventions include permanent housing subsidies, shallow subsidies, expanded outreach and education programs that raise awareness of tenants’ rights as well as available financial and legal resources, and overall strengthening of the region’s institutional infrastructure (across public, nonprofit, and legal services agencies) to deliver these and other essential forms of support. It is important to note that in addition to limitations on the use of general obligation bond revenues for protection programs, some upstream interventions – such as long-term or permanent housing subsidies for ELI households who are not seniors – are limited by AB 1487 itself.
- Pursue and support actions that eliminate or mitigate existing constitutional prohibitions on the use of general obligation bonds for tenant protections and related services. In addition, consider pursuing related amendments to AB 1487 that would expand eligibility of general obligation bond revenue to take full advantage of a potential constitutional change, as well as to enable a comprehensive suite of upstream as well as emergency interventions to protect against displacement and homelessness. When appropriate, seek to create a greater balance in funding allocated to Protections.
- Explore opportunities for impact through pilot initiatives that leverage existing resources and expertise throughout the region without requiring significant new funding. For example, create a platform for disseminating existing training and educational materials, especially multilingual resources, developed by legal aid organizations that can be shared with local jurisdictions across the region. Stakeholders reported a need for additional education for landlords and property managers on their responsibilities to their tenants, such as complying with fair housing and tenant protection laws, providing accommodations for and respecting the dignity of tenants with disabilities, and protecting tenants who are domestic violence survivors.
- Support local jurisdictions by providing guidance and convening peer learning spaces on how to most effectively deploy existing local funds for homelessness intervention and prevention programs.

Regional Leadership on Protection Policies

Many stakeholders emphasized the importance of pairing regional protection programs with local protection policies – specifically rent stabilization, just cause for eviction, and anti-harassment policies. While BAHFA does not have the authority to compel local governments to adopt

these policies, it can lead the region by elevating the urgency of these specific policies as it coordinates with other regional agencies (e.g., MTC and ABAG) as well as local jurisdictions to, where possible, incentivize and support their adoption.

Stakeholder Recommendations

- Promote best practices and emerging trends in tenant protections policies, such as pairing rent stabilization and just cause policies together, and limiting no-fault evictions of families with school-age children during the academic year.
- Support multijurisdictional and multisectoral collaboration on protection program administration to achieve greater economies of scale and strengthen the region's tenant protection infrastructure.
- Provide funding and technical assistance to local jurisdictions and community-serving institutions to support their efforts to strengthen enforcement of existing tenant protection policies. The Alameda County Housing Secure Program, through which Centro Legal de la Raza provides legal services to residents in addition to technical assistance to Alameda County, is one model to explore.
- Explore collaborating with MTC on implementation of the Transit Oriented Communities Policy, which leverages transportation funding to incentivize housing policy adoption including tenant protections. Because construction of transportation infrastructure, particularly freeways, has produced racial exclusion and displacement, stakeholders expressed that it is appropriate for transportation funding to be leveraged to address inequities and benefit BIPOC communities.
- Play a leadership role in developing a shared regional understanding of the displacement dynamics affecting lower-income neighborhoods. In part, this could include a recognition that some public investments (e.g., in infrastructure, transportation, housing, etc.) that result in neighborhood improvements may have the unintended consequence of spurring displacement through increased land values. As a regional public agency with a core anti-displacement mandate, BAHFA is well positioned to collaborate with other public entities to elevate “investment without displacement” frameworks that encourage devoting resources to historically disinvested areas while ensuring that existing residents can remain to enjoy the benefits.

Data Collection and Analysis

To effectively target interventions, BAHFA will need to ground its program design process in evidence-based analysis of the underlying causes of homelessness and housing insecurity that different populations face.

Stakeholder Recommendations

- Examine the unique, intersectional barriers to affordable housing faced by marginalized groups, such as transition-aged foster youth, transgender people, undocumented immigrants, and domestic violence survivors. Furthermore, engage with community-based organizations who are effectively reaching and serving such groups to learn from and expand their outreach efforts.
- Conduct a survey of affordable housing residents that tenants can participate in anonymously and comment on their experiences and concerns as residents.
- Establish a regional rent registry for both subsidized and unsubsidized rental units that tracks rents, evictions, lengths of tenancy, and ownership (e.g. units owned by LLCs or other corporate entities, number of units owned per landlord). Make registry

data publicly available (with personal tenant information de-identified) to allow stakeholders and policymakers to conduct their own analysis of the data.

Additional Recommendations

The following are additional stakeholder recommendations related to Protection:

- Require or incentivize tenant protections in BAHFA-supported developments, and track tenant evictions and complaints in affordable housing developments to ensure that residents are treated equitably.
- Explore options for immediate or near-term action to support tenants at-risk of displacement following the lifting of Covid-19 eviction moratoria.
- In addition to emergency rental assistance, provide financial assistance for security deposits and relocation assistance for people who are displaced due to code enforcement and habitability issues.
- For a holistic approach to homelessness prevention, pair financial assistance programs with legal assistance and additional supportive services (such as mental and behavioral health services).
- Provide support to tenant associations, organizing efforts, and outreach initiatives that are working to make information on tenant right more accessible (e.g. easy to understand and available in different languages).

Conclusion

Many of the above recommendations and ideas have directly shaped the Objectives, Metrics, Goals, and commitments articulated in the final Equity Framework. As a whole, the stakeholder feedback documented in this report will continue to inform BAHFA's work as it seeks to develop and implement its Funding Programs in alignment with the Equity Framework.

This report is a starting point for further conversation with stakeholders on what it will take to advance equitable housing in the Bay Area. As described in the Equity Framework, BAHFA is committed to ongoing engagement with and outreach to stakeholders from across the 3Ps, with an intentional focus on equity-oriented organizations who are accountable to and part of communities most impacted by housing unaffordability. This engagement and outreach will continue in various forms as BAHFA works to maintain accountability to the Equity Framework moving forward.

Appendix D

Guiding Questions for Program Development and Design

THIS SET OF GUIDING QUESTIONS is a planning tool to help generate ideas and evaluate housing program strategies that further the Equity Objectives in the BAHFA Equity Framework. The guide provides open-ended questions designed to provoke analysis of how the potential program could best meet Equity Objectives. The guide is not a scoring system or checklist. It is intended to help BAHFA answer questions such as, “Which Equity Objectives can X program best achieve, and how?”

The guide has three parts: Part 1 sets the context for the program design by asking a couple of questions to identify any key limits or requirements related to the potential program, based on the likely funding source, BAHFA authority, or other factors. Part 2 asks questions about how the program is expected to perform on the relevant metrics and how it could be designed to meet the Equity Objectives. Part 3 asks about which metrics are most relevant to the program, and whether there is data or precedents showing how similar programs have performed according to these metrics.

Part 1. Limits and Requirements

- What is currently known about which funding source(s) are likely to be used?
- What requirements and limits would there be related to the likely funding sources? For example, what types of developers or organizations can we expect would be able to access these funds? What types of projects would be eligible and competitive for any assumed source of leverage?
- What limits or requirements are important to note that relate to BAHFA's legal authority and mandate?

Part 2. Alignment with Equity Objectives

2a. Global Questions about Expected Program Outcomes

Which Equity Objective(s) is this program intended/designed to meet? To the extent that the program is designed to meet multiple Equity Objectives, is one or more Objectives prioritized over the others?

- How is the program expected to perform on each of the relevant metrics?
- How many people/families can we expect the program to serve?

- How many housing units will the program provide? At what affordability level? Over what time frame?
- For innovative programs (e.g. Innovation Fund), is there a multiplier effect if the innovation is more broadly adopted in the sector?

How might this program affect or support BAHFA's efforts to meet other equity objectives that it is not designed for? For example:

- Does this program complement other BAHFA programs' ability to deliver on the Equity Objectives? For example, does it advance specific Equity Objectives that the other programs do not?
- Does this program help to mitigate any unintended consequences or undesirable benefits/burdens from the other programs?
- What potential undesirable benefits/burdens might this program create, and how will these be mitigated by the program's design or by other programs?
- For Production/Preservation programs, does this program generate revenue that can be used to support other Equity Objectives?
- For Protection programs, could this program be paired with or designed to complement BAHFA's Preservation or Production Funding Programs to strengthen anti-displacement goals?

2b. 3Ps Objectives

Part 2b provides questions related to the objectives under each of the 3Ps (Production, Preservation and Protection). Refer only to the questions under the program track(s) that are relevant to the program being considered.

PRODUCTION

1.1. Produce more affordable housing, especially for extremely low-income (ELI) households

- What communities (geographic, demographic, household type) will be specifically targeted to benefit from this program?
- How will the program be designed to generate the targeted benefits (e.g. incentives, threshold requirements, or other mechanisms such as points or set-asides)?

1.2. Invest in historically disinvested areas

- What program elements will function to prioritize projects with demonstrated support from impacted communities?
- How will the program support investment in lower-resource communities and other areas subject to historic disinvestment?

1.3. Create affordable housing opportunities for lower-income households in historically exclusionary areas

- How will the program support new affordable housing opportunities in existing areas of opportunity?

1.4. Create programs that address homelessness

- How will the program be designed to ensure that people without housing benefit from the homes this program produces?
- How will the costs unique to permanent supportive housing be covered?

1.5. Achieve regional climate and environmental justice goals

- How will the program be designed to support projects with climate/environmental justice criteria (e.g. TPA or PDA location, LEED design)?

PRESERVATION

2.1. Preserve expiring use affordable housing to prevent displacement

2.2. Preserve existing unsubsidized housing and convert to permanently affordable housing

For Objectives 1 and 2 (answer separately for each type of program, if relevant):

- What types of projects would be eligible and competitive for these funds? Considerations: How might this be shaped by requirements of other funding sources that would need to be leveraged?
- What types of developers can we expect would be able to access these funds? Considerations: How are these types of developers distributed across the region?
- What communities (geographic, demographic, household type) will be specifically targeted to benefit from this program?

2.3. Target preservation investments for most impacted residents

- How can/will the program be designed to ensure that ELI households and people at risk of homelessness benefit from the homes this program preserves (e.g. by creating deeper affordability compared to market rate rents)?

2.4. Create opportunities for community-owned housing

- How can/will the program be designed to support projects that enable community control and/or equity growth, especially in EPCs and for households facing discriminatory and/or structural barriers to homeownership?
- What program elements will function to prioritize projects with demonstrated support from impacted communities?

PROTECTION

3.1. Increase access to anti-displacement and homelessness prevention services

- How can/will the program increase access to tenant services that prevent displacement and homelessness?

3.2. Support tenant education and advocacy

- How can/will the program empower tenants through enhanced training, education, outreach and/or community resources?

3.3. Prioritize protections and investments in households and communities facing the greatest housing precarity

- How can/will the program reach and meet the particular needs of ELI households, residents of Equity Priority Communities, and other communities facing the greatest housing precarity?

3.4. Ensure adequate funding for tenant protections

- To what degree would the program meet the regional needs for protection services?
- How can the program leverage new revenue streams?

3.5. Elevate the urgency of tenant protections through regional leadership

- What research, coordination, or communications will occur through the program that elevate the urgency of tenant protections and adoption of best practices in the region?

2c. Cross-Cutting Objectives

4.1. Support community-based and community-owned organizations and developers

- How will inclusion be achieved for Community-Based and Community-Owned Organizations and Developers (e.g. complementary capacity building, set-asides, DBE/SBE requirements, accessible baseline requirements for developers, accessible program terms)? Could the program be designed to be more inclusive?

4.2. Support individual and community wealth building

- How will the program support historically marginalized people and residents historically excluded from homeownership to build wealth and access home ownership?

4.3. Serve as a regional leader on local equitable programs and practices

- How do jurisdictions need to be aligned with BAHFA's objectives for this program to be successful? What types of jurisdictions need to be aligned?
- What incentives, requirements or other mechanisms could be included in the program to encourage participation of local jurisdictions in achieving the equity objectives?
- Is the program designed to incentivize counties and other direct allocation jurisdictions to advance the Equity Objectives? If so:
 - i. Which objectives?
 - ii. What incentives, requirements or other mechanisms will be used to encourage participation of these local jurisdictions in achieving the program's equity objectives?
- What form(s) of technical assistance and/or model practices can be offered to support local jurisdictions' alignment with the Equity Objectives?

4.4. Commit to ongoing, meaningful, and equitable engagement

- What processes could be devised for historically marginalized community members to be involved in program design and/or evaluation?
- To what extent does the program respond to priorities, opportunities and challenges communicated by stakeholders through the Equity Framework public engagement process? Could the program be designed to be more responsive?

4.5. Secure more flexible and unrestricted funding

- Can/should the program generate new revenue that can be used for unmet Equity Objectives? If so, what features of program design would be necessary and what are the trade-offs?
- Will this program be able to access any flexible or unrestricted funding generated through other programs or funding sources? How can other programs or sources be designed to secure additional resources for this program?

4.6. Target most flexible BAHFA funding to accelerate AFFH

- Can/should the program be woven together with the 10% Local Government Incentive Program to address Affirmatively Furthering Fair Housing? If so, what features of program design would be necessary?

Part 3. Knowledge Base on Relevant Metrics

Refer to the metrics associated with the relevant Program Track(s). What lessons can be learned from existing data, precedents, or other evidence about how programs similar to the proposed program have performed on any of the Equity Framework metrics that are relevant to this program?

Appendix E

Data Sources for Metrics

Equity Goal	Metric	Data Source
Core Metrics	% cost burdened renter households by race/ethnicity, income level, disability status	California Housing Partnership, American Housing Survey
	# and % of overall population experiencing homelessness by race/ethnicity, # and % of overall population and K-12 student population experiencing homelessness by race/ethnicity	CA Homeless Data Integration System, CA Department of Education
	% homeowners by race/ethnicity	American Community Survey
	Affordable housing shortfall	California Housing Partnership
	Wealth by race/ethnicity	TBD
1. Choice and Opportunity	For low-resourced neighborhoods, change in HCD/TCAC opportunity index compared to change in number/share of population by race/ethnicity	American Community Survey, CA Tax Credit Allocation Committee
	% extreme commuters by race/ethnicity, poverty level, mode of transportation, and housing tenure	American Community Survey, Bay Area Equity Atlas
2. Stable, Affordable Housing for All	% of homes meeting the American Housing Survey (AHS) Definition of physical adequacy	American Housing Survey, Comprehensive Housing Affordability Strategy data
	% of households living in overcrowded homes (more than 1 occupant per room)	American Community Survey
	% of regional housing supply accessible to people with disabilities	American Housing Survey
3. Security, Safety and Belonging	TBD	TBD. Evaluating progress towards this goal is likely best accomplished using qualitative methods.

Equity Goal	Metric	Data Source
4. Neighborhood Stabilization and Cultural Placekeeping	% of low-income households by race/ethnicity across areas with Estimated Displacement Risk (EDR)	American Community Survey, Metropolitan Transportation Commission, CA Dept. of Housing and Community Development
	Metro comparison of displacement risk (Bay Area compared to other metros)	Metropolitan Transportation Commission
	Change in number and share of BIPOC populations within Equity Priority Community (EPCs)	Metropolitan Transportation Commission
5. Community Self-Determination and Participation	% of elected officials by race/ethnicity	Bay Area Equity Atlas
	# of units stewarded by community-owned housing organizations	California CLT Network
	Voter turnout by race/ethnicity	Bay Area Equity Atlas
	Voter turnout for affordable housing ballot measures	Statewide Database
6. Repair	% of tracts designated as Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs)	CA Dept. of Housing and Community Development
	% of tracts designated as Racially Concentrated Areas of Affluence (RCAAs)	CA Dept. of Housing and Community Development
7. Environmental Health and Justice	% of population by race/ethnicity and pollution burden quintile	American Community Survey, CalEnviroScreen
	% sensitive populations (elderly, children, people with disabilities, etc) by environmental exposure (air quality, sea level rise, wildfires, etc.) and adaptive capacity	Climate Change & Health Vulnerability Indicators for California
	% of population by race/ethnicity and Healthy Places Index quintile	American Community Survey, Public Health Alliance of Southern California

Data Sources for Metrics continued

Equity Goal	Metric	Data Source
8. Prevention	% of population protected by rent stabilization and just cause for eviction policies	American Housing Survey
	# of households receiving Housing Choice Vouchers or other permanent housing subsidies	American Housing Survey

Data Challenges and Limitations

While the Equity Framework metrics – related to both the Objectives as well as the broader Social Equity Goals – will be vital to the design and evaluation of BAHFA's program strategies, there are inherent challenges and opportunities related to data and metrics that are important to note.

Data unavailability, geographic inconsistencies of available data, and infrequency in new data made available by existing sources all represent challenges to BAHFA leveraging the Equity Framework metrics to advance equity. Additionally, indicators of progress, especially towards the longer-term goals, will be influenced by external factors that are beyond BAHFA's direct control.

Other challenges are related to notions which are central to the Equity Framework, such as “community self-determination,” “cultural placekeeping,” and “belonging.” These multidimensional concepts were identified as critical to an equitable housing future in the Bay Area during the Equity Framework's development and stakeholder engagement process, but nevertheless can be difficult to define and thus also difficult to measure quantitatively.

Despite these challenges, BAHFA has the opportunity to be an innovator in data collection and equity measurement for the region. Components of the Equity Framework that may be difficult to measure quantitatively may be better evaluated through qualitative methods such as interviews and listening sessions with residents and equity leaders. For some quantitative measures where data is lacking, such as wealth by race/ethnicity, BAHFA may consider partnering with other entities, such as the Federal Reserve Bank of San Francisco, to produce this data at the scale necessary to track the reduction of racial disparities in wealth across the region, similar to the methodology used in the Federal Reserve Bank of San Francisco 2016 report, “The Color of Wealth in Los Angeles.”²

Appendices Endnotes

- 1 Ham, K., Strominger, M., & Gordon, L. (2022). Advancing Community-Controlled Housing Preservation through the New Bay Area Housing Finance Authority. <https://www.urbanhabitat.org/resources>
- 2 Data revealing persistent racial disparities in wealth (difference between gross assets and debt) at the national level are available through the Federal Reserve's 2019 Survey of Consumer Finances. However, data are not currently available at the metro level. One opportunity to consider is partnering with the Federal Reserve Bank of San Francisco to produce similar data that facilitates the tracking of racial disparities in wealth across the Bay Area.

BAHFA FUNDING PROGRAMS

EXECUTIVE SUMMARY

Following the mandate prescribed for BAHFA's work in its enabling legislation, Assembly Bill 1487 (Chiu, 2019), BAHFA's Business Plan includes Funding Programs that set forth how BAHFA will disburse its regional housing revenues. The Funding Programs are designed to address the "3Ps": Production, Preservation, and Protections, and are presented as four programs:

- Production: Multifamily Rental Production Program: New construction investments that typically leverage third-party funding and achieve beneficial housing outcomes at scale;
- Preservation: Anti-Displacement and Preservation Program: Investments in existing buildings with the goal of preventing displacement of low-income households and stabilizing communities;
- Protections: Tenant Protections and Homelessness Prevention Program: Specific interventions aimed at keeping vulnerable residents housed and preventing homelessness, including for example, rental subsidies and legal assistance; and
- Innovation: Investments, typically in Production, that deviate from traditional affordable housing financing structures, seeking instead to achieve faster, more cost-effective housing delivery than current funding methods or to pilot new models for affordable housing delivery outside of traditional new construction or preservation projects.

While AB 1487 establishes similar rules for the 80% of funds that are returned to Bay Area counties and cities, the Funding Programs described herein are specifically for BAHFA's use of the 20% of regional funds ("Regional Housing Revenues", or "RHR") that are retained by BAHFA. Cities and counties will establish their funding priorities in compliance with AB 1487 in future expenditure plans submitted to BAHFA following a successful revenue measure.

All four RHR Funding Programs pursue these overarching goals:

- Integration of Equity Framework Objectives. These include, but are not limited to:
 - Delivery of new housing that serves highly impacted households and communities, such as permanent supportive housing and investments in historically disinvested communities (such as Equity Priority Communities);
 - Preventing residents, especially low-income households and those at risk of homelessness, from displacement and homelessness through housing preservation and tenant protection measures;
 - Promotion of climate and environmental justice through investments in transit-oriented projects that also employ sustainable construction and design standards; and

- Expansion of opportunities for community-based and emerging developers on projects that reflect strong community support.
- Operational Self-Sustainability for BAHFA. Collectively across its Funding Programs, BAHFA must generate revenue and fees through its lending practices that will enable it to both maintain high-quality operations and reinvest in its Funding Programs, especially for Protections, for which funding is not readily available.
- Demonstrated Leadership Through Coordination and Streamlining. BAHFA will approach its work collaboratively, seeking to assist jurisdictions by streamlining, standardizing, coordinating, and consolidating access to financial resources throughout the region.
- Achieving Scale. Only by providing new financial resources, innovative investment approaches, and coordinated efforts can the region meet its housing needs: over 441,000 new housing units identified in the 6th RHNA Cycle for 2023-2031, with over 253,000 of those needing affordability below 120% of area median income.

A brief summary of each of the four Funding Programs is provided below. For additional information and details related to each, see the detailed Funding Program documents that follow.

Production Program Summary

New construction affordable rental housing is almost always funded by stacking 4% or 9% low-income housing tax credits with tax-exempt or taxable debt and/or local or state subsidies, also known as “gap funding” or “subsidy loans.” Subsidy loans are typically in short supply and are disbursed competitively at both the state and local levels. Since 2020, tax-exempt bond funding and 4% low-income housing tax credits are also now over-subscribed, creating a significant bottleneck at the state level – in 2021 and the first funding round of 2022, Bay Area projects’ application success rate was only 39%. The net effect of our current funding system is to increase costs through multiple and duplicative applications that take time and offer no certainty, which itself drives up costs and prevents efficient resource allocations.

BAHFA’s Production Program will address these issues by:

- Packaging construction and/or first mortgage loans with subsidy loans to support project feasibility, which will simplify project-level financing, reduce costs, and increase project benefits;
- Bringing additional resources to local jurisdictions’ existing housing programs, thus enabling more projects to move through the pipeline faster; and

- When possible, leveraging these existing resources to create transformational scale and grow the region's new, affordable rental housing production pipeline.

By providing construction, first mortgage, and subsidy loans to projects, BAHFA will generate the fees and interest it needs for operations and re-investments into more affordable housing and protections services.

Preservation Program Summary

Bay Area housing costs began to rise significantly in 2012 as the country emerged from the Great Recession. For many low-income households, this created the need to relocate from their existing communities to new areas with lower housing costs, which were often farther away from Bay Area job centers. Relocation in search of housing affordability strains families, fractures communities and diminishes regional economic and environmental health. To address these issues and help residents in existing buildings maintain their housing and enjoy permanent housing affordability, BAHFA's Preservation Program will:

- Create a regional, coordinated source for Preservation acquisition/ rehabilitation loans, first mortgage loans, and subsidy loans;
- Support community development and wealth generation for low-income households through investments in small buildings, cooperatives, and limited equity housing; and
- Ensure that buildings with long-term affordability restrictions nearing their expiration date can remain affordable for another 55 years.

Like the Production Program, Preservation funding will generate fees and interest payments through loans that will sustain BAHFA and allow for reinvestments back into its Programs.

Protections Program Summary

The Protections activities authorized under AB 1487 include pre-eviction and eviction legal services; counseling, training and renter education; emergency rental assistance; and relocation assistance. If BAHFA pursues a general obligation affordable housing bond in 2024, it will not be able to fund Protections measures with bond funds due to restrictions in the California Constitution. However, California housing advocates are currently pursuing a constitutional amendment that would allow affordable housing general obligation bonds to be used for some tenant and homelessness protection investments. If this effort is successful, it may enable BAHFA to implement Protections, including homelessness prevention and other interventions, with RHR.

Regardless of the outcome of the constitutional amendment pursuit, BAHFA will provide regional leadership and advocacy, along with technical and financial support, to create regional systems

and services as part of its Protections programming. In addition, BAHFA will rely on earnings that it generates from its Production and Preservation Funding Programs to be able to provide the types of services specified in AB 1487 and those that protect tenants from displacement and prevent homelessness. This will include:

- Facilitating regional collaboration;
- Conduction research and providing technical assistance in areas such as eviction diversion programs with demonstrated beneficial outcomes; and
- Collaborating with and supporting local jurisdictions to better integrate and grow homelessness prevention programs.

Innovations Program Summary

It is essential that BAHFA provide leadership in financing and housing delivery and pursue new, innovative ways to better address the region’s housing needs. Overarching Innovation Program goals are to expand the range of financeable projects and produce housing faster and more cost-effectively, while not sacrificing the quality of habitability. With its Innovations Program, BAHFA can pursue additional lending programs beyond tax-credit developments, both at large and small scale, to expand the ways we finance and create more housing. BAHFA expects to stay opportunistic and push forward new ideas that show promise. Early programs it seeks to pursue include:

- “Efficient Delivery” projects, both for permanent supportive housing in collaboration with jurisdictions able to provide operating subsidies as well as for middle-income housing. These projects will, by definition, be lower cost and target faster development timelines (approximately three years from start to finish).
- “Affordable Unit Buy-Down”, a subsidy program that will pay the cost of adding affordable housing units in new market rate projects, with payments coming in when construction is complete. (Note that the Buy-Down program may also subsidize affordability in existing market-rate projects, but those are likely to be few in number relative to the opportunities afforded in new inclusionary projects.) For jurisdictions with existing inclusionary requirements, this program will increase the percentage of affordable units in the project beyond what the jurisdiction requires.
- “Adaptive Re-Use,” which, by providing funding for conversion of buildings from commercial to residential, acknowledges the need to reimagine commercial districts and reinvigorate aging and obsolete malls and office parks.

Each of the Funding Program documents included contain an overview of both the equity and programmatic objectives BAHFA aims to accomplish, as well as the specific financing products that BAHFA will provide as part of the Program. In addition, details related to how BAHFA's programs fit within the existing financing landscape, the rationale for providing the programs, and different ways in which the programs can be provided through BAHFA are included within each Funding Program's appendix.

BAHFA PROGRAM DESCRIPTION

PRODUCTION: MULTIFAMILY RENTAL PRODUCTION PROGRAM

Equity Objectives	<p>The Multifamily Rental Production Program (the “Program”) will invest in projects that support achievement of the Equity Framework’s Production (P) and Cross-Cutting (CC) Objectives. The Program, in combination with other funding programs and initiatives implemented by BAHFA, will seek to:</p> <p>P1. Produce more affordable housing, especially for extremely low-income (ELI) households. Increase production of housing with long-term affordability restrictions across the region, and provide special focus on the production of housing types that meet the needs of ELI households and populations most disproportionately impacted by housing inequity.</p> <p>P2. Invest in historically disinvested areas. Address systemic racism by investing in developments identified by impacted communities as priorities and that create stability for residents while transforming historically disinvested neighborhoods (such as Equity Priority Communities) into areas of opportunity.</p> <p>P3. Create affordable housing opportunities for lower income households in historically exclusionary areas. Address systemic racism by investing in developments that replace segregated living patterns with integrated, diverse, and balanced living patterns in areas of concentrated affluence.</p> <p>P4. Create programs that address homelessness. Increase housing types, in coordination with counties, that directly serve the needs of unhoused residents (including permanent supportive housing) while developing strategies to ensure that operating and services subsidies are available and utilized to the greatest extent possible. This Objective recognizes that more housing of appropriate types is a key solution to homelessness.</p> <p>P5. Achieve regional climate and environmental justice goals. Prioritize housing placement near high-quality transit and invest in housing that achieves high performance scores in recognized sustainable building systems.</p> <p>CC1. Support community-based, and community-owned organizations and developers. Expand, diversify, and</p>
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	<p>strengthen the capacity of the region’s housing ecosystem by investing in community-based developers and organizations across all 3Ps.</p> <p>CC2. Support individual and community wealth building. Create opportunities for historically marginalized people and residents historically excluded from homeownership, to build wealth through housing, including traditional and shared homeownership opportunities.</p> <p>CC3. Serve as a regional leader on local equitable programs and practices. Advance local alignment with regional equity priorities across all 3Ps, encouraging counties and cities to incorporate and build off of the Equity Framework.</p> <p>CC4. Commit to ongoing, meaningful, and equitable engagement. Advance community participation among historically marginalized populations through ongoing engagement with and outreach to stakeholders equally distributed across the 3Ps, with an intentional focus on organizations who are accountable to and part of communities most impacted by housing unaffordability.</p> <p>CC5. Secure more flexible and unrestricted funding. Seek to expand and secure funding sources to achieve a broader range of equity needs across all 3Ps, including uses that would be difficult to fund with likely fund sources (e.g., general obligation bond).</p> <p>CC6. Target most flexible BAHFA funding to accelerate AFFH. Develop programs within BAHFA’s optional 10% Local Government Incentive Program that address any gaps in a comprehensive Affirmatively Furthering Fair Housing (“AFFH”) approach given AB 1487’s parameters. Target any non-housing investments (i.e., infrastructure, community or cultural spaces, and public services) in communities that have faced historic disinvestment and/or are home to the region’s most impacted residents.</p>
Additional Objectives	<p>Additional objectives of the Program are to:</p> <ul style="list-style-type: none"> • Support BAHFA’s Legislated Production Goals. The majority of Regional Housing Revenue¹ (“RHR”) raised by BAHFA (minimum 52%)

¹ Regional Housing Revenue refers to the revenue BAHFA collects from general obligation bond issuances, parcel taxes, special head taxes, and gross receipts taxes as defined in AB 1487.

	<p>is required to be distributed, in the form of a grant, loan or other financing tool, for the production of rental housing that is restricted by recorded document to be affordable to lower income households up to 80% AMI for at least 55 years (“Production”). The Program would provide financing for housing meeting the Production criteria.</p> <ul style="list-style-type: none"> • Achieve Transformative Scale. To make it possible for BAHFA to assist a greater number of units, it will need to leverage outside funding that can cover a large share of total development costs. Currently, the principal major source of subsidy for affordable housing is the federal Low Income Housing Tax Credit (“LIHTC” or “tax credit”) program. Funding provided by the Program is intended to be compatible with LIHTCs, as well as state and local subsidy sources. Noting that LIHTCs and their companion funding source, tax-exempt private activity bonds (“PABs”), are currently highly competitive and often not directed to projects that BAHFA would otherwise seek to prioritize, BAHFA will seek to leverage alternate, new funding sources as they become available. It will also work collaboratively with state and local partners to ensure that LIHTCs and PABs, both necessary for projects’ financial feasibility, are distributed more equitably across a variety of communities. • Generate Revenue. Revenue BAHFA generates from its financing activities in support of the Program will be used to support BAHFA’s financial self-sufficiency and Protection programming. Revenue may also be revolved by BAHFA as additional financing to additional projects and to invest in new BAHFA financing and technical capacities. • Coordinate and Streamline. Affordable multifamily rental projects are typically financed using a “layer cake” of hard debt and subsidy from multiple sources. By being a coordinated source of both hard debt and significant subsidy, and providing pathways for local jurisdictions and other funding sources to efficiently contribute additional financing to the same projects, BAHFA will help streamline project financing.
Funding Products	<p>The initial funding products BAHFA will provide pursuant to the Program are intended to support achievement of the Equity Objectives and the Additional Objectives set forth above, and to be responsive to the regional financing needs and opportunities identified for Production properties.²</p>

² For additional analysis of regional financing needs and opportunities, please refer to the Appendix.

	<p>As the region’s affordable housing production needs evolve, and as BAHFA identifies additional sources of funding and develops additional capacities, the funding products are expected to change. All Program terms will be periodically reviewed and are subject to revision at any time. Exceptions to general Program terms may be available on a project-by-project basis.</p> <p>Initial Program funding products include:³</p> <p><u>Permanent Financing</u></p> <ul style="list-style-type: none"> • Subsidy Loans, which may be structured as residual receipts loans and/or subordinated, must-pay loans. Subsidy loans are available to projects that are also accessing a permanent senior loan from BAHFA, or from another source acceptable to BAHFA. <ul style="list-style-type: none"> ○ BAHFA role: Lender ○ Anticipated term: 55-57 years ○ Anticipated interest rate and repayment requirements: <ul style="list-style-type: none"> ▪ For Residual Receipts Loans: Concessionary interest rate. “Soft” debt service serviceable from surplus project cash flow with any unpaid interest deferred and accruing. Outstanding loan balance is due upon loan maturity, property sale, or refinance. ▪ For Subordinate Loans: Below-market interest rate. Must-pay, “hard” debt service serviceable from project cash flow. Required payments may also include principal amortization. Outstanding loan balance is due upon loan maturity, property sale, or refinance. ○ Amount: Up to \$200,000 per unit, with additional amounts available for projects determined to be a high priority based on their meeting criteria to be established by BAHFA. Local jurisdiction funding will also be encouraged. ○ Funding source: RHR • First Mortgage Loans <ul style="list-style-type: none"> ○ BAHFA role: Lender, Participant, and/or Issuer ○ Anticipated terms: 17-40 year loan term; up to 40 year amortization schedule
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³ Several of these funding products are contingent on establishing BAHFA’s powers to issue project revenue bonds and/or be a conduit bond issuer.

	<ul style="list-style-type: none"> ○ Collateral/security: First-position lien on the property ○ Anticipated interest rate: Market or below-market, depending on loan structure, funding source and project type. <ul style="list-style-type: none"> ▪ Loans funded from project revenue bond issuance proceeds will be subject to capital market requirements and at market rates. ▪ Loans participated in by BAHFA will be at rates established by the lead lender. ▪ Loans funded from RHR may be at below-market or market rates. ○ Taxable or Tax-Exempt: Financing may be available on a tax-exempt basis for qualifying projects, for example: projects receiving an allocation of PABs; that have a 501(c)3 exemption; that are providing an Essential Government Service; or are being funded from recycled bonds. ○ Funding amount: Generally, sized to minimum 1.15 debt service coverage ratio; lower minimum debt service coverage ratio available when supported by the transaction structure. ○ Funding source: Housing revenue bond issuance proceeds (taxable or tax-exempt), or RHR • Conduit Bond Issuance on a taxable or tax-exempt basis, for bonds privately placed or publicly sold <ul style="list-style-type: none"> ○ BAHFA role: Issuer ○ Anticipated fees: BAHFA receives issuance and ongoing monitoring fees. <p><u>Construction Financing</u></p> <ul style="list-style-type: none"> • Subsidy Loans <ul style="list-style-type: none"> ○ Same as above under "Permanent"; for projects receiving a subsidy loan from BAHFA, the loan could be permanent-only or funded earlier (e.g., prior to or during construction) and remain as a permanent loan. • Construction Loans⁴
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⁴ In the near term, due to the size of construction loans needed per project, and the readily available capital from commercial banks for multifamily rental projects receiving tax credits, it is expected that BAHFA will play a smaller

	<ul style="list-style-type: none"> ○ BAHFA role: Lender, Participant, and/or Issuer ○ Anticipated terms: May fund eligible project costs from predevelopment through completion of construction. If needed, a portion may convert to a permanent subsidy loan and/or a first mortgage loan after construction completion and project stabilization. ○ Collateral/security: First-position liens on the property and project under construction ○ Anticipated interest rate: Same as above, under “Permanent – First Mortgage Loans.” ○ Funding amount: Generally, maximum 85% loan-to-cost; higher maximum loan-to-cost available when supported by the transaction structure. ○ Funding source: Housing revenue bond issuance proceeds (taxable or tax-exempt), or RHR ● Conduit Bond Issuance on a taxable or tax-exempt basis, for construction-only or construction-to-permanent phase bonds privately placed or publicly sold <ul style="list-style-type: none"> ○ BAHFA role: Issuer ○ Anticipated fees: BAHFA receives issuance and ongoing monitoring fees.
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Included in **Appendix:**

- Current Financing Overview
- Landscape Analysis
- Opportunities for BAHFA
- Funding Scenarios

role in construction lending for the Program than in other funding programs (see, e.g.: Innovation Program, Anti-Displacement and Preservation Program). Over time, BAHFA may generate additional resources that may make it possible to expand its construction lending activity in furtherance of the Program.

APPENDIX TO BAHFA PROGRAM DESCRIPTION

PRODUCTION: MULTIFAMILY RENTAL PRODUCTION PROGRAM

*This **Appendix** includes additional analysis of the regional financing needs and opportunities to which BAHFA's Multifamily Rental Production Program is intended to be responsive.*

<p>Current Financing Overview</p>	<p>Currently, new affordable rental housing production relies on the following principal financing sources:</p> <ul style="list-style-type: none"> • Low Income Housing Tax Credits are the single largest source of subsidy for affordable rental housing. When awarded to a project, tax credit equity received from the sale of tax credits to investors typically funds from around 40% (in the case of the “4%” tax credit) to 60% (for the “9%” tax credit) of project development costs. Although tax credit equity can pay for a significant share of project costs, remaining project costs still need to be paid for from a combination of hard, “must-pay” debt and additional (non-LIHTC) subsidy. • Construction Loan. During the construction period, projects have a short-term construction financing need. Projects funded with 4% LIHTCs require that the majority of the project’s aggregate basis be financed with tax-exempt PABs (further described below), while projects funded with 9% LIHTCs have more flexibility to use a wider range of construction sources. Upon completion and lease-up of the rental units, a construction loan may convert to a permanent loan and/or be repaid from permanent financing proceeds. • Permanent Senior Loan. The amount of a permanent senior loan (or first mortgage loan) a project can support is a function of (i) project net operating income (rental revenue minus operating costs); and (ii) debt terms (interest rate, amortization schedule and term, minimum required debt service coverage ratio). Senior loans are also considered “hard debt” because the loan must be repaid on a fixed schedule. In general, the higher the rents, and the lower the operating costs, the larger first mortgage loan a project can support. The percentage of total development costs that can be paid for with this debt depends not only on the amount of debt that can be supported, but also the total development cost of the project, which varies across the region and from project to project. We estimate that on average, approximately 10-20% of a typical low-income affordable rental project’s capital stack can be supported by a first mortgage loan. For projects with insufficient rental revenue (or operating subsidy) to cover operating costs, little to no debt can be supported. Examples of lower-revenue projects include permanent
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	<p>supportive housing, senior housing, and housing that prioritizes extremely low- and very low-income households (i.e., average affordability is 50% AMI or less).</p> <ul style="list-style-type: none"> • Subsidy Loans. Low-cost subsidy loans comprise a substantial portion of a project’s capital stack, often 40% of a project’s sources in a 4% LIHTC project. These have historically been sourced competitively through multiple agencies at the federal, state, and local levels. In California, subsidies are typically structured as “residual receipts” loans payable from remaining project cash flow after other costs are paid. As an alternative to, or in addition to, residual receipts-type loans, subsidy loans can also take the form of a subordinate “must-pay” loan. <p>See Table 1 below for a sample capital stack of Bay Area projects receiving tax credits in 2021. The split between tax equity, debt, and subsidy is an approximation, and not based on each specific project.</p> <p>The typical process by which most multifamily affordable developments are financed and built includes the developer applying to the California Tax Credit Allocation Committee (“CTCAC”) for an award of 9% tax credits; or to the California Debt Limit Allocation Committee (“CDLAC”) for an allocation of tax-exempt private activity bonds, which come with 4% tax credits as-of-right.</p> <p>Private activity bonds awarded by CTCAC are a form of “project revenue bond” – bonds whose repayment is secured by the revenue from a specific project or pool of projects. For projects receiving PABs, a public agency (e.g., a city, county, housing authority, or other entity with the authority to issue project revenue bonds) issues the bonds on behalf of the project, typically on a conduit basis. In the Bay Area, affordable housing projects are often directed to use the city or county in which they are located, or a specific local agency, as their bond issuer; alternatively, other state financing agencies can issue bonds on behalf of a project. Typically, in what is known as a “private placement,” conduit bonds are purchased directly from the issuer by a bank, which lends the bond proceeds to the developer; less commonly, bonds can also be sold pursuant to a public offering.</p>
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**Table 1: Financing Overview:
Sample Capital Stack**

Sample Capital Stack: Year 2021	Total Project Costs	Tax Equity at \$0.90	Perm Debt at 15%	Subsidy Need
New Construction 9%	\$390,032,417	\$229,981,315	\$58,504,863	\$101,546,240
Rehabilitation 9%	\$161,032,626	\$76,052,889	\$24,154,894	\$60,824,843
Subtotal (9%)	\$551,065,043	\$306,034,204	\$82,659,756	\$162,371,083
Per Unit (937 Units)	\$588,116	\$326,611	\$88,217	\$173,288
% of Capital Stack	100%	56%	15%	29%
New Construction 4%	\$2,306,269,093	\$1,017,218,119	\$345,940,364	\$943,110,610
Rehabilitation 4%	\$219,737,228	\$83,169,810	\$32,960,584	\$103,606,834
Subtotal (4%)	\$2,526,006,321	\$1,100,387,929	\$378,900,948	\$1,046,717,444
Per Unit (4,229 Units)	\$597,306	\$260,201	\$89,596	\$247,509
% of Capital Stack	100%	44%	15%	41%
Total	\$3,077,071,364	\$1,406,422,132	\$461,560,705	\$1,209,088,527
Per Unit* (5,166 units)	\$595,639	\$272,246	\$89,346	\$234,047
% of Capital Stack	100%	46%	15%	39%

*Cost/Unit is average, not weighted

Landscape Analysis	<p>The number of affordable multifamily rental projects that can be built is driven by factors including project costs and the availability of LIHTCs, PABs, and subsidy loans to fill funding gaps. While critical constraints exist regarding access to tax credits (see below), as tax equity raised from the sale of tax credits typically funds over 40% of a project's total development costs, the 4% and 9% tax credit programs remain, currently, the principal vehicles by which the Bay Area can meaningfully fund needed housing at the scale required.</p> <ul style="list-style-type: none"> • Scale of the Affordable Housing Need. In 2019, the California Housing Partnership Corporation set the shortage of affordable homes for Bay Area low-income households at 207,820. In 2022, the Bay Area's Regional Housing Needs Assessment set the number of needed homes for households earning 80% of area median income and below at 253,046. • Market Size. Both 9% tax credits and PABs (which generate the 4% tax credit) are constrained resources in California. Federal law sets annual limits for each state on the availability of 9% tax credits and PABs. In California, demand for 9% tax credits has consistently exceeded their availability; but until 2019, PABs were in abundant supply. In 2020, PABs became oversubscribed by more than five times the available amount and CTCAC and CDLAC established a competitive allocation process for projects financed with 4% tax credits and PABs, respectively. Due to this oversubscription, in the fall of 2021 the CA Department of Housing and Community
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	<p>Development launched the Housing Accelerator program to provide funding for projects that were shovel ready and unable to move forward due to gaps that resulted from their inability to access tax credit and bond allocations.</p> <p>Projects financed with LIHTCs (either 4% or 9%) created or preserved 5,116 units in the Bay Area in 2021 (43 new construction projects and 9 rehabilitation projects), with over \$3 billion in total development costs.⁵ Assuming tax credits could be sold, on average, for \$0.90 to investors, tax credit equity funded an estimated 46% of these project costs.</p> <ul style="list-style-type: none"> ○ 4% Tax Credit Projects. In 2021, across the Bay Area, 37 projects totaling 4,229 units with \$2,526,006,320 in total development costs were awarded PABs with 4% tax credits. Federal tax credits awarded to these projects totaled \$1,104,488,250 (10-year total) and \$118,165,013 in total state credits. Assuming those tax credits could be sold, on average, at \$0.90 to investors, total tax credit equity raised for these projects works out to an estimated \$1,100,387,924 – 44% of project costs. ○ 9% Tax Credit Projects. Also in 2021, 15 projects totaling 937 units with \$551,065,043 in total development costs were awarded 9% tax credits in the Bay Area. Federal tax credits awarded to these projects totaled \$332,181,310 (10-year total) and additional state credits totaled \$7,856,694. Assuming an average price per credit of \$0.90, tax credit equity raised for these projects is estimated at \$306,034,204 – 56% of project costs. See Table 2 below for an overview of projects awarded LIHTCs in the nine-county Bay Area in 2021. ● CTCAC/CDLAC Alignment with Equity Objectives. Both CTCAC and CDLAC have “set asides,” or pools for awarding tax credits and PABs to projects based on categories. For example, of the \$2.23 billion of PABs allocated to 4% tax credit multifamily projects in 2022, CDLAC required 88% of the PABs be for new construction projects, with specific pools focused on homeless, ELI and VLI households. Further, 3% of funds were available to developers with at least 51% BIPOC ownership or leadership. 9% tax credit projects that do not use PABs have different set asides with goals set by CTCAC. <p>Many of the current set asides and scoring criteria align well with BAHFA’s Equity Objectives including prioritization of lower income</p>
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⁵ In 2020, 62 new construction and 14 rehabilitation projects totaling 8,160 units with over \$4.67 billion in development costs received tax credit awards.

	<p>and special needs households and proximity to transit. However, some have created negative consequences for many Bay Area communities, including prioritizing investments in “high opportunity” census tracts, which disadvantage lower-income communities and communities of color. In addition, CTCAC and CDLAC assigned a “tie-breaker” advantage to projects with low development costs in the interest of creating more units overall. For high-cost Bay Area communities, this has resulted in a resource allocation drought. To achieve its equity goals, BAHFA must work collaboratively with state and local partners to create a more equitable funding system while also investing in efforts such as entitlement streamlining and factory-built housing that lowers project costs. Additionally, as BAHFA gets closer to launching its funding programs, CTCAC/CDLAC priorities may change, and BAHFA will continue to monitor, collaborate, and evolve as needed to provide funding to projects that will successfully receive tax credits and bonds, or to those that meet newer “subsidy in lieu of credits” programs such as the state’s Housing Accelerator program while also meeting Equity Objectives.</p> <ul style="list-style-type: none"> Constraints on Local Subsidy Availability. In addition to the constraints on LIHTC funding availability, projects currently need to go to multiple state and local resources to seek subsidy loans, which adds time and cost due to the need to apply to multiple agencies on their funding cycle and negotiate multiple loan documents, as well as annual reporting to multiple agencies.
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Table 2: Overview of Bay Area projects awarded LIHTCs in 2021

*Rehabilitation projects were primarily projects with expiring affordability restrictions. CDLAC/TCAC scoring currently prioritizes new construction.

**Cost/Unit is weighted average.

Year: 2021	# of Projects	# of Units	Total Project Costs	Cost/Unit	Federal Credits (10 Yr)	State Credits	Total Credits
New Const. 9%	10	631	\$390,032,417	\$618,118	\$247,678,100	\$7,856,694	\$255,534,794
New Const. 4%	33	3,946	\$2,306,269,093	\$584,457	\$1,012,077,350	\$118,165,004	\$1,130,242,354
Rehabilitation 9%*	5	306	\$161,032,626	\$526,250	\$84,503,210	\$0	\$84,503,210
Rehabilitation 4%*	4	283	\$219,737,228	\$776,457	\$92,410,900	\$0	\$92,410,900
Total/Average**	52	5,166	\$3,077,071,364	\$600,103	\$1,436,669,560	\$126,021,698	\$1,562,691,258

Opportunities for BAHFA	<p>The universe of new affordable multifamily rental projects needing funding each year across the Bay Area is large. Based on Table 1 above, if 10-20% of annual regional tax credit project development costs can be financed with hard debt, that leaves a \$300-\$600 million annual permanent financing need and a remaining need for subsidy loans of \$1.0-\$1.36 billion. In addition, projects not receiving tax credits, but viable with additional debt and/or subsidy, could also be financed (to be described in BAHFA’s</p>
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	<p>Innovation Program). These funding needs present opportunities for BAHFA to provide permanent and construction-period financing and improve on current financing approaches.</p> <p>In addition to providing subsidy loans, if BAHFA can play a role in the construction or permanent lending, it can provide competitive project-level benefits while enabling stabilized operations and the ability to generate revenue from interest and fees which can support BAHFA’s financial self-sufficiency and Protection programming.</p> <p>For the Program to be compelling and add additional value for projects, BAHFA also can:</p> <ul style="list-style-type: none"> • Package its “must pay” hard debt products with subsidy, to simplify project-level financing, and increase the benefit to projects. The threshold for BAHFA to be the best available financing provider for projects in the region is when the cost of its hard debt plus subsidy loan (its “blended cost”) is less than the cost for the same total amount of funding from any other source. • Compete to provide a lower-cost debt product (lowest possible interest rate, minimum fees). There are various way for BAHFA to provide a lower cost debt product than its peers. Initially, BAHFA may apply its RHR to funding hard debt loans directly or via a loan participation. Over time, as BAHFA generates revenue and has financial strength, a multi-year lending track record, and a strong credit rating, it may be able to gain deeper access the capital markets and leverage a wider range of external sources to provide low-cost debt to borrowers, such as through an open bond indenture. <p>In any structure, BAHFA can mark the project costs it controls - principally, fees and interest rate spread—to the minimum level BAHFA can sustain, and/or provide additional subsidy to provide a <i>total</i> financing package that is competitive to other providers.</p> <ul style="list-style-type: none"> • Reduce project costs and ease of execution through streamlined, standardized reporting, documentation, and other administrative requirements and simplification of each project’s capital stack. • Communicate, coordinate and collaborate with local jurisdictions, especially to the extent BAHFA cannot provide all the subsidy a project needs and additional subsidy from a local jurisdiction is needed.
Funding Scenarios	<p>If \$2 billion in RHR becomes available to BAHFA, a minimum of 52% would be allocated to Production programs. Production also includes the Innovation Program (under separate cover). It is assumed BAHFA would</p>

	<p>draw all \$2B of its general obligation bonds via five bond issuances at three-year intervals. This schedule could be accelerated if the region expends funds more quickly.</p> <p>As stated in the goals of the Program, and subject to the limitations of its authorizing legislation, BAHFA will seek to achieve greater scale by augmenting the RHR it has available to fund the Program with additional resources raised by accessing the capital markets.</p> <p>Several options for how BAHFA could seek to do so are outlined below. The Baseline scenario assumes BAHFA does not issue project revenue bonds and is unable to leverage <i>any</i> funding aside from RHR. The Subsidy Only scenario assumes BAHFA focuses on delivering only subsidy loans. The additional options are strategies that, by partnering with banks or accessing the capital markets, would expand the total resources BAHFA has available for the Program and provide BAHFA with additional sources of revenue.</p> <ul style="list-style-type: none"> • Baseline. BAHFA funds the Program entirely from RHR. <ul style="list-style-type: none"> ○ <u>Pros</u>: Simplest scenario to execute. BAHFA can set the interest rate and terms on all financing it provides, earn 100% of the interest rate charged and receive all repaid principal. ○ <u>Cons</u>: Least scaled scenario, with most limited selection of financing products and most limited project set. RHR is a scarce resource and if needed to fund both hard debt and subsidy loans, it would be able to fund fewer subsidy loans and support production of fewer units. BAHFA would be unable to provide many of the financing products identified as opportunities above, including any of the products that require issuance of project revenue bonds. In particular, BAHFA would not have the ability to fund any federally tax-exempt financing to projects, which means projects that ordinarily could benefit from this tax subsidy would have to forgo it to the extent they still choose to use BAHFA financing. • Subsidy Only: BAHFA dedicates its resources to providing subsidies, forgoing any role as a senior lender or issuer. <ul style="list-style-type: none"> ○ <u>Pros</u>: BAHFA could use all RHR for subsidy loans, and it would have fewer staffing needs. Borrowers could continue to receive competitively priced first mortgages from other providers under a structure they are used to. ○ <u>Cons</u>: Especially in the short to mid-term, BAHFA would have extremely limited sources of internally generated revenue, which could result in continued dependency on recurring
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	<p>infusions of funding from voter-approved housing measures, or external donors, to continue providing financing products, pay for expenses, and deliver Protection programming. In the short to mid-term, BAHFA revenues would consist of interest paid on subsidy loans from available cash flow. Payments on these loans depend on project-level excess cash flow being available and would be unreliable, especially before projects are fully leased-up and stabilized. However, longer-term, some projects may be refinanced, triggering repayment of BAHFA’s subsidy loans and providing cash that could be re-loaned, subject to remaining restrictions on those funds.</p> <ul style="list-style-type: none"> • Loan Participation: BAHFA funds <i>a share of</i> each construction and/or permanent loan from RHR, while banks or other financing partners fund the balance of each loan. This is a strategy BAHFA may employ in the near term as soon as it has RHR available. <ul style="list-style-type: none"> ○ <u>Pros:</u> BAHFA could offer an interest rate competitive with the market, and earn its proportional share of interest plus principal, while the bank earns its share. By utilizing banks to provide the majority of each permanent loan, BAHFA would be able to fund more subsidy loans from RHR than it could under the Baseline scenario while still earning some permanent loan revenue. It can also rely on the banks to lead by using their loan agreements and infrastructure to underwrite and service loans, reducing BAHFA’s staffing needs. ○ <u>Cons:</u> The complexity of merging multiple financing parties into a single transaction cuts against BAHFA streamlining goals, however this is a structure that banks are familiar with. BAHFA control and decision-making about any project will also be shared with the co-lender(s). By playing a smaller role in the first mortgage loan, BAHFA will earn less revenue. • Open Indenture. BAHFA establishes an open (or “pooled”) indenture pursuant to which it issues housing revenue bonds secured by a pool of projects. Bond proceeds are used by BAHFA to fund its permanent first mortgage lending program. This is a strategy BAHFA may employ in the longer term once it generates revenue from other programs and has a strong balance sheet. <ul style="list-style-type: none"> ○ <u>Pros:</u> Makes it possible for BAHFA to provide all of the financing products identified above as opportunities. In addition to using RHR to provide subsidy loans, under the open indenture, BAHFA would access the capital markets to issue housing revenue bonds, proceeds of which would be
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	<p>used by BAHFA to make hard debt loans to projects. This structure 1) allows BAHFA to conserve the majority of its Production-related RHR for subsidy loans which commercial lenders are unable to provide; and 2) leverage the capital markets for external sources to fund its permanent first mortgages, all while BAHFA is able to earn revenue from interest rate spread and other fees.</p> <ul style="list-style-type: none">○ <u>Cons:</u> While the open indenture is a powerful structure for BAHFA to generate revenue over the long term, it would be contingent on establishing its powers under AB 1487 to issue project revenue bonds. Furthermore, BAHFA will need to identify cash with which to collateralize the indenture at its outset and under current law, general obligation bond proceeds cannot be used for this purpose. Further, the cost of capital BAHFA can raise through the open indenture will depend on the indenture's credit strength, which will take time and resources to build. Management and administration of the indenture will also add costs and complexity to BAHFA's operations.
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BAHFA PROGRAM DESCRIPTION

INNOVATION PROGRAM

Equity Objectives	<p>The Innovation Program (the “Program”) will invest in projects that support achievement of the Equity Framework’s Production, Preservation, and Cross-Cutting Objectives.¹ In particular, by funding projects that are faster to market and lower cost, as well as piloting new financing and delivery approaches, the Innovation Program will help meet the Equity Framework’s objectives of creating more affordable housing, including for extremely low income (ELI) households. Further, by providing funding to projects that will not apply for low income housing tax credits (LIHTCs),² the Program will allow for more geographic flexibility to invest in communities identified in the Equity Framework as priorities, such as those in which there has been historical disinvestment.</p>
Additional Objectives	<p>Additional objectives of the Program are to:</p> <ul style="list-style-type: none"> • Support BAHFA’s Legislated Production and Preservation Goals. A combined minimum 67% of Regional Housing Revenue³ (“RHR”) raised by BAHFA is required to be distributed, in the form of a grant, loan or other financing tool, for either the production of rental housing that is restricted to be affordable to lower income households up to 80% AMI for at least 55 years (“Production”) or for the preservation of deed-restricted housing, affordable to households up to 120% AMI for 55 years (“Preservation”). An additional 18% may be used for Production, Preservation, or Protections. A majority of projects receiving funding from this Program are anticipated to be faster, lower-cost new construction projects that contribute to meeting BAHFA’s Production goal (to which a minimum 52% of RHR must be provided); however,

¹ The Production, Preservation, Protection Objectives are stated in the Multi-Family Rental Production Program, Anti-Displacement and Preservation Program, and Tenant Protections and Homelessness Prevention Program descriptions, respectively, along with the Cross-Cutting Objectives. All objectives are also included in the Equity Framework.

² Projects located in census tracts designated as “high opportunity” currently receive a scoring advantage when applying for tax credits. In practice, this means projects located in other geographies—including areas that have been historically disinvested—may be uncompetitive for tax credits.

³ Regional Housing Revenue refers to the revenue BAHFA collects from general obligation bond issuances, parcel taxes, special head taxes, and gross receipts taxes as defined in AB 1487.

	<p>Preservation projects (minimum 15% RHR) may receive funding pursuant to the Program as well.</p> <ul style="list-style-type: none"> • Expand the Range of Financeable Projects. Much housing development across the region is driven by the requirements of major funding programs, especially tax credits. Alternative project types—such as smaller, infill projects to support lower density development; larger, multifamily rental properties that do not use tax credits; mixed-income housing that includes market and affordable units; and conversion of existing office buildings to residential use—lack available funding. With the Program, BAHFA intends to support a wider universe of project types where needs are not currently being reliably addressed with existing financing sources. • Avoid Competitive Bottlenecks in Current State Funding Programs. Given the current scarcity of affordable housing’s principal funding sources—tax-exempt bonds and tax credits—alternative funding pathways are needed for more projects to be possible. The Program is intended for projects that will not seek tax credit funding. • Achieve Faster, More Cost-Effective Housing Delivery. The high cost, extended timelines, and lack of flexibility in pathways to complete new projects are primary contributors to the region’s affordable housing shortage. With flexible capital provided through the Program, BAHFA aims to fund projects that: <ul style="list-style-type: none"> ○ <u>Reduce project costs:</u> Cost reductions can be achieved through a faster pace of development, lower-cost land, innovative construction, and other techniques. ○ <u>Deliver projects at a faster time to market:</u> Faster time to market (acquisition and/or construction through lease-up) can be achieved by, for example, streamlined permitting and approvals, creative construction approaches, and/or streamlined financing, and by providing a pathway for production of large, affordable multifamily rental housing without tax credits. • Pilot New, Innovative Approaches. BAHFA wants to open doors to developers that bring leading-edge ideas to meeting the region's housing needs. By providing flexible capital via the Program, BAHFA aims to prioritize housing production and preservation that pilots or
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	<p>expands on new, innovative approaches. For example, BAHFA expects that projects that choose to forgo LIHTC financing and instead prioritize time and cost savings could be funded through the Program, as could projects that explore creative, different community-based ownership structures, or projects that rely on partnership and collaboration between multiple organizations to share capacity and expertise.</p>
Funding Products - Generally	<p>The initial funding products BAHFA will provide pursuant to the Program are intended to support achievement of the Equity Objectives and the Additional Objectives set forth above, and to be responsive to regional financing needs and opportunities.⁴</p> <p>As the region's affordable housing needs evolve, and as BAHFA identifies additional sources of funding and develops additional capacities, the funding products are expected to change. All Program terms will be periodically reviewed and are subject to revision at any time. Exceptions to general Program terms may be available on a project-by-project basis.</p> <p>Initial Program funding products are grouped into three categories:</p> <ol style="list-style-type: none"> 1. Products available for projects meeting the criteria for Efficient Delivery; 2. Affordable Unit Buy-Down product; and 3. Products available to Adaptive Re-Use projects.
Efficient Delivery Products	<p>To qualify for Efficient Delivery funding, projects must:</p> <ul style="list-style-type: none"> • Minimize their total development cost so that it does not exceed the lesser of \$500,000 per unit (adjusted for bedroom count and capitalized operating subsidy needs) or 80% of a comparable project's cost; and • Keep their development timeline from site/building acquisition to lease-up (for new construction projects) to no greater than that of a comparable project, and in no event greater than 3 years; or, for construction/rehabilitation completion (for preservation projects), to no greater than that of a comparable project, and in no event greater than 18 months. <p>Qualifying projects are expected to forgo applying for tax credits, though may be receiving other sources of local, state, or federal subsidy. Preference</p>

⁴ For additional analysis of regional financing needs and opportunities, please refer to the Appendix.

	<p>will be given to projects minimizing permanent subsidy required to be provided by BAHFA, while also aligning with BAHFA’s other programmatic and policy objectives.⁵</p> <p>Initial funding products available to projects meeting the Efficient Delivery criteria include:</p> <ul style="list-style-type: none"> • Permanent Financing products available pursuant to BAHFA’s other funding programs, including Subsidy Loans, First Mortgage Loans, and Conduit Bond Issuance. Subsidy Loans may be funded at permanent conversion, or prior to or during construction. If necessary to support project feasibility, BAHFA may exceed the subsidy caps set forth in its other funding programs. • Flexible financing (“Efficient Delivery Loan”) to pay for <u>all or any portion</u> of eligible acquisition, predevelopment, construction (or, for Preservation projects, rehabilitation) costs until building completion and stabilization. The Efficient Delivery Loan is anticipated to be paid down to the greatest extent possible from other sources at building stabilization, but any remaining balance thereafter may remain as a permanent source. This product is anticipated to be funded from RHR at a below-market interest rate. Typically, BAHFA will require a first-position lien on the property, although this requirement may be waived when supported by the transaction structure and necessary for project feasibility.
Affordable Unit Buy-Down Product	<p>The Affordable Unit Buy-Down pays for the cost of adding additional affordable housing units in market rate projects (both new construction and existing market-rate developments) in exchange for 55-year deeded affordability restrictions on these units. Payments would not be available for units that are already required to be affordable, for example, pursuant to an inclusionary housing requirement.</p> <p>For any unit, BAHFA’s calculation of the amount it will pay to buy down affordability in a unit will be based on the net present value of the difference in property cash flows with and without the unit affordability</p>

⁵ Where possible, BAHFA will prioritize projects that incorporate extremely low income (ELI) and/or permanent supportive housing (PSH) units. Without federal or state resources such as tax credits, these projects will require increased capital subsidy from local jurisdictions and BAHFA. PSH units will also require operating/rental subsidy and services funding from local jurisdictions. In jurisdictions where operating/rental subsidy or services funding is unavailable, successful projects may still be viable at rents affordable to higher AMI levels.

	<p>restriction; consequently, the amount of the payment BAHFA would provide will vary with market and affordable rental rates across the region.</p> <p>The Affordable Unit Buy-Down is provided in the form of a forgivable loan to borrowers, in an amount of up to \$200,000 per unit, in exchange for the affordability restriction on their market-rate units.</p>
Adaptive Re-Use Products	<p>The Adaptive Re-Use Program provides funding for conversion of non-residential buildings to residential use. Qualifying projects are expected to demonstrate strong alignment with BAHFA’s programmatic and equity objectives. Due to their complexity, Adaptive Re-Use projects may have higher per-unit costs and longer development timelines than other BAHFA-funded projects.</p> <p>Initial funding products available to projects meeting the Efficient Delivery criteria include:</p> <ul style="list-style-type: none"> • Permanent Financing products available pursuant to BAHFA’s other funding programs, including Subsidy Loans, First Mortgage Loans, and Conduit Bond Issuance. Subsidy Loans may be funded at permanent conversion, or prior to or during construction. Subsidy amounts are subject to a \$200,000 per unit cap, with additional amounts available for projects determined to be a high priority based on their meeting criteria to be established by BAHFA. • Construction period financing (“Adaptive Re-Use Loan”) to pay for <u>all or any portion</u> of eligible acquisition, predevelopment, and construction costs until building completion and stabilization. The Adaptive Re-Use Loan is anticipated to be repaid from other sources at building stabilization. This product is anticipated to be funded from RHR at a below-market interest rate. Typically, BAHFA will require a first-position lien on the property, although this requirement may be waived when supported by the transaction structure and necessary for project feasibility.

Included in **Appendix:**

- Current Financing Overview
- Landscape Analysis
- Opportunities for BAHFA
- Funding Scenarios

APPENDIX TO BAHFA PROGRAM DESCRIPTION
INNOVATION PROGRAM

*This **Appendix** includes additional analysis of the regional financing needs and opportunities to which BAHFA’s Innovation Program is intended to be responsive.*

Current Financing Overview	<p>Affordable housing is produced and preserved at scale when supported by reliable, predictable funding sources. Across the region, the bulk of the region’s affordable housing production and preservation depends on the availability of LIHTCs, supplemented by local subsidy.⁶ Additional federal, state and local programs can create opportunities for different types of development, but are much smaller in scale, may be short-lived, and/or may not be as profitable for developers to participate in.</p> <p>Equity from the sale of tax credits to investors typically provides around 40% (for 4% credits) to 60% (for 9% credits) of a project’s permanent funding need, so it is a critical component of financing affordable housing alongside subsidy loans. This has created a formulaic, LIHTC-reliant (and correspondingly LIHTC-limited) system for affordable housing production and preservation that is not able to keep pace with the demand for affordable units. The resources needed to sustain this system are also increasingly scarce: although 9% tax credits have long been competitive, allocations of tax-exempt private activity bonds with as-of-right 4% tax credits, once widely available, are now oversubscribed.</p> <p>The initial feasibility assessment of an affordable housing project can hinge on whether it is expected to be competitive for tax credits and private activity bonds; and increasingly, projects across the Bay Area struggle to be competitive due to their high costs. As projects become more expensive, it also means that available tax credits can support fewer projects. Projects that are unable to secure a tax credit award in their first or successive funding rounds incur carrying costs and become increasingly expensive, for both developers and the local jurisdictions that provide subsidy to projects.</p> <p>Increasing costs and competition for tax credits is also constraining where projects can be located. To offset higher costs, developers prefer projects that are located in federally-designated Qualified Census Tracts and Difficult to Develop Areas that provide a “basis boost,” increasing the value of the tax credit by 30% compared with projects located in ineligible areas. The California Tax Credit Allocation Committee (CTCAC) scoring system also</p>
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⁶ For an expanded discussion of the role LIHTCs and other sources play in affordable housing production and preservation, please refer to the Multifamily Rental Production Program and Regional Anti-Displacement and Preservation Program descriptions.

	<p>currently awards additional points to LIHTC projects that are located in highly-resourced “Opportunity Areas,” increasing their competitiveness to be funded, while de-prioritizing projects that would be located in areas that have high segregation and poverty. Although the methodology and role of opportunity mapping is currently undergoing re-assessment, and may be changed for later funding rounds, it currently means that many projects that are a priority for BAHFA—for example, projects that address systemic racism in housing and support wealth building but may be located in areas that are not assessed by CTCAC to be “high opportunity”—may need to be funded without leveraging tax credits.</p> <p>The limitations of the current, tax credit-reliant system for funding affordable housing have caused jurisdictions to seek alternative financing sources that could be scalable, reliable, and predictable and support a wider range of project types in a broader set of geographies than those most competitive for tax credits; as well as “off-ramps” that could support projects moving forward even when they are unsuccessful in securing tax credits.</p>
Landscape Analysis	<p>Numerous “innovation funds” have sprung up around California and elsewhere, seeking to spark new ways of creating housing more quickly and at lower cost. These include, among many others:</p> <ul style="list-style-type: none"> • Various programs in Los Angeles, at both the city and county level: <ul style="list-style-type: none"> ○ Proposition HHH Housing Challenge. In 2019, Los Angeles Housing and Community Investment Department (HCIDLA) set aside \$120 million of LA City’s \$1.2 billion homeless housing bond funded from Proposition HHH for the construction of low-cost and innovative permanent supportive housing (PSH), including onsite services, for extremely low income (up to 30% of AMI) and very low income (up to 50% of AMI) households. The primary goal was to identify innovative construction and financing models to produce approximately 1,000 new supportive housing units within two years after receiving funding approval. <ul style="list-style-type: none"> ▪ Funding on the Housing Challenge projects ranged from \$600,000 to \$13 million and was in the form of a subordinate loan to projects. Eligible project costs included acquisition and/or construction related activities, and to be eligible for an HHH Housing Challenge award, projects had to meet criteria related to the project’s cost efficiency and shortened

	<p>construction timeline, incorporation of certain design features and community engagement, and representation of innovation in meeting the city's homelessness crisis.</p> <ul style="list-style-type: none">▪ 15 projects by six developers were awarded under the Prop HHH Housing Challenge program between May 2020 and June 2021, totaling 867 units and \$96.4 million in HHH loans with an average award of \$6.4 million per project. By July 2022, according to the Los Angeles Housing Department's progress report, only 1 of the 15 projects closed the loan within 12 months of award and 5 others closed between 15 and 22 months from award, resulting in 349 units that have started construction. Considering this and their estimated occupancy date, only 1 was expected to be completed within 30 months of award. Positively, of the six projects that were under construction, the average cost of the Housing Challenge units was approximately \$450k, compared to \$596k (in 2021) for standard HHH funded units.▪ Related to the delays, the LA Controller released a report in February 2022 – “The Problems and Progress of Prop. HHH” – which included a number of takeaways for the HHH program (including the Housing Challenge projects):⁷<ul style="list-style-type: none">• HHH provided <i>partial</i> funding to each project - developers still had to seek additional subsidy loans from other sources as well as tax credits and bonds after the HHH award. Although this enabled Prop HHH to fund more projects, the process of securing multiple sources typically adds time and costs to each project;• The COVID-19 pandemic contributed to spikes in construction costs, government staffing
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⁷ “The Problems and Progress of Prop. HHH,” Office of Kenneth Mejia, LA City Controller, February 23, 2022, <https://controller.lacity.gov/audits/problems-and-progress-of-prop-hhh>.

	<p>shortages, and extended funding and review timelines;</p> <ul style="list-style-type: none"> • The report highlighted longstanding challenges with timely and efficient permitting processes and recommended the City of LA speed up its review of HHH projects; • To counter rising construction costs and land use issues, it recommended that the City acquire and convert existing buildings (such as hotels and newly built apartments) to housing; and • For Housing Challenge projects specifically, it noted that some projects had issues with site control (since awards were made beforehand) which caused cancellations and developers securing other financing. <ul style="list-style-type: none"> ▪ Salient lessons BAHFA can learn from these takeaways for its Program includes: supporting projects that have streamlined permitting processes, narrowing down the number of financing sources on each project, and piloting new approaches to deliver affordable housing such as adaptive re-use of existing buildings. <ul style="list-style-type: none"> ○ LA Housing Innovation Challenge. The LA County Homeless Initiative launched the Housing Innovation Challenge in 2019 to support projects preventing homelessness throughout the county. The Challenge⁸ offered an award of \$500,000 or \$1 million in the form of a forgivable loan from a \$4.5 million fund up to five creative, scalable, and low-cost supportive housing projects and programs. The projects had up to 2 years to complete and were evaluated based on their creativity, achievability, and replicability. Organizations that received awards included modular and shared-living developers, as well as a program incentivizing homeowners to add accessory dwelling units (ADUs) to their properties. The impact and results of these projects include:
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⁸ "Housing Innovation Challenge," Housing Innovation Challenge, <https://www.housinginnovationchallenge.com/#about>.

	<ul style="list-style-type: none"> ▪ Flyaway Homes LLC: In July 2022, Flyaway Homes LLC unveiled its permanent supportive housing development, producing 16 two-bedroom units from a total of 54 converted shipping containers.⁹ In addition to the \$1 million award received, the development was predominantly funded by private capital. ▪ Restore Neighborhoods LA's Bungalow Court: Eight one-bedroom studio units were completed in early 2021, financed partially by the \$500,000 innovation award, along with broad range of private capital.¹⁰ <ul style="list-style-type: none"> • California Investment and Innovation Program. Representing an alternative approach to innovation from the two programs created in Los Angeles discussed above, the recently passed Senate Bill 193¹¹ established the California Investment and Innovation Program, a \$50 million fund to grant awards to enhance the capacity of Community Development Finance Institutions ("CDFIs") in providing technical assistance and capital access to economically disadvantaged communities. With annual appropriated funding, the program can offer up to \$15,000,000 in total grants per calendar year to eligible applicants (current CDFIs with minimum net worth and portfolio requirements, with either an office, officers currently residing in, or a record of lending in California) selected by the State to apply for funding. Broadly, the Program's funding may be used to increase the CDFI's net assets or to increase its working capital. The first round of grants is expected to be awarded by February 2024. • Homes for the Homeless Fund. In San Francisco, the Housing Accelerator Fund, a CDFI, established the Homes for the Homeless Fund with the goal of producing a new PSH project in less than three years from site acquisition and at a 25% lower total development cost than comparable projects. Its prototype project, the Tahanan,
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⁹ "FlyawayHomes and the People Concern Announce 82nd Street Permanent ...," July 22, 2021, https://www.einnews.com/pr_news/546974510/flyawayhomes-and-the-people-concern-announce-82nd-street-permanent-supportive-housing-reveal.

¹⁰ Anna Scott, "La Developer Finds a Way to Build Affordable Housing Cheaper. Is This a Model for Others?" March 22, 2021, <https://www.kcrw.com/news/shows/greater-la/affordable-housing-oscars-oc/restore-neighborhoods-la-homeless-housing>.

¹¹ "SB-193 Economic Development: Grant Programs and Other Financial Assistance.," California Legislative Information - Today's Law as Amended, June 30, 2022, https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220SB193&showamends=false.

	<p>located at 833 Bryant Street, used \$50 million in philanthropic funding to pay for all predevelopment, acquisition, and construction costs on an accelerated basis, so that development could proceed even without knowing whether the project would be awarded tax credits and whether funding to operate the building as PSH would be available from the city. The project succeeded in achieving its cost and timing goals. At permanent financing conversion, a portion of the philanthropic funding was left in the project (\$8 million), with tax credit equity, permanent debt supported by 30-year lease payments from the city, and operating subsidies comprising the balance of permanent sources. Had the project not been awarded tax credits, or received a lower lease payment from the city, additional philanthropic funds would have had to remain in the project.</p> <ul style="list-style-type: none"> Adaptive Re-Use. Numerous cities, among them Calgary, Cleveland, Atlanta, and Washington, D.C., are launching programs and incentives designed to fund and fast-track conversion of underutilized downtown office buildings to housing. In many of these cities, long-term decline in demand for office space was compounded by the COVID-19 pandemic, even as demand for affordable housing continued to grow. Adaptive re-use of these existing buildings can re-knit and animate neighborhoods that have become pocked with office vacancies and can be more environmentally sustainable than ground-up new construction. Conversions can be expensive, and every building presents unique challenges, but costs can be reduced through measures such as coordinated, streamlined permitting and dedicated assistance with meeting building code requirements. In Calgary, a 10-year, \$1 billion (\$721 million USD) initiative was recently launched to revitalize a targeted area of the downtown core, with 40% of funding dedicated to providing subsidy for office conversions, up to the lesser of \$54 per square foot or \$7.2 million per project, with greater funding available subject to additional review and approval. As of October 2022, five conversions anticipated to produce 707 units of housing had been approved. In California, new statewide legislation has been under consideration that would provide funding specifically for adaptive re-use; such a funding source, if it were to become available, could augment any funding BAHFA provides for this purpose. <p>In general, the above programs reflect the urgency to establish viable, scalable new models for creating and preserving affordable housing. Many</p>
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	<p>of these programs focus on creating housing for especially vulnerable households and individuals that are, or are at risk of becoming, homeless; but innovative ideas from these and other efforts can be brought to bear on and scaled more sustainably, with less reliance on scarce operating and service funding, through their application to additional housing types such as rental housing for a mix of affordable income ranges.</p>
<p>Opportunities for BAHFA</p>	<p>BAHFA has the opportunity to support production and preservation projects outside of the traditional, tax credit-centric financing models and support the delivery of housing that is cost-effective and on a faster timeline to meet the region’s housing needs. Alongside its funding programs for production and preservation that seek to leverage other financing sources, including tax credits, there is a need for an additional program designed to support projects that can either be developed at significantly lower cost and delivered to the market at a faster timeline, or those that don’t necessarily readily fit within the parameters for BAHFA’s other funding programs. With this Program, BAHFA will provide capital that is flexible and able to fill developers’ financing needs at several stages over their projects’ lifecycles.</p> <p><u>It is anticipated that projects receiving funding from the Program will not expect to use tax credits.</u> This does not mean that the Program is intended for projects that were unsuccessful applicants for tax credits (which could still be funded through BAHFA’s other funding programs, subject to the terms of those programs) or that the Program will not support projects that have a tax credit allocation; it means, instead, that projects are more likely to be able to achieve significant cost and time savings and greater innovation, and more likely to be aligned with BAHFA’s equity and other programmatic goals, if they decide, from the start, not to depend on tax credits. However, the tradeoff for encouraging more innovation and creativity without being bound by the parameters of the tax credit program will be the need for more subsidy loans—whether from local jurisdictions, other public agencies, or BAHFA—to fill the permanent funding gap.</p> <p>The Program will be initially funded by Regional Housing Revenues, which will likely be raised through general obligation (“GO”) bonds. GO bond proceeds can only be used to pay for direct project, capital costs. Other innovation programs have been piloted in California that focus on providing technical assistance funding and working capital support to nonprofit developers and CDFIs, but this is not anticipated to be an element of BAHFA’s Innovation Program if it is capitalized with GO bond proceeds. However, it is BAHFA’s goal to diversify its sources of funding over time and correspondingly expand the types of funding it can provide.</p>

	<p>Emphasis is given to minimizing the long-term, permanent subsidy funding BAHFA would need to provide to any one project, since BAHFA will seek to recycle its flexible early-stage capital into additional projects as possible. This will tend to favor projects that have a lower ongoing subsidy need due to either higher in-place rents, or for extremely low-income projects, local jurisdiction capital subsidies, local jurisdiction operating subsidies, local jurisdiction abatement lease (lease payments from which can be applied to servicing permanent debt service), or state-funded programs such as the Housing Accelerator Program. In addition, whenever possible, BAHFA will look to encourage co-lending or funding by the local jurisdiction so as to reduce BAHFA's funding per project and thereby allow BAHFA to support a greater amount of projects overall.</p>
Funding Scenarios	<p>As stated under Program Objectives, 67% of RHR is required to be allocated to Production and Preservation with an additional 18% available to fund any of the 3Ps. This RHR will be further sub-allocated across the Innovation Program, the Multifamily Rental Production Program, and the Regional Anti-Displacement and Preservation Program. Assuming \$2 billion in RHR becomes available to BAHFA pursuant to a GO bond measure, up to 85% would be available for Production and Preservation Programs, drawn in five anticipated tranches at three-year intervals (though funding may be drawn on an accelerated basis if the region expends funds more quickly). Funding for the Program will in part be influenced by demand for BAHFA's other production and preservation funding programs. In addition, current economic conditions and leveraged funding availability could result in the Program supporting several times its allocated funding.</p> <p>While BAHFA's funds provided through the Program will be flexible and are able stay in projects long-term if needed, a portion of funds provided as early-stage, construction financing ideally will be repaid, and BAHFA will be able to revolve these funds to support additional projects.</p>

BAHFA PROGRAM DESCRIPTION

PRESERVATION: ANTI-DISPLACEMENT AND PRESERVATION PROGRAM

<p>Equity Objectives</p>	<p>The Anti-Displacement and Preservation Program (the “Program”) will invest in projects that support achievement of the Equity Framework’s Preservation (P) and Cross-Cutting (CC) Objectives. The Program, in combination with other funding programs and initiatives implemented by BAHFA, will seek to:</p> <ul style="list-style-type: none"> P1. Preserve expiring use affordable housing to prevent displacement: Fund the acquisition and rehabilitation of existing affordable housing with expiring restrictions that without intervention could be converted to market-rate housing and result in displacement of lower-income residents. P2. Preserve existing unsubsidized housing and convert to permanently affordable housing: Convert existing unsubsidized housing to permanent affordable housing for the purpose of preventing displacement and achieving stabilized, healthy living conditions for existing residents, especially low-income households, residents of Equity Priority Communities (“EPCs”) and other marginalized communities. P3. Target preservation investments for most-impacted residents: Tailor financing products to enable occupancy by Extremely Low-Income (“ELI”) households and households at risk of homelessness. P4. Create opportunities for community-controlled housing: Invest in developments that enable community control and/or equity growth, especially in EPCs and for households facing discriminatory and/or structural barriers to homeownership. CC1. Support community-based, and community-owned organizations and developers. Expand, diversify, and strengthen the capacity of the region’s housing ecosystem by investing in community-based developers and organizations across all 3Ps. CC2. Support individual and community wealth building. Create opportunities for historically marginalized people and residents historically excluded from homeownership, to build wealth through housing, including traditional and shared homeownership opportunities.
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	<p>CC3. Serve as a regional leader on local equitable programs and practices. Advance local alignment with regional equity priorities across all 3Ps, encouraging counties and cities to incorporate and build off of the Equity Framework.</p> <p>CC4. Commit to ongoing, meaningful, and equitable engagement. Advance community participation among historically marginalized populations through ongoing engagement with and outreach to stakeholders equally distributed across the 3Ps, with an intentional focus on organizations who are accountable to and part of communities most impacted by housing unaffordability.</p> <p>CC5. Secure more flexible and unrestricted funding. Seek to expand and secure funding sources to achieve a broader range of equity needs across all 3Ps, including uses that would be difficult to fund with likely fund sources (e.g., general obligation bond).</p> <p>CC6. Target most flexible BAHFA funding to accelerate AFFH. Develop programs within BAHFA’s optional 10% Local Government Incentive Program that address any gaps in a comprehensive Affirmatively Furthering Fair Housing (“AFFH”) approach given AB 1487’s parameters. Target any non-housing investments (i.e., infrastructure, community or cultural spaces, and public services) in communities that have faced historic disinvestment and/or are home to the region’s most impacted residents.</p>
<p>Additional Objectives</p>	<p>Additional objectives of the Program are to:</p> <ul style="list-style-type: none"> • Support BAHFA’s Legislated Preservation Goals. A minimum of 15% of Regional Housing Revenue¹ (“RHR”) raised by BAHFA is required to be distributed, in the form of a grant, loan or other financing tool, for the preservation of housing that is restricted by recorded document to be affordable to low- or moderate-income households (up to 120% AMI) for 55 years (“Preservation”). BAHFA’s Preservation funding may be used to acquire, rehabilitate, and preserve existing housing units, including housing already restricted for affordability and housing from the private market, including residential hotels, to prevent the loss of affordability. The Program would provide financing for housing meeting the Preservation criteria.

¹ Regional Housing Revenue refers to the revenue BAHFA collects from general obligation bond issuances, parcel taxes, special head taxes, and gross receipts taxes as defined in AB 1487.

	<ul style="list-style-type: none"> • Prevent Displacement. Across the Bay Area, existing affordable homes are being lost, leading to the displacement of residents. Preservation has been embraced as an effective strategy to prevent greater displacement from occurring, which can help to stabilize communities and the residents that contribute to them. The Program will prevent displacement by activating preservation strategies at greater scale across the region. These strategies include the acquisition, rehabilitation, and/or stabilization of: <ul style="list-style-type: none"> ○ Currently Unregulated Properties. Much of the region’s rental housing stock is comprised of buildings that are not currently deed-restricted as affordable but have rents affordable to lower-income tenants due to age, location, condition, or other factors. These types of properties are also commonly referred to as “naturally occurring affordable housing,” or “NOAH,” but for purposes of this document, are described as “Unregulated Properties.”² As these properties come up for sale, they are often targeted for acquisition by market-rate buyers, leading to rent increases and the displacement of lower-income residents. The Program is intended to provide financing for Unregulated Properties. ○ Expiring Use Properties. Further, there are existing, older affordable housing properties that were previously financed with federal, state, and/or local subsidies, and due to their expiring affordability or regulatory restrictions, are at risk of being sold and converted to market rate properties, potentially displacing lower-income residents. Continued affordability is especially tenuous when the property owner is not a stable, mission-aligned (typically non-profit) entity but is instead profit-motivated. The Program is also intended to provide financing for these “Expiring Use Properties.” ○ Recapitalization Properties. Additionally, existing, non-profit owned affordable properties can require periodic recapitalization to fund necessary building repairs and improvements, maintain building conditions and affordability for tenants, and provide reliable cash flow to building owners/operators with which to pay staff and support operations. The Program will also provide funding for
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² The Equity Framework refers to currently Unregulated Properties as “existing unsubsidized housing”.

	<p>properties requiring recapitalization (“Recapitalization Properties”), particularly when properties are owned by community-based organizations and developers.</p> <p>Together, “Unregulated Properties,” “Expiring Use Properties,” and “Recapitalization Properties” are referred to in this document as “Preservation Properties.”</p> <ul style="list-style-type: none"> • Support Stable, Community-Based Ownership. Funding BAHFA provides for Preservation Properties will be structured to provide property owners and developers, especially community-based organizations, with sufficient fees and cash flow from building operations to pay for the costs they incur to own and manage these buildings sustainably for the long-term.³ • Generate Revenue. Revenue BAHFA generates from its financing activities in support of the Program will be used to support BAHFA’s financial self-sufficiency and Protection programming. Revenue may also be revolved by BAHFA as additional financing to additional projects and to invest in new BAHFA financing and technical capacities. • Coordinate and Streamline. The Preservation Properties that are the focus of the Program present unique financing challenges that must be addressed in concert. The Program will seek to coordinate: fast-acting acquisition financing, available to mission-driven organizations at the speed of the market; rehabilitation financing, to restore building habitability, including seismic safety repairs, and where possible, to implement energy efficiency and climate resiliency measures; and permanent financing, including both hard debt and subsidy. By providing, directly or through financing partners, all of the above, BAHFA will streamline project financing.
Funding Products	<p>The initial funding products BAHFA will provide pursuant to the Program are intended to be responsive to the regional financing needs and opportunities identified for Preservation Properties, including Unregulated Properties, Expiring Use Properties, and Recapitalization Properties.⁴</p>

³ At a later date, subject to restrictions on how its funds may be used, BAHFA may also consider providing funding for organizational capacity building and working capital. BAHFA is unlikely to have funding sources that could be used for these purposes in the near-term, however.

⁴ For additional analysis of regional financing needs and opportunities, please refer to the Appendix.

	<p>All units receiving BAHFA financing will have recorded long-term affordability restrictions for a minimum 55-year term.</p> <p>Initial Program funding products include:⁵</p> <p><u>Permanent Financing</u></p> <ul style="list-style-type: none"> • Subsidy Loans, which may be structured as residual receipts loans and/or subordinated, must-pay loans for Preservation Properties, while also accessing a permanent senior loan from BAHFA or from another source acceptable to BAHFA <ul style="list-style-type: none"> ○ BAHFA role: Lender ○ Anticipated term: 55-57 years ○ Anticipated interest rate and repayment requirements: <ul style="list-style-type: none"> ▪ For Residual Receipts Loans: Concessionary interest rate. “Soft” debt service payable from surplus project cash flow with unpaid interest deferred and accruing. Outstanding loan balance is due upon loan maturity, property sale, or refinance. ▪ For Subordinate Loans: Below-market interest rate. Must-pay, “hard” debt service serviceable from project cash flow. Required payments may also include principal amortization. Outstanding loan balance is due upon loan maturity, property sale, or refinance. ○ Amount: Up to \$200,000 per unit, with additional amounts available for projects determined to be a high priority based on their meeting criteria to be established by BAHFA. Local jurisdiction funding will also be encouraged. ○ Funding source: RHR • First Mortgage Loans⁶ <ul style="list-style-type: none"> ○ BAHFA role: Lender, Participant, and/or Issuer ○ Anticipated terms: Up to 30-year term; fully self-amortizing over the term. For properties in good condition without
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⁵ Several of these funding products are contingent on establishing BAHFA’s powers to issue project revenue bonds and/or be a conduit bond issuer.

⁶ Initially, it is anticipated that loans for smaller properties will be originated by BAHFA acting as lender and funded from RHR.

	<p>substantial capital needs anticipated during the loan term, longer term of up to 40 years available.</p> <ul style="list-style-type: none"> ○ Collateral/security: First-position lien on the property. ○ Anticipated interest rate: Market or below-market, depending on loan structure, funding source and project type. <ul style="list-style-type: none"> ▪ Loans funded from project revenue bond issuance proceeds will be subject to capital market requirements and at market rates. ▪ Loans in which BAHFA participates will be at rates established by the lead lender. ▪ Loans funded from RHR may be at below-market or market rates. ○ Taxable or Tax-Exempt: Financing may be available on a tax-exempt basis for qualifying projects, for example: projects receiving an allocation of PABs; that have a 501(c)3 exemption; that are providing an Essential Government Service; or are being funded from recycled bonds. ○ Funding amount: Generally, sized to minimum 1.15 debt service coverage ratio (DSCR) from property stabilization. <ul style="list-style-type: none"> ▪ To support stable, long-term property ownership, particularly ownership by community-based organizations of smaller properties, BAHFA may underwrite to higher minimum DSCR of 1.20 or above on a project-by-project basis. ▪ Lower minimum debt service coverage ratio available when supported by the transaction structure. ○ Funding source: Housing revenue bond issuance proceeds (taxable or tax-exempt), or RHR ● Conduit Bond Issuance on a taxable or tax-exempt basis, for bonds privately placed or publicly sold <ul style="list-style-type: none"> ○ BAHFA role: Issuer ○ Anticipated fees: BAHFA receives issuance and ongoing monitoring fees
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	<p><u>Acquisition and Rehabilitation, Recapitalization or Stabilization Financing</u></p> <ul style="list-style-type: none"> • Subsidy Loans <ul style="list-style-type: none"> ○ Same as above under "Permanent"; for projects receiving a subsidy loan from BAHFA, the loan could be permanent-only or funded earlier (e.g., prior to or during rehabilitation) and remain as a permanent loan. • Acquisition/Rehabilitation Loans (for properties that will be rehabilitated immediately following acquisition), Acquisition/Stabilization Loans (for properties that will defer rehabilitation while assembling additional funding sources), and Recapitalization Loans (for properties that are already nonprofit-owned) <ul style="list-style-type: none"> ○ BAHFA role: Lender, Participant, and/or Issuer ○ Anticipated terms: <ul style="list-style-type: none"> ▪ Acquisition/Rehabilitation loan funds all eligible project costs for up to 3 years from property acquisition through completion of construction, including acquisition, predevelopment, and rehabilitation; converting to permanent financing after construction completion. ▪ For projects expected to be refinanced after acquisition with permanent subsidy funding from sources other than BAHFA, e.g. low income housing tax credits (LIHTCs) or rental assistance from the U.S. Department of Housing and Urban Development (HUD), the Acquisition/Stabilization loan has a term of up to 5 years to provide for building acquisition and stabilization while accommodating applications to and refinancing with those other funding sources. ▪ Recapitalization loan funds all eligible property rehabilitation and recapitalization costs for a period of up to 2 years; converting to permanent financing after construction completion. ○ Anticipated interest rate: Same as above, under "Permanent – First Mortgage Loans." Interest-only during
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	<p>rehabilitation/stabilization period, and interest reserve may be capitalized into loan amount.</p> <ul style="list-style-type: none">○ Funding amount: Up to 100% of eligible costs.○ Funding source: Housing revenue bond issuance proceeds (taxable or tax-exempt), or RHR● Conduit Bond Issuance on a taxable or tax-exempt basis, for construction-only or construction-to-permanent phase bonds privately placed or publicly sold<ul style="list-style-type: none">○ BAHFA role: Issuer○ Anticipated fees: BAHFA receives issuance and ongoing monitoring fees.
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Appendix includes:

- Current Financing Overview
- Landscape Analysis
- Opportunities for BAHFA
- Funding Scenarios

APPENDIX TO BAHFA PROGRAM DESCRIPTION
ANTI-DISPLACEMENT AND PRESERVATION PROGRAM

*This **Appendix** includes additional analysis of the regional financing needs and opportunities to which BAHFA’s Anti-Displacement and Preservation Program is intended to be responsive.*

Current Financing Overview	<p>Project-by-project, specific financing needs will vary. In general, however, sources commonly used for Preservation Properties include:</p> <ul style="list-style-type: none">• Acquisition and Rehabilitation/Stabilization Loans, often provided by Community Development Financial Institutions (“CDFIs”) to mission-driven organizations. This early-stage, short-term financing pays for acquisition of privately-owned, Unregulated or Expiring Use housing that is home to existing low-income residents, and for the rehabilitation of these units as needed to improve and stabilize habitability. This financing is typically in the form of a “bridge” loan—meaning, the financing “bridges” to and is expected to be fully repaid from permanent financing sources, including permanent senior loans and subsidy loans.• Permanent Senior Loan (or first mortgage loan) proceeds of which can be used to repay the bridge financing and capitalize the building for a longer term. The amount of a permanent senior loan the project can support is a function of 1) its net operating income (driven by rents and operating expenses), and 2) the terms offered by the lender (e.g., interest rate and amortization, term, required debt service coverage ratio, etc.). Maximizing the amount of the permanent senior loan (which has required monthly payments) on a building can reduce the subsidy needed per unit. Maximizing this debt can also, however: a) reduce affordability, by increasing the baseline rents tenants need to pay to support building operating expenses plus increased debt service; and b) reduce residual cash flows, after payment of operating expenses and debt service, that are available for distribution to mission-based building owner/operators and that are needed to support their organizational sustainability.• Subsidy Loans are needed to pay for the difference between total project costs and proceeds from all other permanent sources. In California, subsidies are typically structured as “residual receipts” loans payable from remaining project cash flow after other costs are paid. As an alternative to, or in addition to, residual receipts-type loans, subsidy loans can also take the form of a subordinate “must-
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	<p>pay” loan. The subsidy required per unit varies widely across building types, geographies, and tenant income and rent levels. Subsidy loans are usually sourced from local and state government agencies, and to date have been in very limited supply for non-LIHTC preservation programs. The City and County of San Francisco is currently the only Bay Area municipality that has a dedicated and coordinated senior permanent loan and subsidy loan program for the preservation of non-LIHTC, Unregulated Properties, including “Small Sites” (buildings with 5 to 40 units), and “Big Sites” (greater than 40 units).</p> <ul style="list-style-type: none"> • Grants, from the community, philanthropy, miscellaneous public programs, and other sources, are necessary to complete the financing stack for preservation when the combination of senior loans and subsidy loans available is less than the total costs of a project. Some community-based, mission-driven organizations focused on preservation work also depend on grant fundraising to pay for organizational overhead and support their operations, particularly if they focus on smaller properties with modest cash flows. • Low Income Housing Tax Credits (“LIHTCs” or “tax credits”) which are available, on a competitive basis from a special (though limited) set-aside, for Expiring Use Properties. These properties fall under a “Preservation” pool when using 4% tax credits and bonds, and an “At Risk” set aside when applying for 9% tax credits. When awarded to a project, tax credits are sold to investors and generate tax credit equity that pays for around 40% (4% tax credit) to 60% (9% tax credit) of project development costs. Each time tax credits are used to finance a property, they require placement of a new, 55-year affordability restriction on the property; thus, refinancing Expiring Use Properties with tax credits extends the term of restrictions. Unregulated Properties that do not have an expiring regulatory restriction and/or have fewer units are not likely to use tax credits due to the scarcity of tax credits, their competitiveness, and the prioritization at the State level of expiring use properties and lower-cost, larger-scale projects for funding. • Operating subsidies, which provide ongoing funding to subsidize the operation of a building by either supplementing rents paid by tenants or paying a share of operating costs. Operating subsidies are needed when the rent tenants can afford to pay is less than the minimum income a landlord needs to sustainably operate a building. The most common source of operating subsidy is the Section 8 rental
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	<p>assistance program administered by the U.S. Department of Housing and Urban Development (HUD); rental assistance made available from this program pays the difference between 30% of a tenant's income and the actual rent owed to a landlord and may be either project- or tenant-based. Affordability in the properties that are a focus of the Program can be at-risk when the term of a rental assistance contract with HUD or another operating subsidy provider expires; HUD's project-based rental assistance contracts generally have an initial term of up to 20 years.</p>
Landscape Analysis	<p>Every lost affordable unit exacerbates the Bay Area's regional housing affordability crisis, and the number of affordable units that are potentially at-risk is large. In February 2022, California Housing Partnership Corporation ("CHPC") released a report, "Affordable Homes at Risk⁷," with the following findings:</p> <ul style="list-style-type: none"> • Across the nine Bay Area counties, 7,509 unregulated five-plus unit properties provide an estimated 257,555 units affordable to households earning 80% AMI or below. These properties are susceptible to acquisition by for-profit developers at any time, putting in-place tenants at-risk of unaffordable rent increases and/or displacement. • From 1997 to 2021, affordability restrictions on 3,790 previously subsidized units in the Bay Area were lost. There are currently 134,298 subsidized, affordable units in the region; CHPC assesses that 6,814 (over 5%) of these are at-risk of losing their affordability in the next decade. <p>The region has sought to respond to these challenges by intervening assertively to protect Expiring Use Properties, and by designing, funding, and experimenting with new programs that can preserve affordability and prevent displacement in Unregulated Properties as well. The region has also recognized that there is a need to stabilize properties that are currently non-profit owned but require recapitalization to be maintained as affordable housing in good condition for the long-term.</p> <p><u>Unregulated Properties</u></p> <p>To date, the financing approach for preserving affordability in Unregulated Properties has been mostly ad hoc across the region, except for in San Francisco which started by providing funding to acquire and preserve small</p>

⁷ "Affordable Homes at Risk," California Housing Partnership, February 2022
<https://chpc.net/resources/affordable-homes-at-risk-2022-report/>

	<p>rental properties between 5 to 25 units and has since expanded to funding larger properties as well. Other municipalities have tried to implement replicable programs with limited success.</p> <ul style="list-style-type: none"> • Universally across the region, a major impediment to anti-displacement and preservation efforts focused on Unregulated Properties has been the lack of a reliable, private source for long-term, low-cost first mortgage debt, which has forced municipalities interested in launching new programs to grapple with the complexities of needing to provide not only traditional subsidy loans, but also first mortgage loans. These programs have generally focused on preserving smaller properties, and unlike larger multifamily rental properties which are well-understood by lenders, and generally can choose from multiple, competitively-priced options from banks and CDFIs for their senior permanent debt financing, smaller properties often are able to obtain only higher-cost, shorter-term (7-10 year) mini-permanent loans from these sources. This burdens smaller properties and the mission-driven organizations that own and operate them with refinancing risk that can endanger long-term property affordability and habitability. • In San Francisco: <ul style="list-style-type: none"> ○ The Mayor’s Office of Housing and Community Development (MOHCD) has used proceeds from the \$260.7 million, voter-approved 2018 Preservation and Seismic Safety (PASS) general obligation bond measure to provide nonprofit developers with low-cost, long-term first mortgage loans for preservation of existing affordable units whose tenants are at risk of displacement. Known as the “Small Sites” program, loans can be used to preserve affordable units at up to 120% AMI, with a program-wide average AMI target of 80%. The favorable loan terms available from PASS mortgage loans include a 40-year loan term and interest rates based on the City’s borrowing cost. When combined with MOHCD subsidy, these loans have significantly helped to expand the range of market opportunities that can be pursued by mission-driven organizations. As of 2021, 53 buildings consisting of 655 residential units including newly built accessory dwelling units (ADUs), along with additional commercial units, had been acquired, rehabilitated, and preserved. 47 of these buildings consist of 25 units or less, while 6 are larger buildings between 27 and 86 units.
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	<ul style="list-style-type: none">○ In tandem with PASS mortgage loans, MOHCD offers subsidy loans at 3% interest. The latest program guidelines, revised in 2022, provide for maximum subsidy ranging from \$275,000 per single room occupancy (SRO) unit to \$500,000 for larger 3-bedroom units. Previously, maximum subsidy was capped at \$375,000 per unit for buildings with 3-9 units and \$300,000 per unit for buildings with 10-25 units, with higher subsidies available on a case-by-case basis to prevent displacement of extremely vulnerable tenants. In practice, the average subsidy per unit provided or committed between 2016 – 2021 has been \$325,000 per unit for Small Sites (< 25 units), and \$230,000 per unit for larger properties (>25 units) and SROs. See Table 1 below.○ The San Francisco Housing Accelerator Fund (HAF), a nonprofit CDFI that lends in support of the City and County of San Francisco’s housing objectives, provides short-term acquisition and rehabilitation financing to developers participating in the Small Sites program. This financing is designed to bridge to MOHCD’s permanent financing programs. As a fast-acting, nimble source, HAF financing makes it possible for developers to move at the speed of the market to acquire properties more quickly than would be possible if MOHCD funding were required to be in place at closing.● Elsewhere across the Bay Area, similar programs have been explored; however, these efforts have seen only limited traction. For example:<ul style="list-style-type: none">○ In San Jose, the upfront acquisition costs and rehabilitation required are slightly lower than those in San Francisco (based on data from CoStar, less than \$400,000 per unit). However, the City of San Jose has only limited subsidy available and does not have a funding partner that could provide low-cost, long-term first mortgages.○ Similarly, acquisition and rehabilitation costs in Mountain View are slightly lower than in San Francisco, and program feasibility would depend on identifying reliable subsidy funding; a source for long-term, low-cost mortgage loans; and mission-based organizations with the capacity and
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	<p>interest to acquire, rehabilitate, own, and operate smaller multifamily rental buildings.</p> <ul style="list-style-type: none"> ○ In Oakland, 2016’s Measure KK funding provided \$100 million for affordable housing projects. These funds have since been depleted, with \$25.6 million applied to housing rehabilitation and preservation and the remainder used for other purposes. ○ The City of Berkeley also recently launched a program for smaller buildings, and other jurisdictions have funded small preservation projects when resources are available, e.g., the City of Concord, with the express desire to do more. <ul style="list-style-type: none"> ● At a state-wide level: <ul style="list-style-type: none"> ○ California recently considered creating a new program specifically designed for anti-displacement and preservation. While it ultimately did not make the FY 2023 State Budget, the Community Anti-Displacement & Preservation Program (CAPP) would have provided revolving short-term acquisition capital and long-term public subsidy, as well as technical assistance when needed, to community development corporations. ○ In the FY 2023 Budget, a \$500 million allocation to create the Foreclosure Intervention Housing Preservation Program (FIHPP) was included. By providing grants and loans, FIHPP will allow community land trusts and other nonprofits to acquire and rehabilitate 1-25 unit buildings that are at risk of foreclosure, currently in the foreclosure process, or at foreclosure auction. ● For emerging developers, community-based organizations building a real estate development practice, community land trusts and other organizations implementing shared-equity and other innovative models for community ownership, smaller buildings—which are often Unregulated Properties—can be a more accessible entry point into the development space than larger buildings. These properties may be a part of the fabric of the community that the entity is dedicated to serving, and thus fit well with organizational goals and mission. Financially and organizationally, the upfront resources needed to staff and implement a smaller property-focused program are less than needed for larger properties, making it possible for organizations to start development activities sooner. However, organizational sustainability of smaller property-oriented
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	<p>development activities can become an issue, since upfront fees and ongoing revenues earned on such properties are smaller than on larger buildings. The challenge of “scaling” an Unregulated Properties-portfolio within an organization to a point where it is self-sustaining without need for ongoing, additional subsidy will need to be embraced by BAHFA and other jurisdictions across the region, which can structure their financing to provide developers with opportunities to earn fees and share in ongoing residual project cash flow.</p> <ul style="list-style-type: none"> • For tenants, involuntary displacement from and/or rent increases in all Preservation Properties is wealth-destructing and destabilizing, often resulting in forced relocation further from a job, community, and services. Thus, removing the threat of displacement and maintaining rents at affordable levels is beneficial for household stability and wealth creation. Furthermore, although the minimum 55-year deed restriction BAHFA is legislatively required to impose on Preservation Properties makes homeownership opportunities challenging to implement, there may be some Unregulated Properties where moderate wealth-creating homeownership opportunities can be provided for residents as long as a deed restriction is maintained. <p><u>Expiring Use Properties</u></p> <p>Across the region, preservation of affordability in Expiring Use Properties is generally an extremely high priority, since the loss of these buildings from the regulated affordable housing stock and the resulting displacement of tenants can be so devastating for existing residents and their communities. Jurisdictions will seek to rapidly bring the at-risk property under control of a mission-aligned (typically non-profit) buyer that will seek to prevent displacement of existing tenants and preserve affordability. In addition to establishing site control, buyers will need to assemble financing to complete property acquisition, implement any needed repairs, recapitalize the building, and preserve affordability for the long-term. As a part of that financing, buyers may seek to extend or renew, as applicable, any available federal project-based rental assistance, apply for new bond allocations and/or tax credits from the California Debt Limit Allocation Committee (CDLAC) and/or the California Tax Credit Allocation Committee (CTCAC), and use any available local capital or operating subsidy sources.</p> <p>An important component of jurisdictional and community ability to anticipate and prepare to seek to acquire Expiring Use Properties is California’s State Preservation Notice Law, which supplements federal law</p>
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	<p>to provide advance notice to tenants and local governments before affordability restrictions expire, and pursuant to which qualified buyers can submit non-binding offers to purchase Expiring Use Properties.</p> <p>The region's ability to protect more Expiring Use Properties is limited, in the immediate term, by the total funding available to rapidly acquire these properties when they become available; and, in the longer term, by the total funding available from local, state, and federal sources to preserve affordability.</p> <p><u>Recapitalization Properties</u></p> <p>Existing, non-profit owned affordable properties can require periodic recapitalization to fund necessary building repairs and improvements, maintain building conditions and affordability for tenants, and provide reliable cash flow to building owners/operators with which to pay staff and support operations. Because community-based non-profits who own affordable housing are mission-driven, the risk that tenant rents could rise and become unaffordable, or that tenants could be displaced, is generally perceived as more remote than in Unregulated Properties and in Expiring Use Properties. Over time, however, if recapitalization needs are allowed to mount, these properties may become an unsustainable drain on the resources of their non-profit owners and may result in unaddressed building capital needs and deferred maintenance.</p> <p>Given the limited resources available to the region to preserve affordable housing, and the comparative urgency of preserving affordability in Unregulated Properties or in Expiring Use Properties, there is a regional backlog of existing, non-profit owned affordable housing—and non-profit owner/operators—that would benefit from recapitalization.</p>
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Table 1: San Francisco MOHCD Small Sites and Big Sites Preservation Program (2016-21)

Unit Type	# of Projects	# of Units*	Total Subsidy	Total Cost/Unit	Acquisition Cost/Unit	Subsidy/Unit	1st Mtg/Unit
Small Sites (<25 units)	47	374	\$121,546,005	\$500,457	\$326,961	\$324,989	\$175,468
Big Sites (>25 units)	6	314	\$72,342,000	\$314,729	\$170,462	\$230,389	\$84,341
Total	53	688	\$193,888,005	\$415,692	\$255,535	\$281,814	\$133,878

*Includes 33 commercial units

Opportunities for BAHFA	BAHFA has a region-wide opportunity to provide both permanent senior loans and subsidy loans for Preservation Properties. ⁸ BAHFA also has an opportunity to provide fast-acting, early-stage acquisition, predevelopment, and rehabilitation/stabilization funding to these projects, or to partner with existing CDFIs or other lenders to deliver this product. There is also an opportunity to support sustainable, long-term ownership of affordable housing by community-based organizations by providing funding for recapitalization of these assets.
Funding Scenarios	<p>If \$2 billion in RHR becomes available to BAHFA, a minimum of 15% would be allocated to Preservation. It is assumed BAHFA would draw all \$2 billion of its general obligation bonds via five bond issuances at three-year intervals. This schedule could be accelerated if the region expends funds more quickly.</p> <p>BAHFA may seek to achieve greater scale by augmenting the RHR it has available to fund the Program with additional resources raised by accessing the capital markets, by, in addition to providing loans funded from RHR, pursuing funding strategies such as issuing bonds secured by project revenues or participating in loans originated by third-party lenders.⁹</p>

⁸ In contrast with BAHFA's Multifamily Rental Production Program, for which BAHFA may seek to establish a bond indenture or participate in loans with capital providers to provides senior debt financing, the Regional Anti-Displacement and Preservation Program may include smaller properties with as little as 5 units, preserved by emerging, less well-established developers. The Program's target asset class, and the developers that may participate in the Program, are not currently well-understood by capital markets. Furthermore, as a majority of BAHFA's RHR will be allocated to Production per the legislation, the initial volume of projects and debt funding needed across the Preservation Program is anticipated to be modest, and not enough to support a large-scale capital markets execution. Consequently, establishing a bond indenture for funding Program debt is unlikely to be viable in the near- to mid-term, but may become an option at a later date.

⁹ For additional discussion of these strategies, please refer to the Funding Scenarios section of the Appendix to the Multifamily Rental Production Program.

BAHFA PROGRAM DESCRIPTION

PROTECTIONS: TENANT PROTECTIONS AND HOMELESSNESS PREVENTION PROGRAM

Equity Objectives	<p>The Protections Program (the “Program”) will support initiatives that support achievement of the Equity Framework’s Protection (P) and Cross-Cutting (CC) Objectives. The Program, in combination with other funding programs and initiatives implemented by BAHFA, will seek to:</p> <p>P1. Increase access to anti-displacement and homelessness prevention services. Deploy BAHFA funding to programs with a track record of preventing displacement and homelessness, improving tenant quality of life, and increasing housing stability—such as legal assistance, counseling and advice, financial assistance, and enhanced relocation assistance. Support residents across the full spectrum of anti-displacement and homelessness prevention needs, including tenants with formal leases as well as those with more precarious living situations.</p> <p>P2. Support tenant education and advocacy. Invest in training, education, advocacy, and outreach that raises awareness of tenant rights and facilitates greater access to community resources available to support housing stability. Support tenant associations and similar organizations that reduce power disparities between renters and property owners.</p> <p>P3. Prioritize protections and investments in households and communities facing the greatest housing precarity. Target BAHFA programs so that tenants at greatest risk of displacement and homelessness—disproportionately extremely low income (ELI), residents of Equity Priority Communities, and other impacted households in areas facing displacement pressures—are prioritized.</p> <p>P4. Ensure adequate funding for tenant protections. For BAHFA revenue sources that prohibit expenditures on Protections (e.g., general obligation bonds), design BAHFA funding programs so that they generate new revenue streams that can be reinvested in Protections region wide. Proactively seek other revenue such as state and federal grants to enhance BAHFA tenant protection funding.</p>
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	<p>P5. Elevate the urgency of tenant protections through regional leadership. Invest in research, data collection, and coordination to inform policy change and region wide adoption of best practices.</p> <p>CC1. Support community-based, and community-owned organizations and developers. Expand, diversify, and strengthen the capacity of the region’s housing ecosystem by investing in community-based developers and organizations across all 3Ps.</p> <p>CC2. Support individual and community wealth building. Create opportunities for historically marginalized people and residents historically excluded from homeownership, to build wealth through housing, including traditional and shared homeownership opportunities.</p> <p>CC3. Serve as a regional leader on local equitable programs and practices. Advance local alignment with regional equity priorities across all 3Ps, encouraging counties and cities to incorporate and build off of the Equity Framework.</p> <p>CC4. Commit to ongoing, meaningful, and equitable engagement. Advance community participation among historically marginalized populations through ongoing engagement with and outreach to stakeholders equally distributed across the 3Ps, with an intentional focus on organizations who are accountable to and part of communities most impacted by housing unaffordability.</p> <p>CC5. Secure more flexible and unrestricted funding. Seek to expand and secure funding sources to achieve a broader range of equity needs across all 3Ps, including uses that would be difficult to fund with likely fund sources (e.g., general obligation bond).</p> <p>CC6. Target most flexible BAHFA funding to accelerate AFFH. Develop programs within BAHFA’s optional 10% Local Government Incentive Program that address any gaps in a comprehensive Affirmatively Furthering Fair Housing (“AFFH”) approach given AB 1487’s parameters. Target any non-housing investments (i.e., infrastructure, community or cultural spaces, and public services) in communities that have faced historic disinvestment and/or are home to the region’s most impacted residents.</p>
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	<p>BAHFA anticipates that this Program will be iterative and phased, as BAHFA secures new resources, responds to tenant and jurisdictional needs, and works responsively with partners and stakeholders to changing economic and social conditions. As such, BAHFA has included a Draft Protections Program Budget in Table 1 of the Appendix which outlines the priority programs it will create pending available funds. Therefore, while BAHFA plans to advance all areas of the Equity Objectives, some may be prioritized in the near-term according to Program needs and funding availability.</p>
Additional Objectives	<p>Additional objectives of the Program are to:</p> <ul style="list-style-type: none"> • Support BAHFA’s Legislated Protections Goals. An amount equal to a minimum 5% of Regional Housing Revenue¹ (“RHR”) raised by BAHFA is required to be used for tenant protection programs for low- and moderate-income households (“Protections”).² The Program would provide funding for initiatives meeting the Protections criteria. • Provide Regional Capacities. Overall, the Program BAHFA will aim to provide regional leadership and advocacy with respect to protecting tenants, and will provide technical and financial support to create regional systems and services that protect tenants from displacement and prevent homelessness.
Funding Interventions	<p>In contrast with BAHFA’s other funding programs—e.g., the Multifamily Rental Production Program, the Anti-Displacement and Preservation Program, and the Innovation Program, all of which will deliver loans and subsidies to affordable housing projects—the Protections Program will pay for specific interventions that support Protections.</p> <p>The funding interventions BAHFA will provide pursuant to the Program are intended to support achievement of the Equity Objectives and the Additional Objectives set forth above, and to be responsive to regional needs and opportunities.³</p> <p>Near- and longer-term objectives and their corresponding interventions for BAHFA’s Protections Program are described below. The Program will support both “tenant protections” and “homelessness prevention,” given that (while closely linked and coordinated) “tenant protections”</p>

¹ Regional Housing Revenue refers to the revenue BAHFA collects from general obligation bond issuances, parcel taxes, special head taxes, and gross receipts taxes as defined in AB 1487.

² However, RHR derived from a general obligation bond issuance may not be spent on Protections.

³ For additional analysis of regional needs and opportunities, please refer to the Appendix.

	<p>programming is often thought to be a different set of services than those required to prevent homelessness.</p> <p><u>Near-Term Tenant Protections Objectives and Interventions:</u></p> <ul style="list-style-type: none"> • Create regional support for protections. BAHFA can help solve for the lack of coordination and support for a regional lens on tenant protections by facilitating regional collaboration, research, and technical assistance. BAHFA anticipates beginning this work in 2023, which will include: <ul style="list-style-type: none"> ○ Hosting regional convenings of local jurisdictions and community-based organizations advancing tenant protections. ○ Conducting a research project to understand the feasibility and implementation of programs that best support tenant needs. ○ In coordination with MTC and ABAG, providing technical assistance to ensure that protections programs are developed and implemented using best practices. • Support innovative tenant protections pilot programs. Local jurisdictions in the region are currently exploring innovative programs to help tenants stay in their homes including court-based eviction diversion, right to counsel, and expanded tenant rights education programs. BAHFA seeks to use the findings from its 2023 research project, in tandem with findings from local jurisdictions, to fund and support ongoing pilot programs in local jurisdictions to improve tenant protections and prevent displacement. <p><u>Longer-Term Tenant Protections Objectives and Interventions:</u></p> <ul style="list-style-type: none"> • Improve system capacity and infrastructure to implement and evaluate tenant protections across the region. BAHFA will work to overcome the system capacity and infrastructure challenges that currently hinder the implementation of regional tenant protections and make it difficult to understand the efficacy of existing programs. This could include: <ul style="list-style-type: none"> ○ Creating and maintaining data systems, such as a housing inventory, to identify and understand displacement and displacement risk caused by rising rents and evictions across the region.
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	<ul style="list-style-type: none"> ○ Providing technical assistance focused on specific problems within protections systems, such as setting up fast and effective rental assistance application and distribution processes. ○ Creating new regional infrastructure, such as resource-sharing agreements or other collaborative administrative structures, to support smaller jurisdictions to implement protections policies like just cause eviction and rent stabilization in a cost-effective manner. ○ Supporting efforts to improve retention and create a stronger housing legal aid pipeline in response to workforce shortages in the legal aid profession that hinder delivery of tenant legal services across the region. <p>While related to and sometimes overlapping with tenant protections, targeted homelessness prevention interventions exist in a distinct context that requires a tailored approach. Because there are many funding streams from federal, state, and local agencies, this work can often end up siloed within multiple departments in a jurisdiction. Given the wide diversity of stakeholders and funders in the space, if BAHFA successfully passes a new regional housing bond (a general obligation or “GO” bond) in 2024 it would seek to utilize its funds to support resource integration efforts that advance local jurisdictions’ ongoing work to prevent and end homelessness (for more information on BAHFA’s potential funding sources, see the “Funding Strategies” section in the Appendix). BAHFA will pursue the following homelessness prevention interventions based on that need:</p> <p><u>Near-Term Homelessness Prevention Objective and Intervention:</u></p> <ul style="list-style-type: none"> ● Collaborate with local jurisdictions to better integrate and grow homelessness prevention programs. For any jurisdiction seeking assistance to make changes to, or improvements in, integrating health, housing, and homelessness program delivery, BAHFA will provide collaboration and support to bring stakeholders together and secure financial resources to implement specific actions (e.g., rental assistance, legal assistance). This work would be fully supportive of the jurisdiction’s goals and, in all likelihood, complement the jurisdiction’s deployment of new resources generated by the regional ballot measure. <p><u>Longer-Term Tenant Protections and Homelessness Prevention Objective and Intervention:</u></p>
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	<ul style="list-style-type: none"> • Provide funding for tenant protection services and/or direct rental and relocation assistance. Currently, jurisdictions seek additional funding streams to support the direct financial assistance needed to prevent and end homelessness. Pending the receipt of additional funding sources, and, again, as a response to stated jurisdictional needs, BAHFA would fund eligible organizations providing direct services and financial assistance to low-income renters and people at risk of homelessness in the region, including: <ul style="list-style-type: none"> ○ Pre-eviction and eviction legal services, counseling, advice and consultation, training, renter education, and representation, and services to improve habitability that protect against displacement of tenants. ○ Emergency rental assistance for lower income households. Rental assistance may not exceed 48 months for each assisted household, except that for severely rent-burdened seniors on fixed incomes, rental assistance may be renewed for successive 48-month terms. For purposes of this clause, a “severely rent-burdened senior” is a senior that pays more than 50% of their pre-tax income on rent. ○ Relocation assistance for lower income households beyond what is legally required of landlords according to local or state law.
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Included in **Appendix:**

- Landscape Analysis
- Opportunities for BAHFA
- Funding Scenarios

APPENDIX TO BAHFA PROGRAM DESCRIPTION

PROTECTIONS: TENANT PROTECTIONS AND HOMELESSNESS PREVENTION PROGRAM

*This **Appendix** includes additional analysis of the regional financing needs and opportunities to which BAHFA's Tenant Protections and Homelessness Prevention Program is intended to be responsive.*

Landscape Analysis: Existing Conditions	<p>In 2019, the Bay Area had over 1 million extremely low income (“ELI”) residents—defined as households with incomes of 30% or less of the area median income—with an average annual income of \$17,800, representing 17% of all households. Approximately half of these households spend more than one-third of their income on housing, placing them at severe risk of displacement or homelessness. Black and Hispanic/Latinx people are disproportionately represented in these numbers: Black individuals make up 11% of the ELI population, despite making up only 5% of the Bay Area population, and 33% of the ELI population is Hispanic/Latinx, despite representing 24% of the overall population.⁴</p> <p>The state of homelessness in the region: In a 2021 report, “Bay Area Homelessness,” the Bay Area Council estimated that 73% of the population of people experiencing homelessness in the region is unsheltered. Knowing the exact number of people experiencing homelessness is challenging, and many methods, including the Point-in-Time (“PIT”) count, are considered undercounts. However, this remains one of the most standardized methods of data collection and is utilized for funding allocation methodologies at the federal and state level. The 2022 PIT was the first count conducted by every county since 2019 due to the COVID-19 pandemic. This count represents people residing in shelters, transitional housing, vehicles, tents, abandoned buildings, and other places not meant for human habitation. According to the 2022 data reported individually below, there are 37,989 people experiencing homelessness in the 9-county region:</p> <ul style="list-style-type: none"> • Alameda County: 9,747 (21.5% increase since 2019) people experiencing homelessness. • Contra Costa County: 3,093 (34.8% increase). • Marin County: 1,121 (8.4% increase). • Napa County: 366 (13.7% increase). • San Francisco: 7,754 (-3.5% decrease).
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⁴ “On the Edge of Homelessness: The Vulnerability of Extremely Low-Income Households in the Bay Area.” The Turner Center, December 2, 2021.

	<ul style="list-style-type: none"> • San Mateo: 1,808 (19.6% increase). • Santa Clara: 10,028 (3.3% increase). Note: Although Santa Clara successfully prevented large increases in homelessness county-wide, the city of San Jose saw an 11% increase to 6,739 inside city limits. • Solano: 1,179 (2.4% increase). • Sonoma: 2,893 (2% increase). <p>The state of displacement in the region: The landscape of eviction and displacement in the Bay Area is complex and continues to evolve as policies and programs created during the COVID-19 pandemic wane and new local programs begin. Region-wide, there has been a sharp increase in evictions since the end of the statewide emergency rental assistance program on March 31, 2022, and the end of the statewide eviction moratorium on June 30, 2022. This number is expected to keep growing as the effects of these state programs as well as local COVID-related programs phase out. Housing costs and the need for stronger region-wide tenant protections policies continue to affect the displacement of low-income communities:</p> <ul style="list-style-type: none"> • Rising housing costs between 2000 and 2020 in the urban cores have resulted in significant movement of low-income and extremely low-income households to less expensive parts of the Bay Area and outside of the region altogether. This has heightened pressures for policies and programs in areas undergoing displacement and created new pressures in areas where there has been an influx of lower-income households (e.g., the north and northeast Bay Area counties and southern Santa Clara County). The populations of low-income Black people have disproportionately decreased overall, and there has been significant movement outside of the urban cores in the region.⁵ • Tenant protections, such as rent stabilization, access to tenant education, access to pre-eviction and eviction legal services, and emergency rental assistance, are primarily enacted and enforced at the local level with significant variation, creating a patchwork of these policies and programs in the region. The state-level protections enacted through AB 1482 provide a base level of protections for eligible tenants; however, emerging research
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⁵ "Rising Housing Costs and Resegregation in the San Francisco Bay Area." Urban Displacement Project, 2018.

	<p>suggests that a lack of data and enforcement threaten the efficacy of this policy.⁶</p> <p>The solutions to create a more stable housing landscape for low-income and extremely low-income residents are known, but require significant funding investment, political will, and policy change. These interventions include:</p> <ul style="list-style-type: none"> • Production and preservation of more affordable housing targeted to extremely low-income and formerly homeless households; • Tenant protections policies and programs to create a rental market where low-income renters can enjoy stable, healthy places to live, and where landlords have the tools and resources needed to mediate conflict outside of eviction; • Stronger safety net programs to ensure that if households fall behind on rent or other expenses, they can get the financial assistance needed to stay housed and meet basic needs; and • Homelessness-specific services for households most at-risk of homelessness (representing a portion of but not all ELI households).
Landscape Analysis: Interventions	<p>Overview of Tenant Protections Across the Region: Cities, counties, and community-based organizations provide a variety of services and legal protections to tenants depending on local funding availability and decision-making. Some cities like San Francisco, Mountain View, Berkeley, San Jose, City of Alameda, Fairfax, and Oakland have rent stabilization and just cause eviction policies funded through fees assessed on landlords, while others have only just cause policies (Petaluma) or rent stabilization (Antioch). Local jurisdictions may also establish service-based protections like Right to Counsel (currently implemented in San Francisco) to provide a guarantee of legal services to people facing eviction. As with homelessness prevention programs, jurisdictions that offer multiple types of protections policies and programs offer the strongest support to tenants to prevent displacement.</p> <p>Pandemic-era programs like California Housing is Key (rental assistance) offered emergency rental assistance through state and federal funding sources. This program closed applications after March 31, 2022; however, some local jurisdictions in the Bay Area are continuing to offer reduced</p>

⁶ “Rising Rents, Not Enough Data: How a Lack of Transparency Threatens to Undermine California’s Rent Cap.” The Turner Center, September 28, 2022.

	<p>versions of the program using funds primarily raised through local measures.</p> <p>Finally, statewide measures in recent years have created new protections for tenants. For example, SB 330 (2019) created a right for low-income renters to return if their apartment building is torn down or redeveloped, and AB 1482 (2019) requires landlords to have a just cause to terminate a tenancy and also limits annual rent increases.</p> <p>Between all the different interventions, policies, and programs occurring at the state and local levels, there is a need for a regional body to help harness the learnings from implementation, increase coordination and resource sharing between entities, and help fund what’s working in more jurisdictions. BAHFA could play this role as part of its tenant protections work.</p> <p>Overview of Homelessness Prevention Programs Across the Region: Cities, counties, continuums of care (COCs), and community-based organizations provide homeless services throughout the region. In the past few years, there has been an increased focus on preventing new incidences of homelessness, and most, if not all, Bay Area counties have programs focused on homelessness prevention. State funds such as the one-time 2018 Homeless Emergency Aid Program (HEAP), Homeless Housing Assistance Program (HHAP), and CDSS Housing and Homelessness programs include homelessness prevention as eligible costs and populations. Tenant protections policies, as described above, also provide upstream homelessness prevention.</p> <p>BAHFA has the opportunity to help all jurisdictions fully understand what works best, make adjustments as indicated, and continue to implement best practices as needs and resources change over time.</p>
Opportunities for BAHFA	<p>In the Bay Area, there is no regional government body advocating for and supporting tenant protections across the nine counties. Though Bay Area residents tend to live, work, and play across jurisdictional boundaries, the fragmented approach we take to ensuring that our workforce and vulnerable residents can remain stably housed creates distinct challenges. Eviction and displacement are a chronic threat for many low-income tenants. Gaps in our housing safety net include a lack of knowledge and clear guidance about how to implement tenant protections policies; prohibitive administrative burdens for smaller jurisdictions seeking to implement protections; and a lack of sufficient funds to meet the direct financial assistance needs of tenants. With its Protections Program, BAHFA seeks to fill those gaps in support of jurisdictions and tenants.</p>

	<p>Interventions for tenant protections include a range of interventions and policies that help protect low-income tenants from displacement and help them stay stably housed. Interventions may include providing rental assistance to tenants who are cost-burdened (where 30% or more of income goes to rent), free legal services for those at risk of eviction or facing habitability, discrimination, or other housing concerns, and local jurisdiction implementation of just cause eviction policies and anti-harassment policies between tenants and landlords, as well as enforcement of building code violations and habitability of units.</p> <p>Tenant protections are often considered an “upstream” intervention to prevent homelessness. However, homelessness prevention typically means much more targeted strategies to identify persons most at risk of homelessness and providing rapid funding and support to keep them housed. Prevention services are typically administered within a homelessness services setting and may include wraparound support such as mental and physical health services and case management.</p> <p>We envision implementation as an iterative and phased program, as BAHFA secures new resources, responds to tenant and jurisdictional needs, and works responsively with partners and stakeholders to changing economic and social conditions.</p>
Funding Strategies	<p>While AB 1487 states that an amount equal to a minimum of 5% of RHR be directed toward tenant protection activities for low- and moderate-income households up to 120% AMI, sources included in the legislation have restrictions that make this challenging.⁷ As a result, BAHFA will need to consider several strategies to fund these critical activities. Sources and strategies may include:</p> <ol style="list-style-type: none"> 1. Ballot Measure with Constitutional Amendment: A 2024 ballot measure, dependent upon the final language of a simultaneously passed constitutional amendment expanding bond expenditures, may enable BAHFA to use a portion of the GO bond revenue for homelessness interventions and other protections for vulnerable residents. If the amendment passes, both jurisdictions and BAHFA can and must dedicate an amount equal to at least 5% of revenues raised from the measure for these purposes. Assuming the success of a ballot measure pursuant to which \$10 billion becomes available regionally, this could translate to approximately \$7M

⁷ Currently, Protections cannot be funded from general obligation bond proceeds, or from commercial linkage fees.

	<p>available to BAHFA for Protections annually over a 15-year period; and, to counties of origin, \$28M annually.</p> <ol style="list-style-type: none"> 2. Revenue from lending programs: BAHFA’s production and preservation funding efforts will produce a stream of income from interest and fees charged to developers. This funding will ramp up over time and is estimated to produce between \$10-15 million over the first five years. 3. Private funding: BAHFA has an opportunity to engage with the corporate and philanthropic sector to raise funding to jumpstart Protections programs. If the statewide amendment does not pass, or if amendment language does not enable spending on the full suite of priorities, then it will be particularly important to raise funds through other means. A push for private funding could result in significant new funding for tenant protections and homelessness prevention. 4. State and Federal Funding/CalAim: Additional state and federal funding, whether administered by BAHFA or directly to communities, is greatly needed to prevent and end homelessness. One notable state opportunity is the CalAim program. CalAim provides both services and expanded access to housing, working through managed care organizations. Through CalAim’s Providing Access and Transforming Health (PATH) initiative, funding will be available for a variety of housing-related interventions and services, including navigation services, housing deposits, and housing tenancy services. Helping unlock or facilitate access to new funds for jurisdictions, like CalAim or new state dollars, would be additive to the region. <p>BAHFA does not want to compete with jurisdictions for scarce resources, nor does it want to engage in activities that are duplicative of ongoing work. Instead, BAHFA seeks to pursue and raise funds that will be additive to the work jurisdictions are already doing.</p> <p>See Table 1 Draft Protections Program Budget below, which prioritizes potential programs based on near-term funding availability.</p>
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Table 1: 2022-2032 Draft Protections Program Budget

Prioritized Tenant Protections and Homelessness Prevention Programs based on anticipated funding availability. Longer-term objectives identified above could be funded as described above with additional resources.

Program	Activities and Description	Budget Amount and Sources	Timeline
Tenant Protections Regional Research, Coordination, and Technical Assistance: Help solve for the lack of coordination and support for a regional lens on tenant protections.	<p>Contract with qualified firm(s) to gain knowledge about opportunities and challenges relating to tenant protection programs.</p> <p>Findings will support regional interventions supporting tenant protections, including eviction diversion and mediation, right to counsel, and tenant outreach and education programs.</p> <p>BAHFA will ensure coordination with other MTC/ABAG research and technical assistance efforts.</p>	<p><i>Total cost:</i> \$150,000</p> <p><i>Sources:</i></p> <ul style="list-style-type: none"> • BAHFA pilot funds: \$130,000 • Fundraised private funds: \$20,000 	2023-2024
	<p>In response to requests and need for more collaboration and learning between jurisdictions, BAHFA will regularly convene stakeholders working on tenant protections to:</p> <ul style="list-style-type: none"> • Share promising practices and research 	<p><i>Total cost:</i> \$10,000 annually</p> <p><i>Sources:</i></p> <ul style="list-style-type: none"> • In-lieu costs (e.g., event space, staffing) provided by BAHFA 	2023-2032

ABAG Housing & BAHFA Oversight Committees
Agenda Item 7.a. Attachment H
May 11, 2023

Program	Activities and Description	Budget Amount and Sources	Timeline
	<ul style="list-style-type: none"> Discuss available funding sources and how to maximize funding Build a shared vision and priorities for regional and state tenant protections <p><i>Note:</i> This activity may evolve over time in response to needs of the region.</p>	<ul style="list-style-type: none"> Other costs covered by fundraised private funds 	
	<p>Through the MTC Regional Planning Program (RPP), provide regional technical assistance on tenant protections (as part of the “3Ps”).</p> <p>This activity builds upon the Regional Housing Technical Assistance Program launched by ABAG and MTC in 2020. Through this expansion, BAHFA could support jurisdictions to implement protections-related commitments made in their 6th Cycle Housing Elements via grants and technical assistance. It can also support jurisdictions seeking to comply with MTC’s recent Transit Oriented Communities (TOC) Policy.</p> <p><i>Note: Significant inter-agency coordination for this technical assistance</i></p>	<p><i>Total cost:</i> Approximately \$15 million program budget, though TBD how much funding will be focused on Protections (vs the other “Ps”).</p> <p><i>Source:</i> Regional Early Action Planning Grants (REAP 1.0 and 2.0). REAP 1.0 is administered by ABAG and REAP 2.0 will be administered by MTC.</p>	2023-2026

ABAG Housing & BAHFA Oversight Committees
Agenda Item 7.a. Attachment H
May 11, 2023

Program	Activities and Description	Budget Amount and Sources	Timeline
	<i>project is currently underway and new activities are expected to launch in 2023.</i>		
	As appropriate and in coordination with the MTC Legislative and Public Affairs (LPA) team, BAHFA may advocate for tenant protections and homelessness prevention support in alignment with other programs and priorities – with a particular emphasis on securing new funding.	MTC and BAHFA staff time and other administrative costs.	2022-2032
	<p>Using findings from the 2023-24 tenant protections study, develop an RFP for pilot program(s) to help jurisdictions test strategies to:</p> <ol style="list-style-type: none"> 1) Improve eviction outcomes for tenants in pre-eviction and eviction proceedings. 2) Increase tenant knowledge of existing rights and responsibilities. <p>Exact scope to be determined pending research outcomes and funding</p>	<p>Total Cost: To launch one pilot program, BAHFA anticipates a budget of \$2M annually for 5 years, requiring at least \$10M to begin a program.</p> <p>Sources:</p> <ul style="list-style-type: none"> • Revenue from lending programs projected to be up to \$2M per year after the initial start-up years. 	2025-2032

ABAG Housing & BAHFA Oversight Committees
 Agenda Item 7.a. Attachment H
 May 11, 2023

Program	Activities and Description	Budget Amount and Sources	Timeline
	availability. Based on the costs of other regional programs, BAHFA estimates a cost of a pilot program at \$2-4M annually.	<ul style="list-style-type: none"> Private funds to be determined. 	
	<p>For any jurisdiction seeking assistance to make changes to, or improvements in, integrating health, housing, and homelessness program delivery, BAHFA will work in collaboration with those jurisdictions and provide support to bring stakeholders together, financial resources to implement specific actions (e.g., rental assistance, legal assistance). This work would be fully supportive of the jurisdiction's goals.</p> <p>BAHFA anticipates that this support would complement the jurisdiction's deployment of new resources generated by the regional ballot measure.</p>	<ul style="list-style-type: none"> 2024 GO bond (if statewide amendment also approved): A minimum of \$5M annually. BAHFA funds to be complemented by local jurisdiction funding, e.g., regional bond funds returned to source. 	2025-2032



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	23-0771	Version:	1	Name:	
Type:	Report	Status:		Executive Board Approval	
File created:	5/11/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Approval of the Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and Proposed Re-programming and Authorization for the Executive Director (or his designee) to reallocate and expend any unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	10c 1 Summary Sheet REAP Updated Program Budget v1.pdf 10c 2 Attachment ABAG Housing Committee REAP Updated Budget.pdf				

Date	Ver.	Action By	Action	Result
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Approval of the Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and Proposed Re-programming and Authorization for the Executive Director (or his designee) to reallocate and expend any unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner

Daniel Saver

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 10.c.

Regional Early Action Planning Grant

Subject

Approval of the Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and Proposed Re-programming and Authorization for the Executive Director (or his designee) to reallocate and expend any unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner

Background:

At its meeting on May 11, 2023, the ABAG Housing Committee, meeting jointly with the Bay Area Housing Finance Authority (BAHFA) Oversight Committee, received the report on the Updated Program Budget for the REAP 1.0 and Proposed Re-programming and Authorization for the Executive Director, or his designee, to reallocate and expend unspent funds.

The ABAG Housing Committee has recommended ABAG Executive Board approval of the REAP 1.0 updated program budget and of the authorization for the Executive Director to reallocate and expend unspent funds, as reported.

The ABAG Housing Committee summary sheet is attached.

Recommended Action:

The ABAG Executive Board is requested to approve the Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and the Proposed Re-programming and Authorization for the Executive Director, or his designee, to reallocate and expend any unspent REAP 1.0 funds, as reported.

Attachments:

A. Summary Sheet, ABAG Housing Committee

Reviewed:



Andrew Fremier

May 11, 2023

Agenda Item 8.a.

Regional Early Action Planning Grant

Subject:

Recommend approval to the ABAG Executive Board of Updated Program Budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and Proposed Re-programming and Authorization for the Executive Director (or his designee) to reallocate and expend any unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner.

Background:

Staff seeks Committee recommendation of approval of updated program budget for the Regional Early Action Planning Grant of 2019 (REAP 1.0) and proposed re-programming of certain funds to ensure full expenditure by the deadline.

As part of the FY 2019-20 State Budget, the Association of Bay Area Governments (ABAG) was awarded \$23,966,861 in one-time funding through the Regional Early Action Planning grant of 2019 (REAP 1.0) through the California Department of Housing and Community Development (HCD). Eligible uses of the funds are limited to supporting planning activities that would accelerate housing production and facilitate compliance with the 6th Cycle of the Regional Housing Needs Allocation (RHNA).

In November 2019, the Executive Board authorized staff to apply for an advance of \$5.9 million (25% of the grant). In November 2020, the Executive Board authorized staff to apply for the remaining \$18,066,861 (75%) of the grant. Although HCD's application process required two separate budgets, it was most efficient to administer the grant through a single, consolidated Expenditure Program. On June 17, 2021, the Executive Board adopted a consolidated Expenditure Program budget for the REAP 1.0 grant. This included allocating nearly \$11 million in subgrants to all 109 Bay Area jurisdictions and 7 subregional planning collaboratives, as well as providing a wide range of regional technical assistance products.

ABAG's REAP 1.0 funding is a "use it or lose it" grant that initially carried a December 31, 2023 statutory expenditure deadline. Accordingly, ABAG's funding agreement with the state incorporates the December 31, 2023 expenditure deadline and per state requirements also drives a September 30, 2023 local invoicing deadline. The legislature has extended the statutory deadline to December 31, 2024, however the state has not yet amended ABAG's funding agreement that contains the December 2023 deadline. The state has indicated that it plans to require ABAG to complete spending by June 30, 2024 which would drive a local invoicing deadline of April 2024. At this point, ABAG is bound by the December 2023 expenditure deadline in the funding agreement. Any unspent funds must be returned to the state.

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Regional Early Action Planning Grant

The one-time funding from the REAP 1.0 grant helped to launch the Regional Housing Technical Assistance Program, a new regional program that staff plans to sustain beyond the expenditure deadline for the initial REAP 1.0 funding source. The Regional Housing Technical Assistance Program has been well received throughout the Bay Area and recently received an American Planning Association Award of Excellence from the Northern California Chapter.

Discussion:

Since the consolidated program budget was adopted by the Executive Board in 2021, staff has tracked encumbrances and expenditures to monitor REAP 1.0 spending. Because of the “use it or lose it” nature of the grant, it is important to anticipate potential savings to ensure adequate time to reprogram funds for eligible activities. Staff recently reconciled the accounting for the REAP 1.0 grant as part of an annual report submitted to HCD and to support development of the FY 2023-24 ABAG and MTC budgets.

Based on trends in spend down, staff proposes a slightly updated program budget for the REAP 1.0 grant. The proposed updated budget is included as Table 1 in Attachment A. A summary by cost category is included as Table 2 in Attachment A, and reproduced below:

Cost Category	Existing (June 2021)	Proposed Changes
Support Local Jurisdictions and County Collaboration	\$10,880,000	\$0
Staff	\$6,666,629	\$529,949
Consultant	\$4,620,232	\$(498,235)
Strategic Initiatives	\$1,800,000	\$(31,714)
Total:	\$23,966,861	\$0

Notably, no changes are proposed for the suballocations of funding to local jurisdictions and county collaboratives. Anticipated savings in the consultant and strategic initiatives categories are proposed to be re-programmed to help defer staff costs incurred in support of the Regional Housing Technical Assistance Program, which are not fully covered by the REAP 1.0 grant. In effect, this results in reducing the overall consultant budget by roughly \$500,000 with a corresponding increase in the staff budget.

It is possible that some existing consultant contracts or suballocations to local jurisdictions may not fully spend the allotted funds. Any remaining funds from such contracts that come in “under budget” will need to be swiftly reprogrammed to meet the expenditure deadline. Consequently,

May 11, 2023

Agenda Item 8.a.

Regional Early Action Planning Grant

staff also recommends approval of the following contingent delegation of authority to the Executive Director (or his designee) to ensure that any unspent funds can be nimbly re-programmed if necessary to avoid having to return funds to the State:

- If there are any unspent REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner, the Executive Director (or his designee) may at his discretion reprogram such unspent funds to eligible staff costs for technical assistance up to \$500,000.

The full amount of REAP funds are already included in the ABAG FY 2022-23 budget, and therefore this action does not require a budget amendment.

Issues:

None

Recommended Action:

ABAG Housing Committee: Recommend Approval to the ABAG Executive Board of Updated Program Budget for the Regional Early Action Planning Grant and Proposed Re-programming of Certain Funds to Ensure Full Expenditure by Deadline and Authorization for the Executive Director (or his designee) to reallocate and to expend such unspent REAP 1.0 funds, at his discretion, for eligible staff costs in an amount not to exceed a cumulative amount of up to \$500,000 if there are REAP 1.0 funds remaining after December 31, 2023, or within 3 months of the REAP 1.0 expenditure deadline, whichever is sooner.

BAHFA Oversight Committee: Information Item

Attachments:

- A. REAP 1.0 Updated Program Budget

Reviewed:



Andrew Fremier

Table 1: Consolidated Three-Year REAP Expenditure Program

Project Element and Components	Existing (June 2021)	Proposed
Support Local Juridictions and County Collaboration		
Initial set aside for each jurisdiction	\$2,180,000	\$ 2,180,000
Supplemental grants to jurisdictions based on Draft RHNA	\$3,000,000	\$ 3,000,000
Competitive grants to local jurisdictions	\$1,000,000	\$ 1,000,000
Grants to County Planning Collaboratives	\$4,700,000	\$ 4,700,000
Total	\$10,880,000	\$10,880,000
Regional Technical Assistance		
<ul style="list-style-type: none"> • Provide regionally applicable Technical Assistance (TA) such as Housing Element support, data tools, policy research, training, Affirmatively Furthering Fair Housing, and coordination with HCD, etc.) as well as RHNA methodology support. • Support and other services for cross-region TA, including coordination of the County Collaboratives; • Respond to emergent needs and new priorities 		
Staff	\$4,563,622	\$ 5,394,780
Consultant Support	\$3,524,896	\$ 3,091,774
Strategic Initiatives	\$1,800,000	\$ 1,768,287
Total	\$9,888,518	\$10,254,841
Housing Leadership Development and Community Engagement		
<ul style="list-style-type: none"> • Provide communications and messaging TA to local jurisdictions for Housing Element updates • Develop community engagement best practices and provide related technical assistance for local jurisdictions • Direct support to jurisdictions for public engagement, including translation, subscriptions to online engagement platforms, etc. 		
Staff	\$1,204,664	\$ 903,454
Consultant Support	\$795,336	\$ 730,223
Total	\$2,000,000	\$1,633,677
Administration (5% of total grant)		
Administration support to manage project finances, grant/legal compliance, and reporting requirements		
Staff	\$898,343	\$ 898,343
Consultant Support	\$300,000	\$ 300,000
Total	\$1,198,343	\$1,198,343
	\$23,966,861	\$23,966,861

Table 2: Summary by Cost Category for Total Three-Year REAP Expenditure Program

Cost Category	Existing (June 2021)	Proposed
Support Local Juridictions and County Collaboration	\$10,880,000	\$10,880,000
Staff	\$6,666,629	\$ 7,196,578
Consultant	\$4,620,232	\$4,121,997
Strategic Initiatives	\$1,800,000	\$1,768,287
Total:	\$23,966,861	\$23,966,861

Contingency: To ensure full spend down of grant funds, any unspent funds remaining at 12/31/23 or within 3 months of grant expenditure deadline, whichever is sooner, may be shifted to TA staff up to \$XXXX .

Expenditures may shift between elements within a category up to \$YYYY or across categories up to \$ZZZZ.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	23-0622	Version:	1	Name:	
Type:	Report	Status:		Executive Board Approval	
File created:	4/13/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$157,085,114 for services for BayREN implementation through December 31, 2027, and Update on BayREN Current and Future Programs				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	11a 1 Summary Sheet BayREN PGE Funding Agreement Amendment v2.pdf 11a 2 Summary Approval BayREN PGE Funding Agreement Amendment v1.pdf 11a 3 BayREN Business Plan Presentation v1.pdf				

Date	Ver.	Action By	Action	Result
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Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$157,085,114 for services for BayREN implementation through December 31, 2027, and Update on BayREN Current and Future Programs

Jenny Berg

Approval

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 11.a.

Local Government Services

Subject:

Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$157,085,114 for services for BayREN implementation through December 31, 2027, and Update on BayREN Current and Future Programs

Background:

Since 2013, the Bay Area Regional Energy Network (BayREN) has implemented a portfolio of energy efficiency programs across the region. The Association of Bay Area Governments (ABAG) serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities. BayREN's programs:

- Build the green workforce.
- Advance the state's goals of:
 - doubling energy efficiency in existing buildings by 2030.
 - reducing emissions from existing buildings by at least 40 percent below 1990 levels by 2030.
 - Achieving 100 percent renewable and zero-carbon retail electricity and becoming entirely carbon neutral by 2045.
- Aid in building local capacity and serving the unique needs of each jurisdiction's residents and businesses.

On May 20, 2021, the California Public Utilities Commission (CPUC) issued Decision (D.) 21-05-031 which among other things, directed energy efficiency program administrators (PAs) by March 4, 2022, to file a strategic business plan to cover an eight-year period (2024-2031), and a four-year program portfolio (2024-2027) containing detailed sector and program strategies.¹

BayREN's filing requested \$157,085,114 for the four-year portfolio period – and \$328,776,923 for the full eight-year strategic plan period – to continue operating its six existing, successful programs and launch four new programs to fill gaps in energy efficiency services, pilot innovative programs, and serve hard-to-reach (HTR) customers.² These ten programs span four customer market segments: Residential, Commercial, Public, and Cross-cutting.³ The CPUC required PAs to categorize programs by market segments according to the following:

¹ <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M385/K864/385864616.PDF>

² These amounts exclude CPUC EM&V for the four- and eight-year periods (\$4,691,523 and \$5,127,768, respectively). BayREN's total requests, including CPUC EM&V, were \$161,776,637 and \$338,596,214.

³ Cross-cutting programs are defined as involving multiple customer types (residential and nonresidential) and/or multiple building types (retrofit, remodeling, and/or new construction).

Association of Bay Area Governments

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Agenda Item 11.a.

Local Government Services

- **Resource acquisition** programs with a primary purpose of, and a short-term ability, to deliver cost-effective avoided cost benefits to the electricity and natural gas systems.
- **Market support** programs with a primary objective of supporting the long-term success of the energy efficiency market by educating customers, training contractors, building partnerships, or moving beneficial technologies towards greater cost-effectiveness.
- **Equity** programs with a primary purpose of providing energy efficiency to HTR or underserved customers and disadvantaged communities in advancement of the Commission's Environmental and Social Justice Action Plan.

Over the course of the four-year portfolio period, nearly two-thirds of BayREN's budget is dedicated to the Equity Segment (62%); the remainder of BayREN's proposed budget is dedicated to: Market Support (17%), Resource Acquisition (12%), Codes and Standards (5%) and Evaluation, Measurement, and Verification (4%). A summary of the proposed programs, budgets, and sectors is attached to this report.

BayREN's distribution of budget between portfolio segments reflects the following evolutions in our programming:

1. A greater focus on equity.
2. Increased support for local governments based on local needs.
3. Timely response to quickly evolving Bay Area and state policy trends and goals regarding building electrification and climate resilience.

These enhancements in our approach and program offerings reflect our commitment to engaging with and listening to our stakeholders and effectively partnering with other regional agencies and our seven Bay Area community choice aggregators (CCAs) to efficiently leverage resources and best serve the local governments, businesses, and residents in our 109 Bay Area cities and nine counties.

Pacific Gas and Electric Company (PG&E) – as directed by the CPUC – is the fiscal agent for BayREN. The CPUC has allowed PG&E and BayREN to negotiate contract terms independent of the CPUC. ABAG and PG&E currently have a contract for funding through December 2023. The overall BayREN budget is developed each calendar year and the contracts have historically been amended on an annual basis or as needed.

Issues:

None

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 11.a.

Local Government Services

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to amend a funding agreement with Pacific Gas and Electric Company in an amount not to exceed \$157,085,114, for a total contracted amount of \$257,297,636, to provide services for BayREN implementation through December 31, 2027.

Attachment:

- A. Summary Approval PG&E BayREN Funding Agreement Amendment
- B. BayREN Business Plan Presentation

Reviewed:



Andrew Fremier

Sector	BayREN Program	Market Segment	REN Activity	Existing or New	Portfolio Plan Budget 2024-2027	Strategic Plan Budget 2024-2031
Resource Acquisition	BayREN Business	Commercial	Gap Filling, HTR	Existing	\$18,952,573	\$39,726,102
Market Support	Green Labeling	Residential	Gap Filling, Pilot	Existing	\$7,385,951	\$15,424,618
Market Support	Integrated Energy Services	Public	Gap Filling	New	\$4,228,707	\$8,760,637
Market Support	Targeted Decarbonization Services	Public	Gap Filling	New	\$6,386,843	\$15,079,827
Market Support	Water Upgrades Save	Cross-cutting	Gap Filling, Pilot, HTR	Existing	\$8,434,138	\$17,665,037
Equity	Single Family (Home+)	Residential	Gap Filling, HTR	Existing	\$35,272,751	\$72,642,901
Equity	Bay Area Multifamily Building Enhancements	Residential	Gap Filling, Pilot, HTR	Existing	\$35,177,735	\$72,447,287
Equity	BayREN Refrigerant Replacement	Commercial	Gap Filling, HTR	New	\$18,499,160	\$38,801,416
Equity	Climate Careers	Cross-cutting	Gap Filling	New	\$12,812,556	\$27,535,903
-	Codes and Standards	Cross-cutting	Gap Filling, HTR	Existing	\$8,155,157	\$16,968,637
-	Evaluation, Measurement, and Verification	-	-	Existing	\$1,779,543	\$3,724,558
					\$157,085,114	\$328,776,923

**S U M M A R Y O F E X E C U T I V E B O A R D A P P R O V A L**

Work Item No.:	1721 (FSRC 2307 & 2309)
Consultant:	Pacific Gas and Electric Company (PG&E)
Work Project Title:	Bay Area Regional Energy Network (BayREN)
Purpose of Project:	Implement a portfolio of energy and water efficiency programs across the region.
Brief Scope of Work:	BayREN implements a portfolio of energy and water efficiency programs across the region and across multiple sectors. ABAG serves as the program administrator and lead agency. PG&E is BayREN's fiscal agent.
Project Cost Not to Exceed:	Current Contract Amount: \$100,212,522 Amendment Amount: \$157,085,114 Updated Contract Total: \$257,297,636
Funding Source:	PG&E (ratepayer funds) as directed by the CPUC
Fiscal Impact:	Funds programmed in FY 24, 25, 26, 27, 28 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or his designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to amend a funding agreement with Pacific Gas and Electric Company in an amount not to exceed \$157,085,114, for a total contracted amount of \$257,297,636, to provide services for BayREN implementation through December 31, 2027.
ABAG Executive Board Approval:	Jesse Arreguin, ABAG President
Approval Date:	May 18, 2023



Local Governments Empowering Our Communities

BayREN Business Plan/Portfolio Application

Jenny Berg
Director, Energy Section

May 18, 2023

About BayREN

- 9 Counties, 101 Cities
- 6 Programs focused on
 - ✓ Energy efficiency upgrades
 - ✓ Electrification upgrades
 - ✓ Water energy nexus
 - ✓ Raising awareness among real estate and contractor industry
 - ✓ Energy code compliance
- 1 of 4 Regional Energy Networks





BayREN Vision

- RENs are a critical part of the solution for the State's reliable and sustainable energy future that considers greenhouse gases, water, and resiliency
- By uniting and coordinating multiple efforts at a regional level and delivering these integrated solutions, the RENs will help the State meet our aggressive climate change goals

BAYREN



Regional Accomplishments and Impact

- Nationally-recognized “Exemplary Program Award” for the Multifamily program (ACEEE)
- Multiple Department of Energy “Innovation Award” recognitions
- First program administrator to offer fuel substitution (electrification) rebates
- ABAG Resolution 3-2023

County Impact

County	Single Family	Multifamily	Home Energy Score	Forums	Trainings
Alameda	3,738 Homes	141 Projects / 7,341 Units	7,008 Participants	88	53
Contra Costa	4,029 Homes	59 Projects / 5,311 Units	4,736 Participants	38	29
Marin	932 Homes	2 Projects / 144 Units	837 Participants	22	42
Napa	490 Homes	7 Projects / 491 Units	255 Participants	11	5
San Francisco	347 Homes	136 Projects / 12,058 Units	80 Participants	9	5
San Mateo	930 Homes	70 Projects / 4,777 Units	629 Participants	63	30
Santa Clara	4,009 Homes	165 Projects / 12,717 Units	1,929 Participants	49	52
Solano	2,348 Homes	15 Projects / 1,047 Units	1,489 Participants	21	12
Sonoma	2,254 Homes	20 Projects / 1,393 Units	1,004 Participants	20	38

2024-2031 Business Plan

- Required by CPUC; includes:
 - ✓ Strategic Plan (2024-2031)
 - ✓ Portfolio Application (2024-2027)
- Incorporates BayREN stakeholder feedback from 15 meetings and listening sessions
- Equity framework **aligns with CPUC's Environmental and Social Justice Action Plan** and MTC's identified equity priority communities

A greater focus on equity

- Within organization and programs

Increased support for local governments based on local needs

- New Public Sector resources and expanded stakeholder engagement efforts

Timely response to quickly evolving state and local policy trends

- Focus on building decarbonization and partnerships to deliver more holistic solutions

Existing Programs and Budget

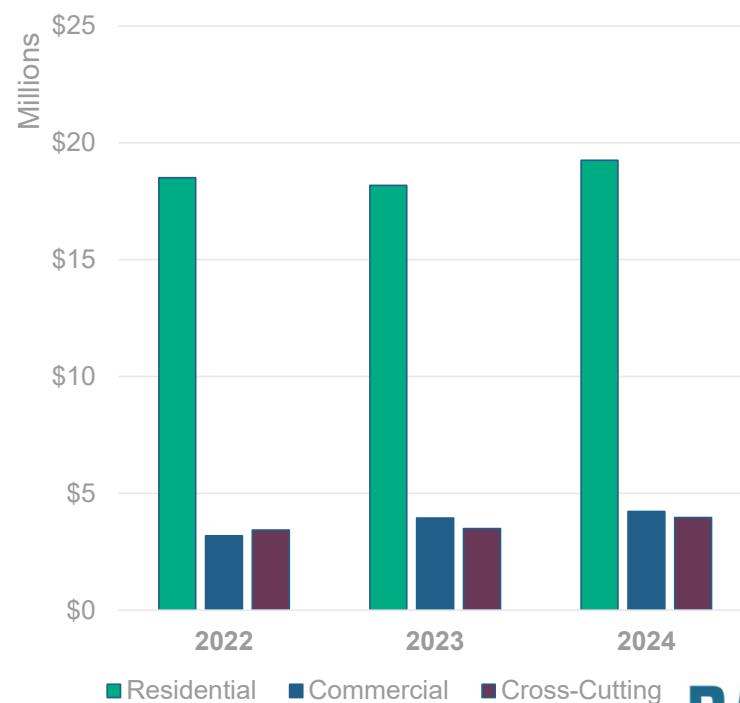
Residential
Commercial
Cross-Cutting

- **Single Family Home+**
- **Multifamily**
- **Green Labeling**

- **BayREN Business**

- **Water Upgrades Save**
- **Codes and Standards**

Budget by Year



BAYREN

Proposed Programs and Budget

■ Workforce

- **Climate Careers Program:** Expands existing Green House Calls, and offers career pathway for youth from low-income households

■ Public Sector

- **Integrated Energy Services:** Technical assistance to support integrated energy solutions for public buildings
- **Targeted Decarbonization Services Program:** Includes decarbonization showcase and decarbonization education and financing

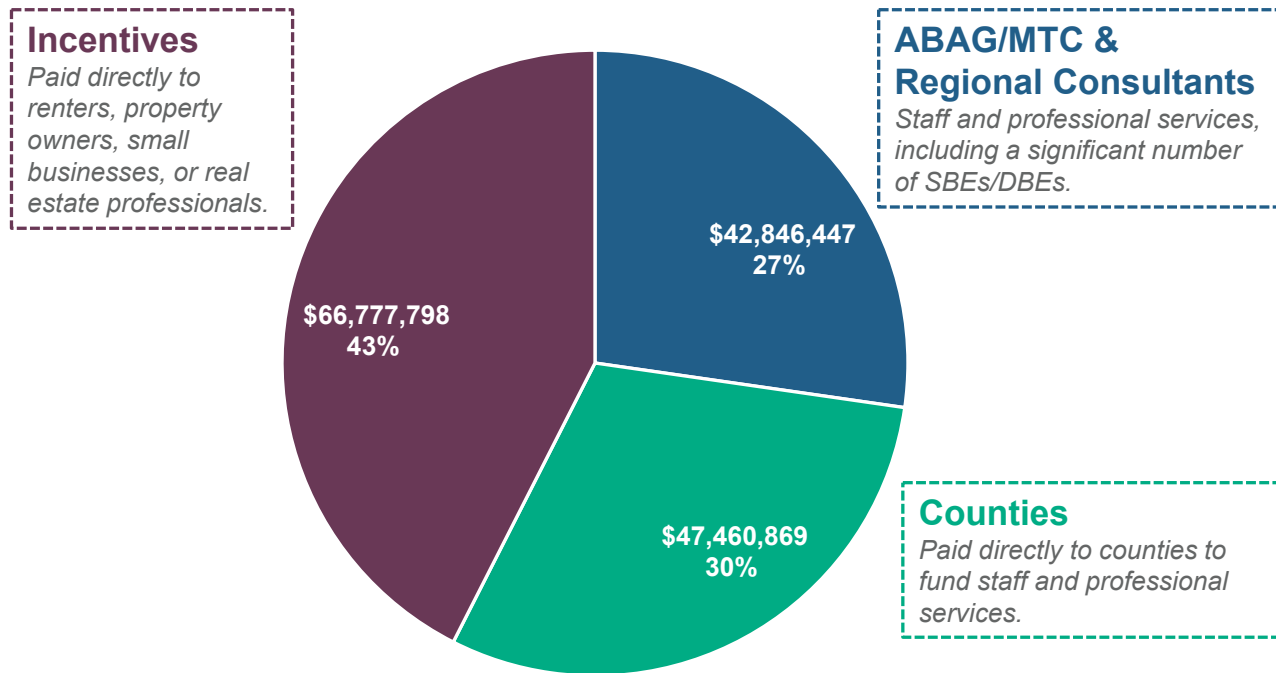
■ Commercial

- **BayREN Refrigerant Replacement Program:** serves small food service establishments exclusively. Replaces high GWP and ODP refrigerants with lower GWP systems

Budget by Year



2024-2027 Portfolio Application



Thank you!

Questions or comments? Contact me.

Jenny Berg: jberg@bayareametro.gov





Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	23-0623	Version:	1	Name:	
Type:	Report	Status:		Informational	
File created:	4/13/2023	In control:		ABAG Executive Board	
On agenda:	5/18/2023	Final action:			
Title:	California's Housing Future 2040: The Next Regional Housing Needs Allocation Discussion of issues related to the Regional Housing Needs Determination (RHND) and Regional Housing Needs Allocation (RHNA) processes to inform the analysis being conducted by HCD for California's Housing Future 2040: The Next Regional Housing Needs Allocation.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	12a 1 Summary Sheet HCD CA Housing Future 2040 v2.pdf 12a 2 Attachment A HCD CA Housing Future 2040 Survey Questions v2.pdf 12a 3 Attachment B RHNA Reflections 031722 v2.pdf 12a 4 Attachment C HCD CA Housing Future 2040 v2.pdf				

Date	Ver.	Action By	Action	Result
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California's Housing Future 2040: The Next Regional Housing Needs Allocation

Discussion of issues related to the Regional Housing Needs Determination (RHND) and Regional Housing Needs Allocation (RHNA) processes to inform the analysis being conducted by HCD for California's Housing Future 2040: The Next Regional Housing Needs Allocation.

Gillian Adams

Information

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 12.a.

Regional Housing Needs Allocation (RHNA)

Subject:

California's Housing Future 2040: The Next Regional Housing Needs Allocation

Discussion of issues related to the Regional Housing Needs Determination (RHND) and Regional Housing Needs Allocation (RHNA) processes to inform the analysis being conducted by HCD for [California's Housing Future 2040: The Next Regional Housing Needs Allocation](#).

Background:

RHNA is the state-mandated¹ process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of its General Plan. As part of this process, the California Department of Housing and Community Development (HCD) identifies the total number of units across all income groups, for which a region must plan over an eight-year period. This is known as the Regional Housing Needs Determination (RHND).

ABAG must then develop a methodology, consistent with the requirements of State law, to allocate a share of the region's housing need, by income, to each jurisdiction in the Bay Area. This is known as the Regional Housing Needs Allocation (RHNA) process. Each local government must then revise its Housing Element and zoning to show how it plans to accommodate its portion of the region's housing needs.

Issues:

[AB 101 \(2019\)](#) directs HCD, in collaboration with the Office of Planning and Research (OPR) and after engaging in stakeholder participation, to develop recommendations related to the RHNA process and methodology that promote and streamline housing development and substantially address California's housing shortage. HCD is required to submit a report on its findings and recommendations to the Legislature by the end of 2023.

HCD kicked off its engagement for the California's Housing Future 2040: The Next Regional Housing Needs Allocation initiative with an [informational webinar](#) on March 9, 2023. In this webinar, HCD emphasized the initiative will be limited to recommendations about the RHND and RHNA processes — not guidelines for development or review of Housing Elements. More specifically, the stakeholder engagement will focus on the following questions:

¹ See California [Government Code § 65584](#).

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 12.a.

Regional Housing Needs Allocation (RHNA)

- How can RHNA Cycle 7 better capture existing and projected housing needs?
- What potential process changes to save staff time & resources, increase transparency, and increase accountability could be implemented as part of RHNA Cycle 7?
- What strategies could be pursued to build on the important adjustments made for RHNA Cycle 6 that contributed to a more equitable RHNA?

Some of the key engagement activities HCD is conducting this Spring include:

- **Sounding Board:** meetings of approximately 30 stakeholders to address technical questions. The committee will not be a decision-making body. Members of the public can comment on the topics covered at Sounding Board meetings.
- **Public Survey:** open from late March to May 12, 2023.
- **Dedicated Email:** HCD will consider feedback throughout the process at CAHousingFuture2040@hcd.ca.gov (HCD appreciates comments by Sept. 15, 2023).

On May 1, 2023, ABAG/MTC staff held a webinar for local jurisdiction staff that provided an overview of HCD's initiative, with an emphasis on ways jurisdictions can provide input to HCD. There were approximately 30 attendees. In its presentation, ABAG/MTC staff provided an overview of the topics covered in HCD's public survey to highlight the areas where HCD is seeking input. **Attachment A** shows the full set of questions included in the survey.

Staff also summarized some of the key ideas for potential changes to RHNA identified by members of the ABAG Administrative Committee and Executive Board at the conclusion of the RHNA Cycle 6 process. Staff included the specific issues that align with HCD's focus on the RHND and RHNA processes, as well as changes that would require changes to State Law. The full memo from the discussion with the Executive Board in March 2022 is included as **Attachment B**.

Staff's presentation to the Executive Board (**Attachment C**) will cover similar topics as the one for the webinar.

Association of Bay Area Governments

Executive Board

May 18, 2023

Agenda Item 12.a.

Regional Housing Needs Allocation (RHNA)

Recommended Action:

Information

Attachments:

- A. Questions from HCD's California's Housing Future 2040 Survey
- B. "Reflecting on the RHNA Process," memo to ABAG Executive Board, March 17, 2022
- C. Presentation

Reviewed:

A handwritten signature in black ink, appearing to read "Andrew Fremier". The signature is fluid and cursive, with the first name "Andrew" written in a larger, more prominent script than the last name "Fremier".

Andrew Fremier

Questions from HCD's Public Survey for its *California's Housing Future 2040: The Next RHNA Initiative*

Conducted by HCD from March 14 to May 12, 2023

Source: <https://survey123.arcgis.com/share/91784b3fab744e63a5b781ad05cbb6b0>

1. Populations Living in Group Quarters

The basis for the housing need determinations are demographic projections developed by the Department of Finance and regional councils of government (COG). The projections provide the number of future households living in the region. People who are forecast to live in both institutional and non-institutional group quarters are not included in the population of people forecast to live in households and are therefore not planned for during the RHNA process.

Some group quarters facilities include emergency shelters, transitional housing, group living facilities for agricultural and non-agricultural workers, and student housing. Including some of the people who live in group quarters in the housing need determination could help provide additional housing opportunities for these population groups and could provide credit to local governments for permitting these types of facilities. The questions in this section relate to populations that live in group quarters.

How can the Regional Housing Needs Determination be improved to more accurately reflect the housing needs of people experiencing homelessness and to plan for sufficient shelter, transitional, and permanent housing options?

Please select all options that you would like HCD to consider.

- ☐ Utilize the Point-In-Time Count to adjust a region's Regional Housing Needs Determination to account for the population experiencing homelessness
- ☐ Utilize other data sources beside the Point-In-Time Count to adjust a region's Regional Housing Needs Determination to account for the population experiencing homelessness (please specify what data source under "Other")
- ☐ Add an additional income category (ex: acutely low-income) to the Regional Housing Needs Determination
- ☐ Other

In past RHNA cycles, populations that live in group quarters were considered separately from populations projected to live in housing units as defined by the census. Should certain populations that live in group quarters be included in the Regional Housing Needs Determination? This would lead to higher Regional Housing Needs Determinations but would allow jurisdictions to count those types of group quarters on their Annual Progress Reports.

Please select all of the types of group quarter populations you would like to see included in the Regional Housing Needs Determination, if any.

- ☐ No, keep all group quarters populations separate
- ☐ Yes, College/University Student Housing
- ☐ Yes, Correctional Facilities
- ☐ Yes, Emergency and Transitional Shelters
- ☐ Yes, Group Homes
- ☐ Yes, Mental (Psychiatric) Hospitals
- ☐ Yes, Military Group Quarters
- ☐ Yes, Nursing Facilities
- ☐ Yes, Religious Group Quarters (Abbeys, Convents, Missions, Monasteries, etc.)
- ☐ Yes, Residential Treatment Centers
- ☐ Yes, Workers' Group Living Quarters (ex: migratory farm worker camps, construction workers' camps, etc.)

Could the RHNA process be changed to better account for the housing needs of farmworkers?

Please select all options you would like HCD to consider.

- ☐ Increase the RHNA for jurisdictions near agricultural employers
- ☐ Increase the RHNA for unincorporated areas near agricultural employers
- ☐ Create a separate planning requirement for Workers' Group Living Quarters in regions with significant farmworker populations
- ☐ No change needed
- ☐ Other

Could the RHNA process be changed to better account for the housing needs of college/university students?

Please select all options you would like HCD to consider.

- ☐ Increase Regional Housing Needs Determinations to include student housing group quarters existing and projected needs
- ☐ Add college/university student enrollment as a factor that regions can consider when creating their Regional Housing Needs Allocation Methodology

- ☐ Create a separate planning requirement for student housing in jurisdictions near colleges and universities
- ☐ No change needed
- ☐ Other

2. Regional Housing Needs Allocation Methodology Questions - Council of Government (COG) Process

HCD currently provides technical assistance to COGs throughout the methodology development process. HCD generally meets with each COG early in the process to provide a summary of the RHNA methodology development timeline and statutory requirements, as well as a high-level overview of what HCD looks for in its methodology review.

HCD also offers to complete a preliminary review of the methodology before the COG submits its official draft to HCD. This allows COGs to consider HCD feedback while the COG board, staff, committee members, and stakeholders are still exploring a range of methodology design options. After the COG submits its official draft methodology to HCD, HCD staff provide written findings noting whether the methodology furthers the five statutory objectives.

What types of approaches, resources, or tools would be helpful in communicating to regional governments how to further the statutory objectives of RHNA when developing RHNA methodologies?

Please select all options you would like HCD to consider.

- ☐ More detailed written guidance memos
- ☐ Additional formalized technical assistance calls or reviews with HCD
- ☐ Create specific benchmarks for COGs to better estimate if their methodologies adequately further objectives
- ☐ State-recommended methodology formulas
- ☐ Other

Should the state and COGs rely solely on public datasets, or should jurisdictions be able to provide self-reported land use data via surveys for the state and COGs' consideration during the determination and allocation processes?

State statute identifies factors that a COG must consider in developing its RHNA methodology, to the extent sufficient data are available. COGs are required to survey their member jurisdictions in order to collect data on these statutory factors in order to develop their RHNA

methodology. These surveys are intended to provide context on local conditions during the development of the RHNA methodology.

- ☐ Only public datasets
- ☐ Public datasets and self-reported land use data

If COGs are to collect self-reported land use data via surveys from local jurisdictions, what are some ways that the data collected can lead to more meaningful inputs in the creation of the RHNA methodology?

Please select all options you would like HCD to consider

- ☐ HCD to create and share data on certain topics (ex: fair housing) to supplement jurisdiction-provided information
- ☐ Have COGs gather data on a more continuous basis rather than once every 8 years
- ☐ COGs to gather data on sites that jurisdictions can rezone
- ☐ Other

What are some ways the RHNA methodology appeals process could be improved in the 7th cycle?

Once a COG releases its draft RHNA Plan, Government Code Section 65584.05 provides local governments 45 days to appeal any jurisdiction's allocation. Local governments may also comment on appeals. If there are appeals, the COG must conduct a public hearing to consider those appeals and comments. If no appeals are filed, the draft allocation shall be issued as the proposed final allocation plan. There are three circumstances under which a jurisdiction may appeal: the COG failed to consider RHNA's statutory factors listed in subdivision (e) of 65584.04; the COG's draft plan fails to further RHNA's statutory objectives listed in subdivision (d) of section 65584; or a significant unforeseen change in circumstances occurred to the jurisdiction that merits revision pursuant to subdivision (e) of Section 65584.04.

Please select all options you would like HCD to consider.

- ☐ Narrow the circumstances under which jurisdictions can appeal the RHNA methodology to only those that impact the methodology inputs (ex: fixing errors in the data)
- ☐ Amend statute to prohibit jurisdictions from appealing the overall methodological approach
- ☐ Amend statute to clarify the procedure in the case that no appeals are filed
- ☐ Increase HCD oversight over the appeals process
- ☐ Other

3. Regional Housing Needs Allocation Methodology Questions - Affirmatively Furthering Fair Housing (AFFH)

Since 1969, RHNA has required that all jurisdictions plan for their 'fair share' of housing so as to reduce segregation in California. More recently, AB 686 added statutory language clarifying that one of the main goals of RHNA is to Affirmatively Further Fair Housing. According to statute, Affirmatively Furthering Fair Housing means:

"Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws."

What changes should, if any, be considered to strengthen RHNA's effectiveness at Affirmatively Furthering Fair Housing (AFFH), thereby ensuring quality housing options for all Californians?

Please input 1,000 characters at most.

Recognizing that RHNA is only one of many tools to further community development goals, are there ways in which to improve RHNA to further community development and anti-displacement goals? If so, how?

Please input 1,000 characters at most.

4. Regional Housing Needs Allocation Methodology Questions - Aligning State Planning Goals

Existing law mandates that a RHNA allocation plan "shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy (SCS)." SCSs are developed by COGs in conjunction with their Regional Transportation Plans (RTPs). Mandated by SB 375, SCSs are long-range plans intended to align transportation, housing, and land use decisions towards achieving greenhouse gas emissions reduction targets set by the California Air Resources Board (CARB). The goal of this alignment is to emphasize infill development, encourage development near existing infrastructure and services, and to enable alternative mobility options.

Could the regional housing and transportation planning processes be improved to better align the housing and transportation planning outcomes? If so, how?

Please input 1,000 characters at most.

What are the best data sources to assess efficient travel patterns and jobs/housing fit across regions and why?

Please input 1,000 characters at most.

5. Planning for Housing in the Context of Climate-Related Environmental Hazards

State statute identifies 13 factors that COGs can consider when developing a RHNA allocation methodology. In 2022, AB 1445 added a factor focused on climate hazards, which allows COGs to consider “emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change” when developing the allocation methodology (65584.04(e)(2)(E)).

Are there ways in which the RHNA process can better take into consideration climate-related environmental hazards (e.g. wildfire risk, drought, extreme heat, inland flooding, extreme weather events, and sea level rise) and assess which areas have the highest risk exposure? If so, how?

Please input 1,000 characters at most.

In the context of climate change, are there ways in which the RHNA process can help communities develop in a manner that reduces environmental hazard exposure for residents, particularly for disadvantaged and historically underserved populations? If so, how?

Please input 1,000 characters at most.

When housing units are lost during a disaster, the Regional Housing Needs Determination in that region is increased to account for those lost units. Which of the following options should the state consider when planning for future housing after a disaster?

In 2017, AB 1771 added a new requirement that HCD consider units lost during a recent state of emergency, such as a fire or flood, when determining the housing need for each region. However, statute provides no guidance as to how these units should be distributed among jurisdictions in the region.

Reminder: RHNA ensures adequate zoning capacity for future housing, it does not mean that housing can't be built in other locations.

- ☐ Require the jurisdiction that lost those housing units in the disaster to plan for all of the additional housing units
- ☐ Require jurisdictions with lower overall environmental hazard risk in the region to plan for all of the additional housing units, given available data and resources
- ☐ Allocate a portion of the additional housing units to the jurisdiction that lost those housing units, and a portion of the additional housing units to the jurisdictions in the region with lower overall environmental hazard risk, given available data and resources
- ☐ Allocate the additional housing units lost during the disaster to a different region of the state
- ☐ Other

TO: ABAG Executive Board
FROM: Therese W. McMillan, Executive Director
SUBJECT: Reflecting on the Regional Housing Needs Allocation (RHNA) Process

DATE: March 17, 2022

Overview

During the RHNA Appeals hearing, members of the ABAG Administrative Committee identified some planning and policy topics related to the RHNA and Housing Element processes that they wanted to discuss with the Executive Board. Staff has synthesized the primary issues raised during the appeals phase, as well as others that were heard during development of the RHNA methodology, into three key themes: 1) Allocating RHNA Among Jurisdictions, 2) How ABAG Conducts RHNA, and 3) Flexibility for Local Implementation. Some of these ideas can be addressed by ABAG, others would require state legislation, and some could be handled in either forum. The purpose of the Executive Board's discussion is to identify priorities and provide guidance on next steps.

Allocating RHNA Among Jurisdictions

Many of the topics identified relate to the list of factors in Housing Element Law that a Council of Governments (COG) must include in the RHNA methodology, to the extent that data about the factor is available. The factors in the methodology are used to compare jurisdictions within the region to determine which jurisdictions get bigger or smaller RHNA allocations. Any changes to the statute would require legislative action. Other suggestions related to how existing factors and datasets are defined.

- **Potential new methodology factors:** Some of the ideas proposed for factors to add to the statute include jurisdictions with low property tax receipts, hazards or impacts from climate change, and water capacity. A key question for any proposed new factor is whether the issue is appropriate for choosing among jurisdictions in allocating RHNA units or whether it is an issue that is best addressed in local Housing Elements as jurisdictions choose specific locations for housing and policies and programs to address housing needs. It is also important to find the right balance between increasing statutory requirements for factors that must be addressed in the RHNA methodology and ensuring the region has flexibility in how it meets the multiple objectives of RHNA. Adding more required factors will likely dilute the impact of each individual factor, so it is important to emphasize the region's and state's most significant policy priorities.
- **State's definition of High Opportunity Areas (HOAs):** There was some concern about how the California Department of Community Development (HCD) and the Tax Credit Allocation Committee (TCAC) defined the HOAs that ABAG used as a factor in the RHNA methodology. The primary issue of concern was the State's decision not to consider transit proximity when identifying HOAs. Because of Plan Bay Area's greater emphasis on greenhouse gas reductions, it only included HOAs near transit as part of the Growth

Geographies. The RHNA methodology incorporated all HOAs identified by the State consistent with the State's statutory emphasis on affirmatively furthering fair housing.

- **Defining land availability:** Consider engaging in dialogue with the State about how "adequacy" of available land is defined as part of the RHNA process. As part of the statutory factor related to opportunities and constraints to housing, COGs are required to assess "the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities." The statute also states that the COG may not limit the definition of suitable sites to local government zoning or land use restrictions, but "shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions." However, the statute does not provide additional details about this analysis, except that a COG can exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

How ABAG Conducts RHNA

A second set of topics identified are about how ABAG conducts the RHNA process. Some of the ideas raised include:

- **Local Jurisdiction Survey:** Improve efforts to ensure local governments understand that two of the three statutory bases for a RHNA appeal require a jurisdiction to submit a response to the local jurisdiction survey. The survey is required by statute and must seek information about all statutory methodology factors as well as fair housing issues and actions. Although ABAG/MTC staff and the HMC sought to keep the survey a manageable length given these requirements, it is still a time-consuming task for jurisdiction staff.
- **Subregions:** Consider doing more to advocate for subregion formation. For RHNA Cycle 6, ABAG provided funding to support either a RHNA subregion or county-wide planning collaborative in each county. Most counties chose to pursue a planning collaborative, given the complexities of conducting their own subregional RHNA process.
- **Unincorporated counties:** Consider whether unincorporated counties should be treated differently than other jurisdictions in the RHNA methodology. Housing Element Law includes provisions available only to counties that allow for a transfer of RHNA units to incorporated cities and towns in the county. Otherwise, the statutes handle unincorporated counties the same as other jurisdictions. Some counties proposed that the methodology should do more to limit allocations to unincorporated jurisdictions.
- **Integrating Plan Bay Area:** One of the challenges during the RHNA methodology development process was the fact that the HMC developed the proposed methodology based on the Plan Bay Area 2050 Draft Blueprint, which underwent significant changes

based on feedback from the public, stakeholders, and elected officials prior to adoption as the Final Blueprint. The statutory schedules for Plan Bay Area and RHNA limit staff's ability to better align the processes' timing. For RHNA Cycle 7, ABAG/MTC staff could advocate for changes to the statutory RHNA schedule to allow development of the proposed RHNA methodology to be based on the final version of the Plan's forecasted development pattern. ABAG/MTC staff should also continue to augment the data and analysis used for Plan Bay Area and RHNA—particularly related to areas at risk of natural hazards and identification of underutilized land—to further advance environmental and resilience goals.

Local Implementation of RHNA

The third theme encompassed in the feedback on RHNA was about implementation of RHNA goals by local governments. The ideas proposed would require engagement with the State about providing jurisdictions with more flexibility in meeting RHNA goals. Suggestions include:

- **City-to-city RHNA transfers:** Housing Element Law allows only an unincorporated county to transfer a portion of its final RHNA allocation to a city or town in that county. One option for providing greater flexibility to local governments to meet their RHNA goals would be to allow a city or town to transfer a portion of its RHNA allocation to a contiguous jurisdiction, as long as the transfer still furthers the RHNA objectives, including affirmatively furthering fair housing.
- **More options for RHNA "credit":** One option for greater flexibility would be to make it easier for jurisdictions to get credit toward meeting RHNA goals through preservation. Housing Element Law currently includes some allowance for this, but the statute's narrow definition of acceptable preservation activities is not aligned with the practical realities of how units are preserved. Another option for increased flexibility would be to allow jurisdictions to receive credit in the current RHNA cycle for issuing permits for housing units in excess of their allocation from a previous RHNA cycle.
- **Responding to drought:** The RHNA appeals hearing was conducted during the height of concerns about the state-wide drought. Members of the Administrative Committee wanted greater clarity from the State about potential remedies if it became impossible for a jurisdiction to accommodate its RHNA if a water service provider implemented a moratorium on new hook-ups as part of its response to drought.

Next Steps

While the Bay Area's next RHNA cycle will not kick off for six more years, HCD and the Office of Planning and Research (OPR) will be developing recommendations in 2022 to improve the RHNA process as required under Assembly Bill 101 (2019). HCD/OPR must report to the Legislature by December 31, 2022. In addition, the Joint Legislative Audit Committee has approved an [audit of the RHNA process](#), expected to be completed by the State Auditor in March 2022. Staff will consider feedback from today's Board discussion to both inform future RHNA processes and to identify any next steps for advocacy or legislative priorities in the near term.



Update on HCD's *California's Housing Future 2040: The Next Regional Housing Needs Allocation*

ABAG Executive Board
May 18, 2023

Agenda



Context-Setting
on RHNA Cycle 6



Overview of
HCD's California
Housing Future
2040 Process



Review of HCD's
Engagement
Survey



Opportunity for
Discussion &
Questions

Recap: RHNA Cycle 6 - Statewide

State law requires all jurisdictions to plan to meet the housing needs of everyone in the community.

HCD

identifies number of units, across all income groups, for which a region must plan



ABAG

develops methodology to allocate share of housing need, by income, to each jurisdiction



Jurisdiction

updates Housing Element and zoning to show how it can accommodate its share of housing need

What was new for RHNA Cycle 6?

- Higher total regional housing need
- Greater emphasis on social equity
- More factors to consider in RHNA methodology
- Expanded HCD oversight on methodology & allocations
- New requirements for identifying eligible sites for Housing Elements

Recap: RHNA Cycle 6 - Bay Area Context

- HCD's Regional Housing Needs Determination (RHND) required the Bay Area to plan for 441,176 units from 2023 to 2031.
- ABAG convened a Housing Methodology Committee (HMC), composed of local elected officials and staff from every county as well as regional stakeholders, to guide development of the RHNA methodology.
- Final methodology applied factors related to *Access to High Opportunity Areas* and *Job Proximity by Auto* and *Job Proximity by Transit* to a jurisdiction's total households in 2050.
- Jurisdictions submitted 28 appeals; 1 was partially granted.

Reflections: RHNA Cycle 6 - Bay Area Context

What worked relatively well this past cycle?



Active engagement from elected officials and stakeholders via HMC & committees



New tools and technologies to help rapidly iterate & visualize methodologies

What were some of the greatest challenges?



Tight statutory deadlines, especially during the peak of the COVID-19 pandemic



Navigating new state requirements such as AFFH without precedents or guidance



Appeals process resource-intensive for ABAG staff and local jurisdiction staff alike

Statutory Background for HCD's Process

- AB 101 (2019) directs HCD, in collaboration with OPR, to develop recommendations related to the RHNA process and methodology that promote and streamline housing development and substantially address California's housing shortage.
- HCD is required to submit a report on its findings and recommendations to the Legislature by end of 2023.
- Effort limited to recommendations related to RHND and RHNA processes — not guidelines for development or review of Housing Elements.

Image Source: Flickr/Nick Ares (Creative Commons)



Guiding Principles for HCD's *California Housing Future 2040: The Next RHNA*

- Ensure RHNA is a fair, transparent, objective, and streamlined process for identifying housing need.
- Strategically plan for the needs of households of all income levels while promoting infill development, the protection of natural resources, and efficient development patterns.
- Account for future climate risk with the goal of ensuring communities and vulnerable populations are not unduly exposed to climate risks.
- Encourage increased development to substantially address California's housing shortage and affordability issues.
- Improve compliance and outcomes through incentives and enforcement.
- Enhance and protect RHNA's role in Affirmatively Furthering Fair Housing so that all cities plan for their fair share of growth and future planning does not further entrench segregated living patterns.

Stakeholder Engagement Focus Areas for HCD's *California Housing Future 2040: The Next RHNA*

- How can RHNA Cycle 7 better capture existing and projected housing needs?
- What potential process changes to save staff time & resources, increase transparency, and increase accountability could be implemented as part of RHNA Cycle 7?
- What strategies could be pursued to build on the important adjustments made for RHNA Cycle 6 that contributed to a more equitable RHNA?

Key engagement activities by HCD include:

- Sounding Board. Meetings of approximately 30 experts to address technical questions
- Public Survey. Open from March to May 2023
- Dedicated Email. HCD will consider feedback throughout the process at CAHousingFuture2040@hcd.ca.gov

HCD-Identified Topic #1: Populations Living in Group Quarters

Context

HCD is exploring whether to include some populations residing in group quarters, such as university students, persons experiencing homelessness, etc., in the Regional Housing Need Determination for Cycle 7.

Key Considerations Identified by ABAG Staff

- RHND already includes adjustments to address symptoms of a “broken” housing market (overcrowding, cost burden, low vacancy).
- Including people living in group quarters would lead to a higher RHND for all regions.
- While RHNA allocations would ultimately be higher, jurisdictions could then count group quarters on their Annual Progress Reports to HCD.
- Data gaps exist for all of these demographic groups, making this methodological change more challenging.

HCD-Identified Topic #2: RHNA Methodology – COG Process

Context

HCD is considering opportunities to improve a COG's RHNA process, including HCD offering guidance on how to further the RHNA statutory objectives, whether jurisdictions should be able to provide self-reported land use data for use in the RHND and RHNA processes, and strategies for improving the RHNA appeals process.

Key Considerations Identified by ABAG Staff

- HCD could provide guidance identifying possible metrics for each RHNA objective, building on ABAG's Cycle 6 approach.
- Public datasets provide a level playing field for all jurisdictions, recognizing that jurisdictions with fewer resources are often at a disadvantage if asked to gather self-reported data.
- Statutory language related to the appeals process could be significantly clearer about the narrow grounds for an appeal, providing more clarity to interested jurisdictions.

HCD-Identified Topic #3: Affirmatively Furthering Fair Housing

Context

HCD is seeking input on additional strategies that could strengthen RHNA's effectiveness at Affirmatively Furthering Fair Housing and furthering community development and anti-displacement goals.

Key Considerations Identified by ABAG Staff

- In addition to more clarity about potential metrics, HCD could provide better guidance on how to affirmatively further fair housing in the context of RHNA.
- HCD could offer guidance about how to balance the RHNA objective to affirmatively further fair housing with the objective to “balance disproportionate household income distributions.”

HCD-Identified Topic #4: RHNA Methodology - Aligning State Planning Goals

Context

HCD is exploring improvements to the regional housing and transportation planning processes to better align housing and transportation planning outcomes.

Key Considerations Identified by ABAG Staff

- To allow time for completion of Plan Bay Area (i.e., the Sustainable Communities Strategy) prior to its use in a RHNA methodology, housing element due date should be adjusted to be at least 24 months after adoption of a Sustainable Communities Strategy.

HCD-Identified Topic #5: Housing & Climate Hazards

Context

HCD is seeking to identify ways RHNA could better consider climate-related environmental hazards, assess which areas have the highest risk exposure, and help communities develop in ways that reduce environmental hazard exposure for residents, particularly for disadvantaged and historically underserved populations.

Key Considerations Identified by ABAG Staff

- HCD should recommend use of public datasets that are consistent for all jurisdictions when identifying areas of climate risk.
- Recent legislation added impacts caused by climate change to allocation factor for evaluating housing opportunities and constraints.
- As all jurisdictions face some level of climate-related hazards, HCD should focus its efforts on providing data, guidance, and financial resources to help jurisdictions minimize risk while increasing housing supply at all income levels.

ABAG Executive Board: Ideas for Changes to RHNA Process

At the end of RHNA Cycle 6, ABAG Executive Board members identified potential changes to RHNA.

The following are those ideas that align with HCD's focus on RHND and RHNA, or that require changes to State Law:

- Potential new methodology factors could include jurisdictions with low property tax receipts, hazards or impacts from climate change, and water capacity.
- Concern that State's definition of High Opportunity Areas does not consider transit proximity.
- Provide more guidance about COG's analysis of available land suitable for urban development and potential for increased residential development under alternative zoning and land use restrictions.
- Allow city-to-city RHNA transfers, in addition to transfers from unincorporated county to a city or town that are currently allowed.
- Jurisdictions should have more options for credit toward RHNA goals:
 - Make it easier to get credit for preserving affordable housing.
 - Allow credit in the current RHNA cycle for issuing permits in excess of the allocation from a previous cycle.
- The State should offer greater clarity about potential remedies if it became impossible for a jurisdiction to accommodate its RHNA as a result of drought.

HCD's Timeline & Next Steps

- March - May 2023: Stakeholder Engagement
 - May 3: Sounding Board meeting #1
 - **May 12: deadline for survey responses**
 - May 15: Sounding Board meeting #2
 - May 31: Sounding Board meeting #3
 - June 5: Sounding Board meeting #4
- July 1, 2023: HCD Progress Update to Legislature
- Dec 31, 2023: Final Recommendation Report Due to the Legislature

Helpful HCD Resources

California's Housing Future 2040
webpage: <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>

Dedicated email inbox:
CAHousingFuture2040@hcd.ca.gov

Thank You

For more information:

Contact: RHNA@bayareametro.gov

Visit ABAG's RHNA website:

<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

