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CITY OF OAKLAND



19 MAY 16 PM 3:47
CITY HALL

1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

Date: May 16, 2019
To: Members of City Council and Members of the Public
From: Council President Kaplan
Re: A Resolution In Support Of Proposed Amendments To Assembly Bill 1487 (Chiu) To Address Funding And Governance Strategies For Regional Housing Solutions

Dear Colleagues on the City Council and Members of the Public,

Before you is a Resolution to include proposed amendments to Assembly Bill 1487 (Chiu). AB 1487 seeks to address this crisis by creating a regional entity and regional funding for the Bay Area and creates the Housing Alliance for the Bay Area (HABA) to “authorize the entity to, among other things, raise and allocate new revenue by placing funding measures on the ballot in the 9 San Francisco Bay area counties, incur and issue indebtedness, and allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and tenant protections.

Given the breath of this proposed new regional entity, there are a few requests that I seek the Council to make of our state legislators, especially as this entity could oversee \$1.5 billion in revenue to build much needed affordable housing. I ask the Oakland City Council to request that the following three amendments be added to AB 1487 (Chiu) to provide equity in representation and effectiveness in investment of revenue:

- A. Define the Association of Bay Area Governments as the governing entity to administer the San Francisco Bay Area Regional Housing Finance Act;
- B. Weight the allocation and generation of revenue based on a jobs/housing imbalance ratio. Funding sources should specifically allow revenue raising options to come from a jobs/housing imbalance fee, whereby those cities and counties that have a more balanced jobs/housing ratio are rewarded; and
- C. Specify that not less than 50% of revenue be allocated regionally.

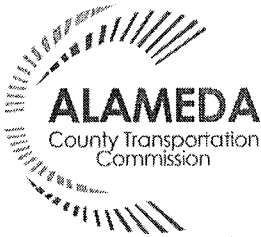
Attached please also from a letter from ACTC on this matter as well as a copy of the AB 1487 text.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rebecca Kaplan".

Rebecca Kaplan
Oakland City Councilmember At Large

Item: _____
Rules Committee
May 30, 2019



Commission Chair
Supervisor Richard Valle, District 2

Commission Vice Chair
Mayor Pauline Cutter,
City of San Leandro

AC Transit
Vice President Elsa Ortiz

Alameda County
Supervisor Scott Haggerly, District 1
Supervisor Wilma Chan, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

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Mayor Jesse Arreguin

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Mayor David Haubert

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Councilmember John Bauters

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Barbara Holliday

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Sheng Thao

City of Piedmont
Robert McBain

City of Pleasanton
Mayor Jerry Thorne

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Arthur L. Dao

April 16, 2019

Assemblyman David Chiu
State Capitol, Room 4177
Sacramento, CA 95814

RE: AB 1487 (Chiu): San Francisco Bay Area; Housing – **OPPOSE UNLESS AMENDED**

Dear Assemblyman Chiu:

The Alameda County Transportation Commission (Alameda CTC) has taken a position of oppose on AB 1487 unless it is amended to address governance and funding issues.

AB 1487 is a laudable proposal that would create a regional entity aimed at tackling the housing crisis facing the Bay Area. This bill would create the San Francisco Bay Area Regional Housing Finance Act, which would authorize this new entity to seek voter approval for funding that would be used to assist in construction of housing and tenant protection assistance.

The Commission is currently reviewing the CASA Compact proposals that have a nexus to transportation. With respect AB 1487, Alameda CTC is seeking three amendments that do not curtail or limit the authority of the San Francisco Bay Area Regional Housing Finance Act, but would provide equity in representation and investment of revenue, including:

- Define the Association of Bay Area Governments as the governing entity to administer the San Francisco Bay Area Regional Housing Finance Act.
- Weight the allocation and generation of revenue based on a jobs/housing imbalance ratio. Funding sources should specifically allow revenue raising options to come from a jobs/housing imbalance fee, whereby those cities and

counties that have a more balanced jobs/housing ratio are rewarded.

- Specify that not less than 50% of revenue be allocated to regional programs, with the balance allocated to the county of origin.

The Alameda CTC has long supported investing in local communities to improve connections between transportation, housing and jobs. The Commission urges your favorable consideration of the above amendments, which the Alameda CTC believes are critical to provide equitable representation and provide the needed financial resources to address the regional housing crisis. If you have any questions, or need additional information, please feel free to contact me at 510-208-7400.

Sincerely,

A handwritten signature in cursive script that reads "Richard Valle".

Supervisor Richard Valle, Alameda CTC Chair

Cc: Assemblywoman Cecilia Aguiar-Curry, and Members of the Assembly Committee on Local Government
Alameda County and Bay Area Legislative Delegation

AMENDED IN ASSEMBLY APRIL 29, 2019

AMENDED IN ASSEMBLY APRIL 4, 2019

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

ASSEMBLY BILL

No. 1487

**Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Mullin and Wicks)
(Coauthor: Senator Wiener)**

February 22, 2019

An act to add Title 6.8 (commencing with Section 64500) to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1487, as amended, Chiu. San Francisco Bay area: housing development: financing.

Existing law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive.

This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Housing Alliance for the Bay Area (hereafter "~~the entity~~" *the entity*) and would state that the entity's purpose is to increase affordable housing in the San Francisco Bay area, as defined, by providing for enhanced funding and technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The bill would establish a governing board of the entity, composed of members appointed by the Metropolitan

~~Transportation Commission and the Association of Bay Area Governments: entity.~~ The bill would authorize the entity to exercise various specified powers, including the power to raise revenue and allocate funds throughout the San Francisco Bay area, subject to applicable voter approval requirements and other specified procedures, as provided. The bill would also require the board to provide for annual audits of the entity and financial reports, as provided. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities within the San Francisco Bay area, including charter cities.

The bill would authorize the entity to, among other things, raise and allocate new revenue by placing funding measures on the ballot in the 9 San Francisco Bay area counties, incur and issue indebtedness, and allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, as specified, in accordance with applicable constitutional requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Francisco Bay area.

By adding to the duties of local officials with respect to (1) ~~membership on the governing board of~~ *providing staff for* the entity and (2) elections procedures for revenue measures on behalf of the entity, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Title 6.8 (commencing with Section 64500) is
2 added to the Government Code, to read:

1 TITLE 6.8. SAN FRANCISCO BAY AREA REGIONAL
2 HOUSING FINANCE

3
4 PART 1. FORMATION OF THE HOUSING ALLIANCE FOR
5 THE BAY AREA AND GENERAL POWERS

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 64500. This title shall be known, and may be cited, as the San
10 Francisco Bay Area Regional Housing Finance Act.

11 64501. The Legislature finds and declares the following:

12 (a) The San Francisco Bay area is facing the most significant
13 housing crisis in the region's history, as countless residents are
14 contemplating moving, spend hours driving every day, are one
15 paycheck away from an eviction, or experience homelessness.

16 (b) The San Francisco Bay area faces this crisis because, as a
17 region, it has failed to produce enough housing at all income levels,
18 preserve affordable housing, protect existing residents from
19 displacement, and address the housing issue regionally.

20 (c) The housing crisis in the San Francisco Bay area is regional
21 in nature and too great to be addressed individually by the region's
22 101 cities and 9 counties.

23 (d) However, the current process is anything but regional;
24 instead each city and county is each responsible for their own
25 decisions around housing.

26 (e) The San Francisco Bay area faces an annual funding shortfall
27 of two billion five hundred million dollars (\$2,500,000,000) in its
28 efforts to address the affordable housing crisis.

29 (f) A regional entity is necessary to help address the housing
30 crisis in the San Francisco Bay area by delivering resources and
31 technical assistance at a regional scale, including:

32 (1) Providing critically needed funding to affordable housing
33 projects across the San Francisco Bay area.

34 (2) Providing staff support to local jurisdictions that require
35 capacity or technical assistance to expedite the preservation and
36 production of housing.

37 (3) Funding tenant services, such as emergency rental assistance
38 and access to counsel, thereby relieving local jurisdictions of this
39 cost and responsibility.

1 (4) Assembling parcels and acquiring land for the purpose of
2 building affordable housing.

3 (5) Monitoring and reporting on progress at a regional scale.

4 64502. For purposes of this title:

5 (a) "Board" means the governing board of the Housing Alliance
6 for the Bay Area created pursuant to Section 64511.

7 (b) "Entity" means the Housing Alliance for the Bay Area
8 established pursuant to Section 64510.

9 (c) "San Francisco Bay area" means the entire area within the
10 territorial boundaries of the Counties of Alameda, Contra Costa,
11 Marin, Napa, San Mateo, Santa Clara, Solano, and ~~Sonoma~~
12 *Sonoma*, and the City and County of San Francisco.

13 (d) "Lower income households" has the same meaning as that
14 term is defined in Section 50079.5 of the Health and Safety Code.

15 (e) ~~"Low or moderate income"~~ "Low- or moderate-income
16 households" has the same meaning as "persons and families of
17 low or moderate income," as defined in Section 50093 of the Health
18 and Safety Code.

19 64503. The Legislature finds and declares that providing a
20 regional financing mechanism for affordable housing development
21 and preservation in the San Francisco Bay area, as described in
22 this section and Section 64501, is a matter of statewide concern
23 and is not a municipal affair as that term is used in Section 5 of
24 Article XI of the California Constitution. Therefore, this title
25 applies to all cities within the San Francisco Bay area, including
26 charter cities.

27

28 CHAPTER 2. THE HOUSING ALLIANCE FOR THE BAY AREA AND
29 GOVERNING BOARD

30

31 64510. (a) The Housing Alliance for the Bay Area is hereby
32 established with jurisdiction extending throughout the San
33 Francisco Bay area.

34 (b) The formation and jurisdictional boundaries of the entity
35 are not subject to the Cortese-Knox-Hertzberg Local Government
36 Reorganization Act of 2000 (Division 3 (commencing with Section
37 56000) of Title 5).

38 (c) The entity's purpose is to increase affordable housing in the
39 San Francisco Bay area by providing for enhanced funding and
40 technical assistance at a regional level for tenant protection,

1 affordable housing preservation, and new affordable housing
2 production.

3 (d) It is the intent of the Legislature that the entity complement
4 existing efforts by cities, counties, districts, and other local,
5 regional, and state entities, related to addressing the goals described
6 in this title.

7 (e) It is the intent of the Legislature that the entity be staffed by
8 the existing staff of the Metropolitan Transportation Commission,
9 or any successor agency, with the understanding that additional
10 staff with expertise in affordable housing finance and other aspects
11 of the entity's work will be needed.

12 64511. (a) (1) The entity shall be governed by a board
13 composed of ~~18~~ ___ voting members, ~~including 9 from the~~
14 ~~Metropolitan Transportation Commission and 9 from the~~
15 ~~Association of Bay Area Governments~~ members. The entity shall
16 form an advisory committee comprised of nine representatives
17 with knowledge and experience in the areas of affordable housing
18 finance and development, tenant protection, resident service
19 provision, and housing preservation.

20 (2) Each member shall serve at the pleasure of the appointing
21 authority.

22 (3) The appointing authority shall fill any vacancy on the board
23 within 90 days from the date on which the vacancy occurs.

24 (b) The board shall select from its members a chair, who shall
25 preside over meetings of the board, and a vice chair from its
26 members, who shall preside in the absence of the chair.

27 (c) (1) A member appointed pursuant to this section may receive
28 a per diem for each board meeting that the member attends. The
29 board shall set the amount of that per diem for a member's
30 attendance, but that amount shall not exceed one hundred dollars
31 (\$100) per meeting. A member shall not receive a payment for
32 more than two meetings in a calendar month.

33 (2) A member may waive a payment of per diem authorized by
34 this subdivision.

35 (d) (1) Members of the board are subject to Article 2.4
36 (commencing with Section 53234) of Chapter 2 of Part 1 of
37 Division 2 of Title 5.

38 (2) The entity shall be subject to the Ralph M. Brown Act
39 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
40 2 of Title 5), the California Public Records Act (Chapter 3.5

1 (commencing with Section 6250) of Division 7 of Title 1), and the
2 Political Reform Act of 1974 (Title 9 (commencing with Section
3 81000)).

4 64512. A member shall exercise independent judgment on
5 behalf of the interests of the residents, the property owners, and
6 the public as a whole in furthering the intent and purposes of this
7 title.

8 64513. (a) The time and place of the first meeting of the board
9 shall be at a time and place within the San Francisco Bay area
10 fixed by the chair of the board.

11 (b) After the first meeting described in subdivision (a), the board
12 shall hold meetings at times and places determined by the board.

13 64514. (a) The board may make and enforce rules and
14 regulations necessary for the government of the board, the
15 preservation of order, and the transaction of business.

16 (b) In exercising the powers and duties conferred on the entity
17 by this title, the board may act either by ordinance or resolution.

18

19 CHAPTER 3. POWERS OF THE HOUSING ALLIANCE FOR THE BAY
20 AREA

21

22 64520. In implementing this title, the entity may do all of the
23 following:

24 (a) Raise revenue and allocate funds throughout the San
25 Francisco Bay area, as provided in Part 2 (commencing with
26 Section 64600).

27 (b) Apply for and receive grants from federal and state agencies.

28 (c) Solicit and accept gifts, fees, grants, and allocations from
29 public and private entities.

30 (d) Deposit or invest moneys of the entity in banks or financial
31 institutions in the state, as provided in Chapter 4 (commencing
32 with Section 53600) of Part 1 of Division 2 of Title 5.

33 (e) Sue and be sued, except as otherwise provided by law, in
34 all actions and proceedings, in all courts and tribunals of competent
35 jurisdiction.

36 (f) Engage counsel and other professional services.

37 (g) Enter into and perform all necessary contracts.

38 (h) Enter into joint powers agreements pursuant to the Joint
39 Exercise of Powers Act (Chapter 5 (commencing with Section
40 6500) of Division 7 of Title 1).

1 (i) Hire staff, define their qualifications and duties, and provide
2 a schedule of compensation for the performance of their duties.

3 (j) Use staff provided by the Metropolitan Transportation
4 Commission. A person who performs duties as interim or
5 temporary staff pursuant to this subdivision shall not be considered
6 an employee of the entity.

7 (k) Assemble parcels and lease or acquire land for affordable
8 housing development.

9 (l) Collect data on housing production and monitor progress on
10 meeting regional and state housing goals.

11 (m) Provide support and technical assistance to local
12 governments in relation to producing and preserving affordable
13 housing.

14 (n) Provide public information about the entity's housing
15 programs and policies.

16 (o) Any other express or implied power necessary to carry out
17 the intent and purposes of this title.

18 64521. (a) If the entity proposes a measure pursuant to
19 subdivision (a) of Section 64520 that will generate revenues, the
20 board of supervisors of the county or counties in which the entity
21 has determined to place the measure on the ballot shall call a
22 special election on the measure. The special election shall be
23 consolidated with the next regularly scheduled statewide election
24 and the measure shall be submitted to the voters in the appropriate
25 counties, consistent with the requirements of Articles XIII A,
26 XIII C, and XIII D of the California Constitution, as applicable.

27 (b) (1) The entity is a district, as defined in Section 317 of the
28 Elections Code. Except as otherwise provided in this section, a
29 measure proposed by the entity that requires voter approval shall
30 be submitted to the voters of the entity in accordance with the
31 provisions of the Elections Code applicable to districts, including
32 the provisions of Chapter 4 (commencing with Section 9300) of
33 Division 9 of the Elections Code.

34 (2) Because the entity has no revenues as of the effective date
35 of this section, the appropriations limit for the entity shall be
36 originally established based on receipts from the initial measure
37 that would generate revenues for the entity pursuant to subdivision
38 (a), and that establishment of an appropriations limit shall not be
39 deemed a change in an appropriations limit for purposes of Section
40 4 of Article XIII B of the California Constitution.

1 (c) The entity shall file with the board of supervisors of each
2 county in which the measure shall appear on the ballot a resolution
3 of the entity requesting consolidation, and setting forth the exact
4 form of the ballot question, in accordance with Section 10403 of
5 the Elections Code.

6 (d) The legal counsel for the entity shall prepare an impartial
7 analysis of the measure. The impartial analysis prepared by the
8 legal counsel for the entity shall be subject to review and revision
9 by the county counsel of the county that contains the largest
10 population, as determined by the most recent federal decennial
11 census, among those counties in which the measure will be
12 submitted to the voters.

13 (e) Each county included in the measure shall use the exact
14 ballot question, impartial analysis, and ballot language provided
15 by the entity. If two or more counties included in the measure are
16 required to prepare a translation of ballot materials into the same
17 language other than English, the county that contains the largest
18 population, as determined by the most recent federal decennial
19 census, among those counties that are required to prepare a
20 translation of ballot materials into the same language other than
21 English shall prepare the translation, or authorize the entity to
22 prepare the translation, and that translation shall be used by the
23 other county or counties, as applicable.

24 (f) Notwithstanding Section 13116 of the Elections Code, if a
25 measure proposed by the entity pursuant to this title is submitted
26 to the voters of the entity in two or more counties, the elections
27 officials of those counties shall mutually agree to use the same
28 letter designation for the measure.

29 (g) The county clerk of each county shall report the results of
30 the special election to the entity.

31 (h) (1) Notwithstanding Section 10520 of the Elections Code,
32 for any election at which the entity proposes a measure pursuant
33 to subdivision (a) of Section 64520 that would generate revenues,
34 the entity shall reimburse each county in which that measure
35 appears on the ballot only for the incremental costs incurred by
36 the county elections official related to submitting the measure to
37 the voters with any eligible funds transferred to the entity from
38 the Association of Bay Area Governments or the Metropolitan
39 Transportation Commission.

1 (2) For purposes of this subdivision, "incremental costs" include
2 all of the following:

3 (A) The cost to prepare, review, and revise the impartial analysis
4 of the measure that is required by subdivision (d).

5 (B) The cost to prepare a translation of ballot materials into a
6 language other than English by any county, as described in
7 subdivision (e).

8 (C) The additional costs that exceed the costs incurred for other
9 election races or ballot measures, if any, appearing on the same
10 ballot in each county in which the measure appears on the ballot,
11 including both of the following:

12 (i) The printing and mailing of ballot materials.

13 (ii) The canvass of the vote regarding the measure pursuant to
14 Division 15 (commencing with Section 15000) of the Elections
15 Code.

16 64522. The entity shall not do either of the following:

17 (a) Regulate or enforce local land use decisions.

18 (b) Acquire property by eminent domain.

19
20 CHAPTER 4. FINANCIAL PROVISIONS
21

22 64530. The board shall provide for regular audits of the entity's
23 accounts and records and shall maintain accounting records and
24 shall report accounting transactions in accordance with generally
25 accepted accounting principles adopted by the Governmental
26 Accounting Standards Board of the Financial Accounting
27 Foundation for both public reporting purposes and for reporting
28 of activities to the Controller.

29 64531. The board shall provide for annual financial reports.
30 The board shall make copies of the annual financial reports
31 available to the public.
32

33 PART 2. FINANCING ACTIVITIES OF THE HOUSING
34 ALLIANCE FOR THE BAY AREA
35

36 CHAPTER 1. GENERAL PROVISIONS
37

38 64600. The entity may do all of the following:

39 (a) (1) Raise and allocate new revenue by placing on the ballot
40 in all or a subset of the nine counties in the San Francisco Bay area

1 various funding measures, including through the following funding
2 mechanisms:

3 (A) A parcel tax.

4 (B) A commercial linkage fee that is either of the following:

5 (i) A variable rate fee assessed on new construction, providing
6 a credit for a project in a local jurisdiction with an existing linkage
7 fee program.

8 (ii) A flat rate fee assessed on new construction.

9 (C) A gross receipts tax with variable rates according to business
10 sector with an exemption for small businesses.

11 (D) A business tax based upon the number of employees
12 assessed at a variable rate with an exemption for small businesses.

13 (E) One-half of one cent (\$0.005) increase in sales tax.

14 (F) A general obligation bond to be funded by an ad valorem
15 tax on the assessed value of local properties.

16 (G) A revenue bond.

17 (2) It is the intent of the Legislature that the funding measures
18 authorized by this subdivision distribute the responsibility of
19 addressing the affordable housing needs of the region across
20 commercial developers, businesses above a certain size, taxpayers,
21 and property owners within the region.

22 (b) Incur and issue indebtedness and assess fees on any debt
23 issuance and loan products for reinvestment of fees and loan
24 repayments in affordable housing production and preservation.

25 (c) Allocate funds to the various cities, counties, and other public
26 agencies and affordable housing projects within its jurisdiction to
27 finance affordable housing development, preserve and enhance
28 existing affordable housing, and fund tenant protection programs,
29 pursuant to this title, in accordance with applicable constitutional
30 requirements.

31

32 CHAPTER 2. EXPENDITURES

33

34 64610. (a) Revenue generated pursuant to Section 64600 shall
35 be used for the construction of new affordable housing, affordable
36 housing preservation, tenant protection programs, and general
37 funds made available to local jurisdictions as an incentive to
38 achieve affordable housing benchmarks to be established by the
39 entity. Subject to funding eligibility and subject to adjustment
40 pursuant to subdivision (b), the entity shall distribute the total

1 funds for the region over a five-year period commencing after
2 revenue is approved by voters as follows:

3 (1) A minimum of 60 percent for production of housing units
4 affordable to lower income households.

5 (2) A minimum of 5 percent and a maximum of 10 percent for
6 tenant protection programs. The entity shall give priority to tenant
7 protection programs that have flexible funding sources. Funding
8 for tenant protection programs may be used for any of the
9 following:

10 (A) Providing access to counsel for tenants facing eviction.

11 (B) Providing emergency rental assistance for lower income
12 households.

13 (C) Providing relocation assistance for lower income households.

14 (D) Collection and tracking of information related to
15 displacement risk and evictions in the region.

16 (3) A minimum of 15 percent and a maximum of 20 percent for
17 preservation of housing affordable to low- or moderate-income
18 households.

19 (4) A minimum of 5 percent and a maximum of 10 percent for
20 general funds awarded to a local government that achieves
21 affordable housing benchmarks established by the entity.

22 (b) The entity may lower the minimum distribution in paragraph
23 (1), (2), ~~(3)~~ (3), or (4) of subdivision (a) if it adopts a finding
24 pursuant to this subdivision that the minimum funding amount
25 exceeds the region's needs. The finding shall be placed on a
26 meeting agenda for discussion at least 30 days before the entity
27 adopts the finding.

28 (c) The entity may allocate funds directly to a city, a county, a
29 public entity, or a private project sponsor.

30 (d) (1) Subject to paragraph (2), the entity shall distribute funds
31 so that an amount equal to or greater than 75 percent of the revenue
32 received from a county over a five-year period through funding
33 measures authorized by subdivision (a) of Section 64600 is
34 expended in the county.

35 (2) (A) A county may request to administer all or a portion of
36 the funds required to be expended in the county pursuant to
37 paragraph (1). The entity shall approve, deny, or conditionally
38 approve the request based on factors, including, but not limited
39 to, whether the county has a demonstrated track record of
40 successfully administering funds for the purposes listed in

1 subdivision (a) and has sufficient staffing capacity to conduct the
2 work effectively.

3 (B) The entity shall distribute funds to a county based on an
4 expenditure plan submitted by the county and approved by the
5 entity. A county's proposed expenditure plan may contain funding
6 amounts different than those listed in subdivision (a). In approving
7 a county's expenditure plan and allocating funds, the entity may
8 adjust the funding amounts to ensure compliance with subdivision
9 (a).

10 (C) If funds provided to a county for administration pursuant
11 to this subparagraph (A) are not committed within three years of
12 collection, the county shall return the funds to the entity.

13 (e) The entity may expend up to 3 percent of funds for program
14 administration.

15 64611. The entity shall monitor expenditures in coordination
16 with local jurisdictions.

17 64612. To ensure oversight and accountability, the entity shall
18 provide an annual report on expenditures which shall include a
19 tracking of projects funded and the extent to which the minimum
20 targets in subdivision (a) of Section 64610 were achieved.

21 SEC. 2. The Legislature finds and declares that a special statute
22 is necessary and that a general statute cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the uniquely severe shortage of available
25 funding and resources for the development and preservation of
26 affordable housing and the particularly acute nature of the housing
27 crisis within the nine counties of the San Francisco Bay area region.

28 SEC. 3. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

O

FILED
OFFICE OF THE CITY CLERK
OAKLAND
19 MAY 16 PM 3:48

Approved as to Form and Legality

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

A RESOLUTION IN SUPPORT OF PROPOSED AMENDMENTS TO ASSEMBLY BILL 1487 (CHIU) TO ADDRESS FUNDING AND GOVERNANCE STRATEGIES FOR REGIONAL HOUSING SOLUTIONS

WHEREAS, according to the Urban Displacement Project at the University of California, Berkeley, 62% of low-income Bay Area households live in neighborhoods at risk of or already experiencing displacement; and

WHEREAS, the acceleration of the housing crisis is such that in 2012, a family making \$100,000 could afford the median rent in 70% of Bay Area zip codes but by 2018, that family could afford the median rent in only 18% of those same zip codes; and

WHEREAS, meaningful regional partnerships across the Bay area are needed to properly tackle the issue of housing affordability and housing creation; and

WHEREAS, AB 1487, authored by Assemblymember Chiu seeks to address this crisis by creating a regional entity and regional funding for the Bay Area; and

WHEREAS, AB 1487 would create the Housing Alliance for the Bay Area (HABA) to "authorize the entity to, among other things, raise and allocate new revenue by placing funding measures on the ballot in the 9 San Francisco Bay area counties, incur and issue indebtedness, and allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, as specified, in accordance with applicable constitutional requirements"; and

WHEREAS, the proposed entity is expected to oversee \$1.5 billion of affordable housing monies; and

WHEREAS, the goals of this legislation are important but may also have unintended consequences if not done in an inclusive and equitable manner; and

WHEREAS, on March 28th 2019, the Alameda County Transportation Commission (ACTC) voted unanimously to oppose AB 1487 unless the following three amendments were added to the bill:

- A. Language stating that the Association of Bay Area Governments (ABAG) will be the named governing entity to administer the funds;
- B. Language stating that funding sources will specifically allow revenue raising options to come from a jobs/housing imbalance fee;
- C. Language stating that no less than 50% of revenue be allocated regionally instead of remaining in the county of origin; and

WHEREAS, the proposed legislation provides for an unnamed group of individuals to administer billions in tax payer money; and

WHEREAS, the creation of a new entity would require expenditure of time and money; and

WHEREAS, one of the key factors in our housing crisis is the imbalance of job creation to housing units, where areas like Silicon Valley create numerous jobs for every housing unit thereby creating unsustainable development and increasing traffic congestion and worsening the housing crisis throughout the region, and it is paramount to reward cities that address their jobs/housing balance and deter displacement; now, therefore, be it

RESOLVED: That the Oakland City Council hereby requests the following three amendments to AB 1487 (Chiu) to provide equity in representation and effectiveness in investment of revenue, including:

- A. Define the Association of Bay Area Governments as the governing entity to administer the San Francisco Bay Area Regional Housing Finance Act;
- B. Weight the allocation and generation of revenue based on a jobs/housing imbalance ratio. Funding sources should specifically allow revenue raising options to come from a jobs/housing imbalance fee, whereby those cities and counties that have a more balanced jobs/housing ratio are rewarded;
- C. Specify that not less than 50% of revenue be allocated regionally; and be it

FURTHER RESOLVED: That the Oakland City Council urges the California State Legislature to support changes to this legislation to include the aforementioned amendments; and be it

FURTHER RESOLVED: That the Oakland City Council requests that the City Administrator transmit a copy of this Resolution to the following: City of Oakland's legislative representatives including Senator Nancy Skinner, Assemblymember Rob Bonta, Assemblymember Buffy Wicks; Governor Gavin Newsom; President Pro Tem of the California Senate Toni Atkins; Assembly Speaker Anthony Rendon; to the Author, David Chiu, and to the lobbyist for the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California