

Association of Bay Area Governments

Executive Board

March 16, 2023

Agenda Item 6.e.

Regional Early Action Planning (REAP) Grant

Subject:

Authorization to amend a contract with Goldfarb & Lipman LLP to assist ABAG in interpreting housing laws and providing technical assistance in implementing the Regional Early Action Planning Grant Program (REAP) in an amount not to exceed \$75,000 for a total contract amount of \$274,000 for the time period as allowed in REAP Grant No. 19-REAP-13915

Background:

The state's Regional Early Action Planning (REAP) program provides time-limited funding to ABAG to assist local jurisdictions with their 6th Cycle Housing Elements and to advance local housing planning activities that accelerate housing production to meet identified needs of every community. In early 2020, ABAG applied for, and received, an initial REAP grant of \$5,900,000 and the Regional Housing Technical Assistance Program (RHTA) was launched.

The Regional Housing Technical Assistance Program (RHTA) has been very well received. The program has produced an unprecedented amount of technical assistance on a wide array of housing topics with strong support from Goldfarb & Lipman, LLP. In some instances, Goldfarb & Lipman has taken the lead in producing some of the more legal technical assistance, such as the summary of new laws, and model legal documents, such as ordinances and checklists. In other instances, Goldfarb & Lipman assists by providing the legal review for other technical assistance, such as products produced to help jurisdictions implement a plethora of new laws, and to Affirmatively Further Fair Housing (AFFH).

A broad range of additional desired technical assistance has been identified by local planning staff including support for rezoning, density bonuses, ADUs, obtaining prohousing designations, and more. Such technical assistance will require further legal review prior to publication. It has become apparent that the existing Goldfarb & Lipman, LLP contract in amount of not to exceed \$199,000 will be insufficient to adequately support implementation of the existing scope of work. Accordingly, an amendment is requested in an amount not to exceed \$75,000 for a total contract amount of \$274,000 for the time period as allowed in REAP Grant No. 19-REAP-13915.

Goldfarb & Lipman, LLP, is known as a preeminent law firm specializing in advising local entities on housing and land use issues. Specifically, the lead partner, Barbara Kautz, worked for decades as a planner and a planning director and has served on the Board of Directors for the American Planning Association, and is known through the state as an expert on housing laws. Based on a sole source justification for a compelling business reason, under Executive Director authority, ABAG originally entered into a legal services contract with Goldfarb & Lipman, LLP in April 2019 to assist ABAG with Regional Housing Needs Allocation (RHNA) issues, and subsequently amended the contract to allow Goldfarb & Lipman to provide legal support to the RHTA program and to extend the term of the contract.

Association of Bay Area Governments

Executive Board

March 16, 2023

Agenda Item 6.e.

Regional Early Action Planning (REAP) Grant

Issues:

None

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission (MTC), or his designee, on behalf of the Association of Bay Area Governments, to amend the legal services contract with Goldfarb & Lipman, LLP to assist ABAG in interpreting housing laws and providing technical assistance in implementing the Regional Early Action Planning Grant Program (REAP) in an amount not to exceed \$75,000 for a total contract amount of \$274,000 for the time period as allowed in REAP Grant No. 19-REAP-13915.

Attachments:

- A. Summary Approval Goldfarb & Lipman, LLP

Reviewed:



Andrew Fremier