

**CITY OF OAKLAND**  
**BILL ANALYSIS**



**Date:** August 18, 2006

**Bill Number:** Proposition 1C (previously SB 1689)

**Author:** Senator Don Perata

**DEPARTMENT INFORMATION**

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**RECOMMENDED POSITION: SUPPORT**

**Summary of the Bill:**

Proposition 1C, also known as the Housing and Emergency Shelter Trust Fund Act of 2006, is a \$2.85 billion bond measure focused on affordable housing and related infrastructure improvements.

The bill would provide \$1.5 billion for the following housing programs:

- **Affordable Home Ownership Programs** - \$725 million to help over 23,600 families become or remain homeowners
- **Affordable Housing Construction Programs** - \$345 million for affordable rental housing for more than 4,000 families
- **Housing for Farmworkers** - \$135 million to build rental and home ownership opportunities to help farm workers
- **Homeless Permanent Housing Construction** - \$245 million to build permanent housing for the homeless, those transitioning out of homelessness and foster care youth
- **Homeless Shelter Housing Construction** - \$50 million to construct and expand homeless shelters of last resort and transitional housing for the homeless

In addition, the bill provides \$1.35 billion for programs that provide funding for infrastructure and other projects that facilitate or support housing development:

- **Transit-Oriented Development** - \$300 million to develop and construct housing and infrastructure projects within close proximity to transit stations

Item: \_\_\_\_\_  
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- **Infill Housing Construction** - \$850 million in grants for development of public infrastructure projects that facilitate or support infill housing construction. Projects could include water, sewer and transportation improvements, traffic mitigation, brownfield clean up and up to an additional \$200 million for parks
- **Urban, Suburban and Rural Parks** - \$200 million

**Positive Factors for Oakland:**

In 2002, voters approved Proposition 46, which provided a total of \$2.1 billion of general obligation bonds to fund state housing programs. Those funds are now nearly exhausted and new funding is need to support ongoing efforts to meet the State's housing and related infrastructure needs.

Oakland has been extraordinarily successful in obtaining these funds, and ranked third among all California cities in total dollars received under Proposition 46. The City's progress in meeting its affordable housing needs, including its affordable housing production obligations in redevelopment areas, depends on its ability to leverage Federal, State and private funds. Without a renewal of State funding, those needs will be much more difficult to meet.

With numerous Transit Oriented Development (TOD) projects planned in Oakland, the City should be in a strong position to compete for a portion of the \$300M of TOD grants. The Alameda County Congestion Management Agency (CMA) will be lobbying the legislature (which will work out details of the program in subsequent legislation) to focus TOD investment on TOD projects in the Countywide Transportation Plan and Regional Transportation Plan. Three of Oakland's BART Transit Villages are included in the Countywide Plan: Coliseum, MacArthur, and West Oakland.

The City also has a critical need for funding for infrastructure improvements to facilitate and support housing development. Proposition 1C would provide \$850 million in infrastructure grants tied to infill housing construction.

**Negative Factors for Oakland:**

None.

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

**Very Important (priority for City lobbyist, city position necessary)**

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**Known support:**

See list of supporters (Attachment A)

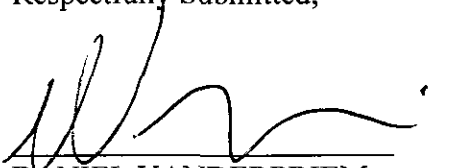
**Known Opposition:**

None known. While Proposition 46 was opposed by the Howard Jarvis Taxpayers Association, it has chosen not to oppose Proposition 1C.

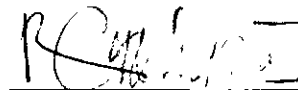
**Attach bill text and state/federal legislative committee analysis, if available.**

SB 1689 and Legislative Analyst Office's analysis of Proposition 1C are attached.

Respectfully Submitted,



DANIEL VANDERPRIEM  
Director of Redevelopment,  
Economic Development, Housing  
and Community Development



RAUL GODINEZ, II P.E.  
Director, Public Works Agency

APPROVED FOR FORWARDING TO  
RULES AND LEGISLATION COMMITTEE



OFFICE OF CITY ADMINISTRATOR

## **Attachment A**

### **List of Endorsers for Proposition 1C (as of August 18, 2006)**

#### **Governmental Agencies**

- Association of Bay Area Governments
- California State Association of Local Governments
- League of California Cities
- San Diego Association of Governments

#### **Transportation Agencies**

- Metropolitan Transportation Commission
- Alameda County Congestion Management Agency
- Alameda County Transportation Improvement Authority (scheduled to approved in September)
- BART
- AC Transit

#### **Business Organizations**

- California Building Industry Association
- California Chamber of Commerce
- California Land Title Association
- Fremont Investment and Loan
- L.A. Chamber of Commerce
- Orange County Business Council
- Western Growers

#### **Women's Organizations**

- California Partnership to End Domestic Violence
- League of Women Voters

## **Housing and Homeless Organizations:**

- Habitat for Humanity Calaveras
- Habitat for Humanity Fresno County
- Habitat for Humanity- Golden Empire
- Habitat for Humanity of Greater Los Angeles
- Habitat for Humanity, San Diego
- Habitat for Humanity: Hemet/ San Juan Affiliate Inc.
- Habitat for Humanity, Orange County
- Habitat for Humanity Riverside
- Habitat for Humanity for San Luis Obispo County
- Habitat for Humanity of Southern Santa Barbra County
- Habitat for Humanity, Silicon Valley
- Habitat for Humanity of Tulare County
- Century Housing
- Coast Community Center
- Community Housing Partnership
- *Community Interface Services*
- Corporation for Supportive Housing
- Eden Housing
- Housing California
- Housing with Heart
- HIP Housing
- Inglewood Neighborhood Housing Services Inc.
- Interfaith Shelter Network
- Kennedy Commission
- L.A. Coalition to End Hunger and Homelessness
- Neighborhood Housing Services of Orange County
- *MAAC Project*
- Marin Continuum of Housing and Services

- Orange County Housing Trust
- Red Capital Group
- Rural Communities Housing Development Cooperation
- Sacramento Homeless Organizing Committee
- San Diego Housing Federation
- Santa Clara County Collaborative for Homeless and Affordable Housing Concerns
- Self Help Enterprises
- Sonoma County Housing Advocacy Group
- Tenants and Owners Development Corporation (TODCO Group)
- Westside Affordable Housing Project
- Workforce Housing Coalition of San Luis Obispo County
- A Community of Friends
- Affordable Housing Advocates of Santa Cruz County
- Burbank Housing Development Corporation
- Cabrillo Economic Development Corporation
- California Human Development Corporation
- California Housing Partnership Corporation
- Century Housing
- Coast Community Center

### **Senior Organizations**

- AARP
- California Association of Homes and Services for the Aging
- Congress of California Seniors

### **Faith-based Organizations:**

- California Church Impact
- San Francisco Organizing Project

### **Youth Organizations**

- Alameda County Foster Youth Alliance
- The First Place Fund for Youth
- Orange County United Way

**Labor**

- The Committee for a Living Wage

**Other**

- Independent Living Center of Kern County
- People of Progress
- Rebuilding California
- The Mortgage House, Inc.
- Transportation and Land Use Coalition
- Vietnam Veterans of California, Inc.

ATTACHMENT B

**Proposition 1C**  
**Housing and Emergency Shelter Trust Fund Act of 2006**

**Background**

About 200,000 houses and apartments are built in California each year. Most of these housing units are built entirely with private dollars. Some units, however, receive subsidies from federal, state, and local governments. For instance, the state provides low-interest loans or grants to developers (private, nonprofit, and governmental) to subsidize housing construction costs. Typically, the housing must be sold or rented to Californians with low incomes. Other state programs provide homebuyers with direct financial assistance to help with the costs of a downpayment.

While the state provides financial assistance through these programs, cities and counties are responsible for the zoning and approval of new housing. In addition, cities, counties, and other local governments are responsible for providing infrastructure-related services to new housing—such as water, sewer, roads, and parks.

In 2002, voters approved Proposition 46, which provided a total of \$2.1 billion of general obligation bonds to fund state housing programs. We estimate that about \$350 million of the Proposition 46 funds will be unspent as of November 1, 2006.

**Proposal**

This measure authorizes the state to sell \$2.85 billion of general obligation bonds to fund 13 new and existing housing and development programs. (See "An Overview of State Bond Debt" for basic information on state general obligation bonds.) Figure 1 describes the programs and the amount of funding that each would receive under the measure. About one-half of the funds would go to existing state housing programs. The development programs, however, are new—with details to be established by the Legislature. The major allocations of the bond proceeds are as follows:

- **Development Programs (\$1.35 Billion).** The measure would fund three new programs aimed at increasing development. Most of the funds would be targeted for development projects in existing urban areas and near public transportation. The programs would provide loans and grants for a wide variety of projects, such as parks, water, sewage, transportation, and housing.
- **Homeownership Programs (\$625 Million).** A number of the programs funded by this measure would encourage homeownership for low- and moderate-income homebuyers. The funds would be used to provide downpayment assistance to homebuyers through low-interest loans or grants. Typically, eligibility for this assistance would be based on the household's income, the



cost of the home being purchased, and whether it is the household's first home purchase.

- ***Multifamily Housing Programs (\$590 Million)***. The measure also would fund programs aimed at the construction or renovation of rental housing projects, such as apartment buildings. These programs generally provide local governments, nonprofit organizations, and private developers with low-interest (3 percent) loans to fund part of the construction cost. In exchange, a project must reserve a portion of its units for low-income households for a period of 55 years. This measure gives funding priority to projects in already developed areas and near existing public services (such as public transportation).
- ***Other Housing Programs (\$285 Million)***. These funds would be used to provide loans and grants to the developers of homeless shelters and housing for farmworkers. In addition, funds would be allocated to pilot projects aimed at reducing the costs of affordable housing.

<b>Figure 1 Proposition 1C Uses of Bond Funds</b>		
		<b>Amount (In Millions)</b>
<b>Development Programs</b>		
Development in urban areas <sup>a</sup>	Grants for various projects—including parks, water, sewer, transportation, and environmental cleanup—to facilitate urban “infill” development.	\$850
Development near public transportation <sup>a</sup>	Grants and loans to local governments and developers to encourage more dense development near public transportation.	300
Parks <sup>a</sup>	Grant funding for parks throughout the state.	200
		<b>\$1,350</b>
<b>Homeownership Programs</b>		
Low-income households	Variety of homeownership programs for low-income households.	\$290
Downpayment assistance	Deferred low-interest loans up to 6 percent of home purchase price for first-time low- or moderate-income homebuyers.	200
Local governments	Grants to local governments which reduce barriers to affordable housing. Funds would be used for homebuyer assistance.	125
Self-help construction	Grants to organizations which assist low- or moderate-income households in building or renovating their own homes.	10
		<b>\$625</b>
<b>Multifamily Housing Programs</b>		
Multifamily housing	Low-interest loans for housing developments for low-income renters.	\$345
Supportive housing	Low-interest loans for housing projects which also provide health and social services to low-income renters.	195
Homeless youth	Low-interest loans for housing projects which provide housing for homeless young people.	50
		<b>\$590</b>
<b>Other Housing Programs</b>		
Farmworker housing	Low-interest loans and grants for developing housing for farmworkers.	\$135
Pilot programs <sup>a</sup>	Grants and loans for pilot projects to develop housing at reduced costs.	100
Homeless shelters	Grants for developing homeless shelters.	50

	\$285
<b>Total</b>	<b>\$2,850</b>
<sup>a</sup> New program.	

The funds would be allocated over a number of years. The measure provides the Legislature broad authority to make future changes to these programs to ensure their effectiveness.

### **Fiscal Effect**

**Bond Costs.** The cost to pay off these bonds would depend primarily on the following two factors.

- **Payment Period.** The state would likely make principal and interest payments on the bonds from the state's General Fund over a period of about 30 years.
- **Interest Rate.** Usually, the interest on bonds issued is exempt from both state and federal taxes because the bonds are for public purposes. This results in lower debt service payments for the state. Some programs proposed by this measure, however, would not be eligible for the federal tax exemption—resulting in a higher interest rate. This is because the housing programs provide funds for private purposes. (We estimate this would be the case for about 60 percent of the bonds.)

If the federally taxable bonds were sold at an average rate of 6.5 percent and the remaining bonds at an average rate of 5 percent, the cost to the state would be about \$6.1 billion to pay off both the principal (\$2.85 billion) and the interest (\$3.3 billion). The average payment would be about \$204 million each year.

**Administrative Costs.** The Department of Housing and Community Development and the California Housing Finance Agency would experience increased costs to administer the various housing and urban development programs. A portion of the programs' allocations—probably between \$100 million and \$150 million of the total bond funds—would be used to pay these administrative costs over time.

**Senate Bill No. 1689**

**CHAPTER 27**

An act to add Part 12 (commencing with Section 53540) and Part 13 (commencing with Section 53560) to Division 31 of the Health and Safety Code, relating to housing, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 2006. Filed with  
Secretary of State May 17, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1689, Perata. Housing and Emergency Shelter Trust Fund Act of 2006.

Under existing law, there are programs providing assistance for, among other things, multifamily housing, emergency housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time homebuyers.

This bill would enact the Housing and Emergency Shelter Trust Fund Act of 2006, which, if adopted, would authorize the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

The bill would also establish the Transit-Oriented Development Implementation Program, to be administered by the Department of Community Housing and Development. The program would receive funding from the proceeds of the bond act enacted by this bill.

The bill would provide for submission of the bond act to the voters at the November 7, 2006, statewide general election in accordance with specified law.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares as follows:

(a) Funding approved by the state's voters in 2002 for greater production of affordable housing in California financed the construction, rehabilitation, or preservation of 17,700 affordable apartments, created or

rehabilitated 9,055 shelter spaces, and helped nearly 18,000 families become or remain homeowners. Nearly all of the voter-approved funding for affordable housing is expected to be awarded by the end of 2006.

(b) Only 14 percent of families statewide are able to afford the median-priced home in California, now estimated at more than five hundred sixty-one thousand dollars (\$561,000). California is home to 21 of the 25 least affordable metropolitan areas in the country for home ownership and 9 of the 10 least affordable counties nationwide for renters.

(c) Increasingly, California working families endure longer commute times as they seek affordable housing outside of the urban areas in which they work. Commute times in each of the state's 10 most populous counties have risen by double-digit percentages over the last 10 years.

(d) California's congestion problems and strain on its transportation system are made worse by the lack of available affordable housing in the state's urban areas. To the extent additional affordable housing can be maintained or provided in the state's urban areas, additional traffic and related expenditures on transportation facilities is avoidable, and allows limited transportation resources to be deployed more efficiently.

SEC. 2. Part 12 (commencing with Section 53540) is added to Division 31 of the Health and Safety Code, to read:

PART 12. HOUSING AND EMERGENCY SHELTER TRUST FUND  
ACT OF 2006

CHAPTER 1. GENERAL PROVISIONS

53540. (a) This part shall be known as the Housing and Emergency Shelter Trust Fund Act of 2006.

(b) This part shall only become operative upon adoption by the voters at the November 7, 2006, statewide general election.

53541. As used in this part, the following terms have the following meanings:

(a) "Board" means the Department of Housing and Community Development for programs administered by the department, and the California Housing Finance Agency for programs administered by the agency.

(b) "Committee" means the Housing Finance Committee created pursuant to Section 53524 and continued in existence pursuant to Section 53548.

(c) "Fund" means the Housing and Emergency Shelter Trust Fund created pursuant to Section 53545.

CHAPTER 2. HOUSING AND EMERGENCY SHELTER TRUST FUND OF 2006  
AND PROGRAM

53545. The Housing and Emergency Shelter Trust Fund of 2006 is hereby created in the State Treasury. The Legislature intends that the proceeds of bonds deposited in the fund shall be used to fund the housing-related programs described in this chapter over the course of the next decade. The proceeds of bonds issued and sold pursuant to this part for the purposes specified in this chapter shall be allocated in the following manner:

(a) (1) One billion five hundred million dollars (\$1,500,000,000) to be deposited in the Affordable Housing Account, which is hereby created in the fund. Notwithstanding Section 13340 of the Government Code, the money in the account shall be continuously appropriated in accordance with the following schedule:

(A) (i) Three hundred forty-five million dollars (\$345,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2. The priorities specified in Section 50675.13 shall apply to the expenditure of funds pursuant to this clause.

(ii) Fifty million dollars (\$50,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended under the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2 for housing meeting the definitions in paragraphs (2) and (3) of subdivision (e) of Section 11139.3 of the Government Code. The department may provide higher per-unit loan limits as necessary to achieve affordable housing costs to the target population. Any funds not encumbered for the purposes of this clause within 30 months of availability shall revert for general use in the Multifamily Housing Program.

(B) One hundred ninety-five million dollars (\$195,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, to be used for supportive housing for individuals and households moving from emergency shelters or transitional housing or those at risk of homelessness. The Department of Housing and Community Development shall provide for higher per-unit loan limits as reasonably necessary to achieve housing costs affordable to those individuals and households. For purposes of this subparagraph, “supportive housing” means housing with no limit on length of stay, that is occupied by the target population, as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize his or her ability to live, and, when possible, work in the community. The criteria for selecting projects shall give priority to:

(i) Supportive housing for people with disabilities who would otherwise be at high risk of homelessness where the applications represent

collaboration with programs that meet the needs of the person's disabilities.

(ii) Projects that demonstrate funding commitments from local governments for operating subsidies or services funding, or both, for five years or longer.

(C) One hundred thirty-five million dollars (\$135,000,000) shall be transferred to the fund created by subdivision (b) of Section 50517.5 to be expended for the programs authorized by Chapter 3.2 (commencing with Section 50517.5) of Part 2.

(D) Three hundred million dollars (\$300,000,000) shall be transferred to the Self-Help Housing Fund created by Section 50697.1. These funds shall be available to the Department of Housing and Community Development, to be expended for the purposes of enabling households to become or remain homeowners pursuant to the CalHome Program authorized by Chapter 6 (commencing with Section 50650) of Part 2, except ten million dollars (\$10,000,000) shall be expended for construction management under the California Self-Help Housing Program pursuant to subdivision (b) of Section 50696.

(E) Two hundred million dollars (\$200,000,000) shall be transferred to the Self-Help Housing Fund created by Section 50697.1. These funds shall be available to the California Housing Finance Agency, to be expended for the purposes of the California Homebuyer's Downpayment Assistance Program authorized by Chapter 11 (commencing with Section 51500) of Part 3. Up to one hundred million dollars (\$100,000,000) of these funds may be expended pursuant to subdivision (b) of Section 51504.

(F) One hundred million dollars (\$100,000,000) shall be transferred to the Affordable Housing Innovation Fund, which is hereby created in the State Treasury, to be administered by the Department of Housing and Community Development. Funds shall be expended for competitive grants or loans to sponsoring entities that develop, own, lend, or invest in affordable housing and used to create pilot programs to demonstrate innovative, cost-saving approaches to creating or preserving affordable housing. Specific criteria establishing eligibility for and use of the funds shall be established in statute as approved by a 2/3 vote of each house of the Legislature. Any funds not encumbered for the purposes set forth in this subparagraph within 30 months of availability shall revert to the Self-Help Housing Fund created by Section 50697.1 and shall be available for the purposes described in subparagraph (D).

(G) One hundred twenty-five million dollars (\$125,000,000) shall be transferred to the Building Equity and Growth in Neighborhoods Fund to be used for the Building Equity and Growth in Neighborhoods (BEGIN) Program pursuant to Chapter 14.5 (commencing with Section 50860) of Part 1. Any funds not encumbered for the purposes set forth in this subparagraph within 30 months of availability shall revert for general use in the CalHome Program.

(H) Fifty million dollars (\$50,000,000) shall be transferred to the Emergency Housing and Assistance Fund to be distributed in the form of

capital development grants under the Emergency Housing and Assistance Program authorized by Chapter 11.5 (commencing with Section 50800) of Part 2 of Division 31. The funds shall be administered by the Department of Housing and Community Development in a manner consistent with the restrictions and authorizations contained in Provision 3 of Item 2240-105-0001 of the Budget Act of 2000, except that any appropriations in that item shall not apply. The competitive system used by the department shall incorporate priorities set by the designated local boards and their input as to the relative merits of submitted applications from within the designated local board's county in relation to those priorities. In addition, the funding limitations contained in this section shall not apply to the appropriation in that budget item.

(2) The Legislature may, from time to time, amend the provisions of law related to programs to which funds are, or have been, allocated pursuant to this subdivision for the purpose of improving the efficiency and effectiveness of the program, or for the purpose of furthering the goals of the program.

(3) The Bureau of State Audits shall conduct periodic audits to ensure that bond proceeds are awarded in a timely fashion and in a manner consistent with the requirements of this subdivision, and that awardees of bond proceeds are using funds in compliance with applicable provisions of this subdivision. The first audit shall be conducted no later than one year from voter approval of this part.

(4) In its annual report to the Legislature, the Department of Housing and Community Development shall report how funds that were made available pursuant to this subdivision and allocated in the prior year were expended. The department shall make the report available to the public on its Internet Web site.

(b) Eight hundred fifty million dollars (\$850,000,000) shall be deposited in the Regional Planning, Housing, and Infill Incentive Account, which is hereby created in the fund. Funds in the account shall be available, upon appropriation by the Legislature, and subject to such other conditions and criteria as the Legislature may provide in statute, for the following purposes:

(1) For infill incentive grants for capital outlay related to infill housing development and other related infill development, including, but not limited to, all of the following:

(A) No more than two hundred million dollars (\$200,000,000) for park creation, development, or rehabilitation to encourage infill development.

(B) Water, sewer, or other public infrastructure costs associated with infill development.

(C) Transportation improvements related to infill development projects.

(D) Traffic mitigation.

(2) For brownfield cleanup that promotes infill housing development and other related infill development consistent with regional and local plans.



(c) Three hundred million dollars (\$300,000,000) to be deposited in the Transit-Oriented Development Account, which is hereby created in the fund, for transfer to the Transit-Oriented Development Implementation Fund, for expenditure, upon appropriation by the Legislature, pursuant to the Transit-Oriented Development Implementation Program authorized by Part 13 (commencing with Section 50560).

(d) Two hundred million dollars (\$200,000,000) shall be deposited in the Housing Urban-Suburban-and-Rural Parks Account, which is hereby created in the fund. Funds in the account shall be available upon appropriation by the Legislature for housing-related parks grants in urban, suburban, and rural areas, subject to the conditions and criteria that the Legislature may provide in statute.

### CHAPTER 3. FISCAL PROVISIONS

53546. Bonds in the total amount of two billion eight hundred fifty million dollars (\$2,850,000,000), exclusive of refunding bonds, or so much thereof as is necessary, are hereby authorized to be issued and sold for carrying out the purposes expressed in this part and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. All bonds herein authorized which have been duly sold and delivered as provided herein shall constitute valid and legally binding general obligations of the state, and the full faith and credit of the state is hereby pledged for the punctual payment of both principal and interest thereof.

53547. The bonds authorized by this part shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4), except subdivision (a) of Section 16727 to the extent that it is inconsistent with this part, and all of the other provisions of that law as amended from time to time apply to the bonds and to this part and are hereby incorporated in this part as though set forth in full in this part.

53548. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this part, the Housing Finance Committee created pursuant to Section 53524 is continued in existence. For the purposes of this part, the Housing Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law.

(b) The committee may adopt guidelines establishing requirements for administration of its financing programs to the extent necessary to protect the validity of, and tax exemption for, interest on the bonds. The guidelines shall not constitute rules, regulations, orders, or standards of general application and are not subject to Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

(c) For the purposes of the State General Obligation Bond Law, the Department of Housing and Community Development is designated the

“board” for programs administered by the department, and the California Housing Finance Agency is the “board” for programs administered by the agency.

53549. Upon request of the board stating that funds are needed for purposes of this part, the committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this part in order to carry out the actions specified in Section 53545, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and are not required to be sold at any one time. Bonds may bear interest subject to federal income tax.

53550. There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, the bonds as provided herein, and all officers required by law to perform any duty in regard to the collections of state revenues shall collect that additional sum.

53551. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this part, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this part, as the principal and interest become due and payable.

(b) The sum which is necessary to carry out Section 53553, appropriated without regard to fiscal years.

53552. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of this part. The amount of the request shall not exceed the amount of the unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of this part, less any amount withdrawn pursuant to Section 53553. The board shall execute any documents as required by the Pooled Money Investment Board to obtain and repay the loan. Any amount loaned shall be deposited in the fund to be allocated in accordance with this part.

53553. For the purpose of carrying out this part, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of any amount or amounts not to exceed the amount of the unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this part. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from money received from the sale of bonds which would otherwise be deposited in that fund.

53554. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of the State General Obligation Bond Law. Approval by the electors of this act shall constitute approval of any

refunding bonds issued pursuant to the State General Obligation Bond Law.

53555. Notwithstanding any provisions in the State General Obligation Bond Law, the maximum maturity of any bonds authorized by this part shall not exceed 30 years from the date of each respective series. The maturity of each series shall be calculated from the date of each series.

53556. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this part are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

53557. Notwithstanding any provision of the State General Obligation Bond Law with regard to the proceeds from the sale of bonds authorized by this part that are subject to investment under Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code, the Treasurer may maintain a separate account for investment earnings, order the payment of those earnings to comply with any rebate requirement applicable under federal law, and may otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

53558. All money derived from premium and accrued interest on bonds sold pursuant to this chapter shall be transferred to the General Fund as a credit to expenditures for bond interest.

SEC. 3. Part 13 (commencing with Section 53560) is added to Division 31 of the Health and Safety Code, to read:

#### PART 13. TRANSIT-ORIENTED DEVELOPMENT IMPLEMENTATION PROGRAM

53560. There is hereby established the Transit-Oriented Development Implementation Program, to be administered by the Department of Housing and Community Development, to provide local assistance to cities, counties, cities and counties, transit agencies, and developers for the purpose of developing or facilitating the development of higher density uses within close proximity to transit stations that will increase public transit riderships.

53561. (a) There is hereby created in the State Treasury the Transit-Oriented Development Implementation Fund.

(b) Interest on loans made from the fund shall be deposited in the fund.

(c) All interest, dividends, and pecuniary gains from investments or deposits of moneys in the fund shall accrue to the fund, notwithstanding Section 16305.7 of the Government Code. There shall be paid into the fund all of the following:

(1) Any moneys appropriated and made available by the Legislature for the purposes of the fund.

(2) Any moneys that the department receives in repayment of loans made from the fund, including any interest on loans made from the fund.

(3) Any other moneys that may be made available to the department for the purposes of this part from any other source.

53562. (a) To the extent that funds are available, the department shall make grants to cities, counties, cities and counties, or transit agencies for the provision of infrastructure necessary for the development of higher density uses within close proximity to a transit station, or to facilitate connections between that development and the station.

(b) To the extent that funds are available, the department shall make loans for the development and construction of a housing development project within close proximity to a transit station. To be eligible for a loan, at least 15 percent of the units in the proposed development shall be made available at an affordable rent or at an affordable housing cost to persons of very low or low income for at least 55 years. Developments assisted pursuant to this subdivision shall be on parcels at least a portion of which are located within one-quarter mile of a transit station. A housing development project may include a mixed-use development consisting of residential and nonresidential uses.

(c) As used in this part, “transit station” shall have the same meaning as defined in subdivision (b) of Section 65460.1 of the Government Code.

53563. (a) In ranking applications pursuant to this part, the department shall, among other criteria, consider the extent to which the project or development will increase public transit ridership and minimize automobile trips.

(b) The department shall also grant bonus points to projects or developments that are in an area designated by the appropriate council of governments for infill development as part of a regional plan.

53564. (a) The department may use up to 5 percent of the funds appropriated for the purposes of this part for its costs in administering the programs authorized by this part.

(b) The department may administer the programs pursuant to guidelines that shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 2 of this act shall become operative upon the adoption by the voters of the Housing and Emergency Shelter Trust Fund Act of 2006.

SEC. 5. Notwithstanding Sections 13115 and 13117 of the Elections Code, the following measures shall be placed on the ballot for the November 7, 2006, statewide general election in the following order:

(a) Senate Constitutional Amendment No. 7 of the 2005-06 Regular Session shall be placed first on the ballot and shall be designated as Proposition 1A.

(b) The Highway Safety, Traffic Reduction, Air Quality and Port Security Act of 2006 shall be placed second on the ballot and shall be designated as Proposition 1B.

(c) The Housing and Emergency Shelter Trust Fund Act of 2006 shall be placed third on the ballot and shall be designated as Proposition 1C.

(d) The Kindergarten-University Public Education Facilities Bond Act of 2006 shall be placed fourth on the ballot and shall be designated as Proposition 1D.

(e) The Disaster Preparedness and Flood Prevention Bond Act of 2006 shall be placed fifth on the ballot and shall be designated as Proposition 1E.

SEC. 6. (a) Notwithstanding any other provision of law, all ballots of the November 7, 2006, statewide general election shall have printed thereon and in a square thereof, exclusively, the words: "Housing and Emergency Shelter Trust Fund Act of 2006" and in the same square under those words, the following in 8-point type: "For the purpose of providing shelters for battered women and their children, clean and safe housing for low-income senior citizens; homeownership assistance for the disabled, military veterans, and working families; and repairs and accessibility improvements to apartment for families and disabled citizens, the state shall issue bonds totaling two billion eight hundred fifty thousand dollars (\$2,850,000,000) paid from existing state funds at an average annual cost of \_\_\_\_\_ dollars (\$\_\_\_\_\_) per year over the \_\_\_\_\_ year life of the bonds. Requires reporting and publication of annual independent audited reports showing use of funds, and limits administration and overhead costs. (The Attorney General shall fill in the blanks in this subdivision with the figures provided by the Legislative Analyst for the annual average cost of the bonds and the number of years required to retire the bonds.)"

Opposite the square, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act.

(b) Notwithstanding Sections 13247 and 13281 of the Elections Code, the language in subdivision (a) shall be the only language included in the ballot label for the condensed statement of the ballot title, and the Attorney General shall not supplement, subtract from, or revise that language, except that the Attorney General may include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code. The ballot label is the condensed statement of the ballot title and the financial impact summary.

(c) Where the voting in the election is done by means of voting machines used pursuant to law in the manner that carries out the intent of this section, the use of the voting machines and the expression of the voters' choice by means thereof are in compliance with this section.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the submission of Section 2 of this act to the voters at the November 7, 2006, statewide general election, and to

implement other housing and related programs in a timely manner, it is necessary that this act take effect immediately.

O

  
DEPUTY CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND

2006 AUG 29 PM 4:34

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

## RESOLUTION TO SUPPORT PROPOSITION 1C, THE HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2006

**WHEREAS**, the provision of affordable housing is a high priority for the City of Oakland, as established in the Housing Element adopted in 2004 and the Consolidated Plan adopted in 2005; and

**WHEREAS**, the City's General Plan Land Use and Transportation Element supports the development of transit-oriented development; and

**WHEREAS**, in 2002, California voters adopted Proposition 46 to provide \$2.1 billion in State funding for affordable housing; and

**WHEREAS**, Oakland ranked third among all cities in the amount of Proposition 46 funds awarded for housing in the locality; and

**WHEREAS**, funding from Proposition 46 has been key to the City's progress in meeting its affordable housing goals; and

**WHEREAS**, Proposition 46 funds will be depleted by 2007; and

**WHEREAS**, to continue the successes of Proposition 46, the California Legislature has placed Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, on the November ballot as part of a long-term plan to rebuild California; and

**WHEREAS**, Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, will provide funding for the following programs:

- **Affordable Home Ownership Programs** - \$725 million to help over 23,600 families become or remain homeowners
- **Affordable Housing Construction Programs** - \$345 million for affordable rental housing for more than 4,000 families
- **Housing for Farmworkers** - \$135 million to build rental and home ownership opportunities to help farm workers

- **Homeless Permanent Housing Construction** - \$245 million to build permanent housing for the homeless, those transitioning out of homelessness and foster care youth
- **Homeless Shelter Housing Construction** - \$50 million to construct and expand homeless shelters of last resort and transitional housing for the homeless
- **Transit-Oriented Development** - \$300 million to develop and construct housing and infrastructure projects within close proximity to transit stations
- **Infill Housing Construction** - \$850 million in grants for development of public infrastructure projects that facilitate or support infill housing construction. Projects could include water, sewer and transportation improvements, traffic mitigation, brownfield clean up and up to an additional \$200 million for parks
- **Urban, Suburban and Rural Parks** - \$200 million; and

**WHEREAS**, Proposition will also boost California's and Oakland's economy, through new jobs and local spending; now, therefore, be it

**RESOLVED**, that the City Council of the City of Oakland hereby endorses Proposition 1C, The Housing and Emergency Shelter Trust Fund Act of 2006, and urges local voters to support the measure; and be it

**FURTHER RESOLVED**, that a copy of this resolution shall be sent to the Proposition 1C campaign to document the City's endorsement of the measure.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES - BRUNNER, BROOKS, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council