

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

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**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022, A PROPOSED ORDINANCE TO AUTHORIZE THE CITY OF OAKLAND TO DEVELOP, CONSTRUCT, OR ACQUIRE UP TO 13,000 LOW RENT SOCIAL HOUSING UNITS IN THE CITY UNDER ARTICLE 34 OF THE CALIFORNIA CONSTITUTION, AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION**

**WHEREAS**, the State of California and the City of Oakland continue to experience an unprecedented housing crisis; and

**WHEREAS**, a growing number of Oakland residents are facing difficulties meeting their housing needs due to economic insecurity, unemployment, and displacement, which has been further exacerbated by the COVID-19 pandemic; and

**WHEREAS**, 60% of Oakland residents are renters and vast majority are rent burdened because the cost of living has gone up exponentially, while wages have stagnated, forcing people to dedicate a large portion (over 30%) of their income towards housing costs; and

**WHEREAS**, a 2020 study of Housing Vulnerability in Oakland, conducted by the University of Pennsylvania's Housing Initiative (HIP), in partnership with the City of Oakland's Department of Housing and Community Development found that 51% of renter households make less than 50% of the Area Median Income (AMI) and most renters of color are rent burdened, making an increasing number of Oaklanders vulnerable to displacement; and

**WHEREAS**, access to low and very low-income housing is critical to ensuring that a growing number of Oakland residents are not plunged into homelessness; and

**WHEREAS**, according to the City's Housing Element Annual Progress Report for 2020, the City has met only 43% of its Regional Housing Needs Allocation (RHNA) goals for very low-income housing, and 25% of its RHNA goals for low-income housing; and

**WHEREAS**, the December 2021 RHNA allocation plan for the Bay Area for 2023-2031 concluded Oakland needs 6,511 units of very low-income housing, and 3,750 units of low-income housing; and

**WHEREAS**, in order to capture the deficit from Oakland's current RHNA cycle allocation for low-income and very low-income housing and capture the allocations for the next cycle (2023-2031), approximately 13,000 such units are needed; and

**WHEREAS**, in 1950 California voters approved a measure that added Article 34 (XXXIV) to the California Constitution, prohibiting the development, construction, or acquisition of publicly funded low rent housing projects without majority approval by the electors of a city or county; and

**WHEREAS**, Article 34 is a reactive measure that sought to maintain the status quo of housing segregation in light of the adoption of the Federal Housing Act in 1949, which banned explicit racial segregation in public housing; and

**WHEREAS**, Article 34 continues to be a barrier to the development of much needed low rent housing across our State; and

**WHEREAS**, under Article 34 of the California Constitution, the City of Oakland cannot develop, construct, or acquire low rent social housing units, or assist such housing development, without voter authorization, unless exempt; and

**WHEREAS**, for purposes of this Resolution, social housing describes housing units that would accommodate extremely low-income, very low-income, and low-income residents, and that are owned and managed by the City or by an affordable housing provider with development or acquisition assistance from the City; now, therefore be it

**RESOLVED:** That the Oakland City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

**FURTHER RESOLVED:** That the Oakland City Council does hereby submit to qualified voters in the City, at the November 8, 2022 General Municipal Election, an Ordinance that reads as follows:

**THE CITY COUNCIL AND PEOPLE OF THE CITY OF OAKLAND DO ORDAIN AS FOLLOWS:**

Section 1. Article 34 Authorization. Consistent with Article 34 of the California Constitution, the voters authorize the City of Oakland (the "City") to develop, construct, or acquire up to 13,000 low rent residential units in social housing projects within the City for the purpose of providing affordable rental housing to households and individuals with low incomes or below. Subject to applicable laws, the City is further authorized to take any actions necessary to implement this Ordinance, including, but not limited to, causing or assisting private sponsors to develop said housing. This Ordinance shall not take effect if Article 34 of the California Constitution is repealed by a vote of the People of California before the effective date of this Ordinance.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Ordinance.

; and be it

**FURTHER RESOLVED:** That each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

A PROPOSED ORDINANCE TO AUTHORIZE THE CITY OF OAKLAND TO  
DEVELOP, CONSTRUCT, OR ACQUIRE LOW RENT SOCIAL HOUSING UNITS  
MEASURE \_\_\_\_\_

<p>Measure____. Shall the Measure to authorize the City of Oakland to develop, construct, or acquire, or assist the development of, up to 13,000 low rent residential units in social housing projects within the City for the purpose of providing affordable rental housing be adopted?</p> <p><b>[FINAL QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]</b></p>	<p><b>Yes</b></p>	
	<p><b>No</b></p>	

; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the “City Clerk”) at least 88 days prior to November 8, 2022, to file with the Alameda County Clerk certified copies of this Resolution; and be it

**FURTHER RESOLVED:** That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the foregoing recitals and the measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to cause the posting, publication, and printing of notices, pursuant to the requirements of the Charter of the City of

Oakland, Chapter 3.08 of the Oakland Municipal Code, the Government Code, and the Elections Code of the State of California; and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Ordinance and rebuttals, and said date shall be posted in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the November 8, 2022, General Municipal Election, and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct the General Municipal Election; and be it

**FURTHER RESOLVED:** That certain sections of the proposed Ordinance may be codified into the City of Oakland Municipal Code at the direction of the City Clerk upon approval by the voters; and be it

**FURTHER RESOLVED:** That this Resolution shall be effective immediately upon approval by five members of the Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California