

MEMO

To: Mayor Sheng Thao
Council President Nikki Fortunato Bas and Members of the City Council

From: Christopher Townsend, President, Townsend Public Affairs, Inc.
Niccolo De Luca, Vice President
Andres Ramirez, Senior Associate
Ben Goldeen, Federal Advocacy Manager
Sammi Maciel, Federal Associate
Carly Shelby, Associate

Date: January 10, 2023

Subject: Draft 2023 State and Federal Legislative Agenda

SUMMARY

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Oakland as we look ahead to 2023. TPA met with City leadership and based on those meetings has prepared a recommended State and Federal Legislative agenda for discussion and adoption. This includes the framework for legislative proposals for the 2023 legislative year, including City-sponsored legislative proposals as well as legislative and funding priorities.

The State Legislature is currently in interim recess and will reconvene on December 5th, 2022 to swear in the new Members. The 2023-24 Regular Session will begin on January 3rd, 2023. Legislators will then begin introducing new pieces of legislation as it will be the first year of the two-year legislative cycle. In Washington, DC a new Congress with slim majorities in the House of Representatives and Senate will be sworn in on January 3, 2023. The dynamics of these majorities will provide both roadblocks and opportunities to federal policymaking. Should the new Congress continue to support appropriations earmarks they will likely begin accepting requests for the Fiscal Year 2024 appropriations process as soon as March 2023. TPA has already begun to engage in policy conversations with the City's Legislative Liaisons and Representatives and will continue to have discussions in the following weeks and months leading up to the 2023 legislative session

City of Oakland Legislative Priorities for 2023

This report reflects the City of Oakland's legislative agenda for 2023, but it will be necessary to remain nimble and responsive as we move through the state and federal legislative year.

In this report, TPA has included input from the Mayor, City Council, and City Administration. This report is compiled into three sections:

1. City of Oakland Specific Legislative Priorities for Sponsorship and Support;
2. State and Federal Legislative Priorities and Funding Opportunities for Monitoring; and
3. One-time State and Federal Funding Priorities for "Member Request" Consideration;

The City of Oakland also works closely with and support various measures that are of importance to our regional partners such as: Oakland Unified School District, Port of Oakland, Alameda County, Metropolitan Transportation Commission, Alameda County Transportation Commission, Oakland's transit agencies, as well as other California cities, employers, and key sectors. We

also partner with local institutions such as the Oakland Museum of California, Oakland Zoo, Chabot Space and Science Center, and others.

City of Oakland Specific Legislative Priorities

If the City Council is supportive of the proposals listed below, TPA will continue to research what can be accomplished through legislation, regulations, or direct advocacy with State/Federal agencies and other organizations.

- **Homelessness** - From our meetings with the Mayor, Council Members, and City staff this remains the top legislative and funding priority. In addition to protecting the Homeless Housing, Assistance and Prevention (HHAP) funding, other efforts include working on a permanent source of funding, additional mental health funding, operating funds for new shelters/supportive housing, efforts to approve safe injection sites, modifications to state law and possibly federal law to support Oakland programs such as safe RV parking, more Homekey funding, support for modular housing, changing how state agencies interface with homeless encampments, support efforts to provide rental support, extend the eviction moratorium, and other efforts.
- **Affordable Housing** - Possible solutions could include regulatory or legislative amendments to the CDLAC funding award process, and other efforts to support affordable housing production. In addition, legislative support may be needed to help with the acquisition and preservation of existing affordable housing stock, protections for tenants against steep rent increases and other anti-displacement tools such as Ellis Act reform, efforts to streamline affordable housing development, and changes to the process for selling auctioned property at the County.
- **Public Safety**—Greater flexibility is needed relating to various traffic responsibility and enforcement duties, such as the use of automated enforcement or traffic cameras designed and implemented with an equity impact assessment. Supporting legislative efforts to limit ghost guns, support public safety reform, and alternatives to non-emergency police response are also priorities. Continued support for the MACRO program is also a priority. Additional topics for consideration include progressive parking and traffic ticket fines and fees, accountability in management of private mobility providers and private trip data, and the civilianization of certain enforcement efforts.
- **Economic Inclusion** – Efforts could include measures to encourage investment in underserved retail corridors, and improve reporting and transparency, expanding and improving access to state and federal tax credits such as the EITC, and improving access to capital for traditionally excluded entrepreneurs. In addition, efforts could also include guaranteed income programs, First Time Homebuyer programs, helping support land trusts, support for limited equity home ownership, and other related matters.

Federal and State Legislative Monitoring and Potential Action

The following legislative priorities have been identified by the Mayor, Councilmembers, and City staff for monitoring, analysis, and potential action. The Mayor and/or City Council may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA maintains a constantly updated matrix of state and federal bills for the City of Oakland, providing additional analysis and information to inform the development of a position by the City. In addition, all the policies below will be viewed through the lens of racial inequities and how we can make the legislation stronger and more equitable.

TPA will monitor legislative activity in the following areas:

Homelessness	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Prevent displacement of tenants and residents	Funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing with operating subsidies)
Enhance transitional, deeply affordable (ELI), and permanent supportive housing opportunities	Funding for flexible rapid rehousing and emergency rental assistance that prevents homelessness
Support efforts to streamline the creation of emergency shelters and interim housing solutions	Support for more mental health and behavioral health outreach services
Support legislative efforts that make housing a human right under the State Constitution	Funding for employment, wage-earning programs for homeless people
Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds	Funding for the partnership with OUSD to create a career technical hub and educational experience pathway, which would also support TAY housing
Support efforts to identify public lands for sanctioned encampments	
Support regulations relating to RV parking and residential neighborhoods	
Support the development of new policies which better align federal requirements of Coordinated Entry Systems with the needs of people living in encampments	
Support efforts relating to job and workforce training to increase economic stability and opportunities for homeless and housing insecure residents	
Support regional legislative efforts to address poverty and homeless and work with groups such as All Home	
Planning, Housing and Land Use	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Help promote and support housing legislation that provides incentives to approve more affordable housing	Work to secure funding for the City/OUSD joint affordable housing project for the development of the Career Technical Education Hub at 1025 2nd Avenue, Oakland, for TAY Housing once approved by the District
Support efforts of CEQA streamlining for affordable housing units, especially ELI	Support funding efforts to create an emergency housing fund that can be used for bridge loans or purchase
Support housing legislation that increases greater height and density near transit and areas of job growth	Support for soft-story seismic retrofits
Support legislation that advances the creation or funding of affordable housing projects	Efforts to preserve the historic character of neighborhoods

Enhance efforts to increase low and moderate-income housing, including ensuring that the Cap and Trade funding guidelines meet the City's needs and goals	Funding opportunities for housing preservation via community ownership, land trusts, and limited equity co-ops
Support legislative efforts to encourage Universal Housing Vouchers	Support for increasing affordable housing inventory including transit oriented affordable housing
Pursue updates to the State building code, if necessary, to address non-conforming uses without causing displacement and to promote innovative forms of housing construction	Secure funding for the preservation and rehabilitation of affordable housing
Reasonable reform to CEQA to streamline development and housing opportunities	Secure funding for a first-time homebuyer's program
Support legislative and funding efforts relating to housing preservation and acquisition, especially for community land trusts	Support efforts that increase opportunities for teacher housing
Support efforts on wealth and housing preservation to help insure generational wealth	Support for funding for Accessory Dwelling Units (ADUs)
Oppose bills that threaten the use of the Low-Income Housing Tax Credit (LIHTC) or other tax financing, which includes proposals that threaten the tax-exempt status of private activity bonds, which are a prerequisite for the use of the 4% LIHTC credit	Support funding efforts at the federal government for operating subsidies for ELI units.
Support nontraditional funding opportunities to help create opportunities to either purchase or develop land, especially in impacted neighborhoods	
Support efforts to purchase real estate that is becoming available, so that corporations do not buy them first	
Support housing preservation efforts which includes community land trusts and acquisition and rehabilitation of small site projects	
Support legislative efforts that encourage first right of refusal for affordable housing development relating to county auctioned property	
Support legislative efforts to extend tenant protections and mortgage forbearance for small property owners	
Support legislative efforts that increase the definition of "workforce housing"	
Support efforts to make Cal HOME more accessible and more competitive in the Bay Area due to high costs of living and other items	
Support legislative efforts to modernize the Ellis Act and to help preserve residential hotels	
Support legislative efforts around Surplus Land Act revisions to ensure more housing comes from the various efforts	
Support efforts on housing preservation to avoid displacement and gentrification, while supporting home ownership efforts	

Support legislation that revises the Health & Safety Code to make it easier for cities to support its artistic communities, specifically the definition of joint living and work quarters to reflect how artists and creative communities live and work today.	
Support efforts to increase the number of housing vouchers for the Oakland Housing Authority	
Support legislative efforts to increase the number of project-based vouchers	
Support efforts to modernize or reform Proposition 13	
Support legislative efforts to increase the use of modular housing and other innovative construction practices	
Support legislative efforts to lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing	
Support legislative efforts that offset the costs of ADU construction	
Support efforts to lower the bond threshold from 50% to 25% for the Low-Income Housing Tax Credit (LIHTC)	
Support legislative efforts to build more limited equity housing, social housing, and first time home owner opportunities	
Support legislative efforts that provide cities more time and flexibility relating to housing element changes and streamlining efforts	

Education

<i>Policy Priorities</i>	<i>Funding Priorities</i>
Support efforts to increase funding for adult education	Support efforts to increase and ensure long term state funding for Early Childhood Education,
Support efforts to increase diversity of teacher workforce to eliminate representation gaps	Support funding for grant writing to maximize State and Federal broadband grants.
Support efforts to help support Oakland Unified School District	Support legislative efforts to increase funding for Cradle to Career strategies, supports, transparency, and accountability
Support efforts to reduce racial inequities in education and address affordability of teacher housing	Increased funding for local municipalities to address housing security and transportation costs as they relate to both educators and families
Support efforts to establish fee-waivers for people from low-income backgrounds taking required tests for Teaching Credentials	Create, enhance, or expand CDBGs for communities that organize to provide holistic supports for cradle to career

	programs, to promote, sustain and extend the scope of Promise programs across the state.
Support legislative efforts like “Make Every Financial Aid Dollar Count” and prioritize Pell grant eligible students with highest need	Increased funding for the Cal Grant to enable the award to cover a greater share of the total costs of attending community colleges, CA state universities and UCs.

Immigrant Protections	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Support Congressional efforts that would make the Deferred Action for Childhood Arrivals (DACA) program permanent, including a pathway to citizenship	Universal representation in deportation proceedings
Support access to counsel and due process for all undocumented immigrants, especially unaccompanied minors	Legal services for those seeking asylum, refugee, and other forms of protected status
Support measures that ensure all undocumented immigrants in detention facilities are held for the shortest time possible, especially for youth, elders, and those with medical conditions, and ensure an end to family separation.	Access to counsel for all unaccompanied minors
Support legislation that will close some loopholes in the state's sanctuary law	
Support measures that ensure the same quality standards exist at all facilities where immigrants are detained, including adequate health and mental health care, regardless of whether the facility is run by a government entity or a government contractor	
Oppose efforts that seek to reduce the rights of immigrants, erode legal or constitutional protections, or seek to retaliate against cities that have local “sanctuary” policies	
Economic Development/Economic Inclusion	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Bolster opportunities for entrepreneurs and small businesses to create new jobs that prioritize access to local talent and keep costs down for small business operators	Ongoing funding for the cannabis equity program to help support small businesses and equity applicants
Measures providing for new tax increment financing opportunities	Façade improvement, business assistance, and support for neighborhood commercial areas, including but not limited to the area surrounding the BRT project
Measures to improve the Opportunity Zone Program which could include a “state overlay” which includes greater equity provisions	Career Technical Education programs in fields such as construction, information technology, manufacturing, healthcare, transportation/logistics, and other growing industry sectors
Efforts to encourage the development and expansion of career technical education programs that align with	Funding for job training, placement, retention, and related services aligned to the needs of Oakland residents

quality job opportunities in local manufacturing, light industrial, bioscience, and other priority industry sectors	
Support for small business grant programs and other support	Additional funding opportunities to clean up and develop Brownfield sites
Support for asset development and financial empowerment programs, including financial education and credit repair, and additional items as they arise	
Support legislative efforts for workers protections	
Cannabis regulations/legislation/ support efforts to make it easier to pay the various state fees, reduce waste in packaging, and lower state cannabis tax rate at the retail level	
Support efforts around the Medicare for All Act	
Support a statewide single payer system that would cover all California residents regardless of immigration status.	
Support employment and workforce training opportunities to help ensure a healthy pipeline for businesses	
Support legislation relating to Online Sales Tax Distribution Formula reform	
Support ongoing efforts for Universal Basic Income	
Support efforts for cultural funding	
Support the inclusion of small businesses and individuals in the efforts of decriminalizing mushrooms and other hallucinogens	
Support changes to legislation that has been used in ADA lawsuits targeting small businesses.	
Support opportunities to reform the process for probate court or look for opportunities to make enhancements to help protect families	
Support the City's efforts when working on their annual ROPs submittal and other Successor Agency efforts	
Closely track and report back on the California Reparations Task Force which is a non-regulatory state agency established by California Assembly Bill 3121 in 2020	
Oppose proposals that cut Supplemental Nutrition Assistance Program (SNAP) spending	
Oppose federal appropriations plans that would impose across-the-board budget cuts to the federal budget, thereby imposing cuts to vital safety net programs that help low-income working families, children, seniors, students, and people with disabilities	
Infrastructure/Transportation	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Support measures affecting funding for roads, transit, "last mile" projects, and goods movement	Support efforts to secure funding for the Transforming Oakland's Waterfront Neighborhood project

Support for inclusion of affordable housing and transit-oriented development as a part of any increase in infrastructure funds or future federal infrastructure reform package	Re-Connect Oakland – 980 conversion
Support legislative efforts that would bring back a form of redevelopment for critical infrastructure and housing	Transit-oriented development projects in both residential and commercial areas
Support efforts to help commuters and increase public transportation	Safe Routes to School funding for additional school sites
Advance or support legislation that increases funding for storm drain upgrades	Increased traffic safety and sustainable transportation investments in multi-modal urban environments
Support opportunities to increase funding for Safe Routes to School	Funding for the Improvements to the Lincoln Square Recreation Center, second phase of the East Oakland Sports Complex, African American Museum and Library, Malonga Casquelourd Center, and other parks/facilities on the City's approved CIP list
Coordinate with AC Transit to monitor and support legislative efforts that would enhance transit reliability and access for Oaklanders	Funding for the Black Arts Business District
Support legislation that would remove time limit exception for disabled placards in green zones and efforts to pay for parking via mobile phones	Advocate for allowing cities a greater degree of control over project selection and delivery with federal infrastructure funds
Support legislative efforts to curb the abuse of disabled parking placards	Funding for on street and off-street parking management strategies
Support efforts to ensure that the region is getting as much support as possible and that funding programs within the federal transportation bill will support urban infrastructure projects, multi-modal projects, and projects in disadvantaged communities	Increased investments in bridges
Support the Mobility Data Specification (MDS) standards developed by the City of Los Angeles in consultation with industry to outline what data transportation technology companies should share with cities for us to better manage the public right of way	Funding for storm water enhancements due to the consent decree
Monitor legislation regarding abandoned vehicles and/or 72-hour towing policies	Help secure funding for library upgrades and enhancements
Support legislation that creates a Bay Bridge Dedicated Bus Lane	Revitalization of 7 th Street
Support efforts to improve reliability, accessibility, affordability, ridership, and funding for public transportation, with a focus on transit systems that play a vital role for underserved Oaklanders.	
Oppose efforts that create burdensome liability standards on micro mobility companies, such as AB 371 (Jones-Sawyer) introduced in 2021.	
Monitor scooter-related legislation	
Support legislation relating to abandoned autos and ensuring upstream accountability of vehicle owners	

Environment, Energy and Sustainability	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Support efforts to make Oakland the center of the Green Economy which includes more EV stations, battery production, and other efforts.	Support funding efforts for more small business support in the Green Economy
Measures pertaining to clean energy and waste reduction	Urban Forest inventory and urban greening
Measures that provide new tools and potential revenue opportunities to address illegal dumping	Funds to help address illegal dumping, littering, and graffiti
Legislation to limit and/or ban the use of neonicotinoids.	Clean energy funding
Encourage efforts relating to state funding for park maintenance	EDA brownfields cleanup for sites
Measures that would support creating and sustaining of proactive “Healthy Homes” inspection programs and programs that reduce lead exposure	Support efforts to create more funding for Community Choice Aggregation (CCA) programs
Support measures that allow cities and counties to buy and/or generate electricity for residents and businesses within their areas and oppose legislation or regulation that seeks to limit the viability of “community choice” energy programs	Support efforts to create more funding streams to support Climate Action Plans
Measures that support regional planning for a climate change strategy	Support efforts to secure EV infrastructure funding with a focus on large scale vehicles (fleet electrification)
Efforts that advance single payer health care	Funding for urban forestry, urban forestry masterplans, and ensuring the regulations ensure that lower income neighborhoods are positioned to secure more funding
Reinvigorate SB 375 to enhance sustainable community efforts	Support efforts to better maintain and clean up street medians
Some amendments to CEQA primarily focused on comprehensive vegetation management plans	
Support efforts to cut down on pollutants by requiring businesses that help with junk removal have a license	
Legislative restrictions/options to ban or restrict coal	
Support efforts to help address various regulations and efforts that impact storm drain runoff and firefighting efforts	
Support efforts to transition to green energy and upgrade infrastructure with a focus on PGE and its ownership	
Address particulate pollution by planting more trees	
Support efforts to work more closely with DTSC and EPA to address contaminated sites	
Support efforts of the Sogorea Te Land Trust to return the property to indigenous stewardship by a California Native American Tribe.	
Youth	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Measures that support youth employment and career development opportunities year round including	Youth workforce and entrepreneurship, e.g., Classroom2Careers, Mayors Summer Jobs

workforce development and entrepreneurship programs with opportunities in the restaurant industry and others	Program, and other similar efforts to provide work experience and income
Oppose cuts to Child Nutrition Programs such as the Community Eligibility Provision (CEP) that allow schools and districts with a high concentration of poverty to serve universally free meals	Support for children of incarcerated parents
Measures that support trauma intervention and advancement of trauma-informed care, holistic strategies that support vulnerable children and families with economic security, health care and wrap-around services	Trauma-informed care and efforts to address childhood trauma from violence and other adverse impacts
Support legislative efforts to create more housing for commercially and sexually exploited children (CSEC) and eliminate restrictions on funding (e.g., no caps on lengths of stay)	Reduction of lead exposure and increased lead level testing for children
Support legislative efforts to support homeless children gain access to Head Start and other related programs as they are currently penalized for not having a physical address	
Support legislative effort to enhance prevention education for CSEC (e.g., recognizing signs of trafficking)	
Support legislative efforts of decriminalizing young women and men involved in human trafficking	
Public Safety	
<i>Policy Priorities</i>	<i>Funding Priorities</i>
Support disaster preparedness efforts such as wildfires and seismic safety	Re-entry and anti-recidivism programs to support rehabilitation of ex-offenders (Proposition 47 funds)
Measures that reduce and more strictly control access to guns, ammunition, and gun devices that alter the performance of a weapon	Support for the Wildfire Assessment District and other urban forestry efforts
Support access to high quality re-entry and rehabilitation programs in all state and federal prisons	Ongoing support for the Cease Fire program, MACRO, and other violence prevention services
Measures that provide support to victims of trafficking for sex or labor.	Expansion of the crime lab and other needed public safety facilities (e.g., new Police Administration Building, driving training facility)
Policies for body camera usage and data storage	Support funding and other opportunities to address domestic violence
Criminal justice reform such as allowing parolees to vote	Support funding opportunities for traffic enforcement efforts
Support automated speed enforcement legislation and to seek alternatives to sworn traffic/parking enforcement	Support funding opportunities for violence reduction that involve stipends and economic incentives
Support efforts to stop ghost guns or to push to have serial numbers on each manufacturing packet	Work towards funding to address backlog of bullet tracing
Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on others before they are at risk	Secure funding for the creation of a new fire station #4 and to repurpose its current use for other city-related services

Support efforts that reimagine public safety and incorporate community-based organizations to help address problems	Support funding opportunities for home ownership programs for law enforcement to live in the city they serve
Support legislation in line with the efforts related to the Wildfire Prevention JPA	Support funding efforts for the OPD Crime Lab and investigations
Support legislation that creates a long-term fix to Wildfire Insurance Protection	
Support legislative efforts to provide tools to cities and law enforcement relating to side show reductions	
Support efforts to enhance gun charges from violent offenders	
Support efforts to address human trafficking and the commercial sexual exploitation of children	
Support efforts to address sideshows and illegal street racing	
Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct	
Work with surrounding municipalities and other institutions to address and help maintain the urban forests	
Miscellaneous	
Support Constitutional modifications which would impact local governments, such as lowering the voter threshold to 55% for various bond issuances and local taxes	
Support measures that are of importance to our regional partners and lend opportunities to work together. Regional partners include, but are not limited to, the Oakland Unified School District, Port of Oakland, Alameda County, Metropolitan Transportation Commission, Oakland's transit agencies, other California cities, and other like-minded groups	

One Time State and Federal Funding Priorities for “Member Request” Consideration

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last year. As an example, there is the possibility of an increase in federal infrastructure grants being available in 2022 should Congress pass the two pending infrastructure bills. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as “Member Requests” or “Congressionally Directed Spending”, along with competitive grant applications. As it relates to the competitive grant applications, TPA will immediately notify the city of funding opportunities as they arise.

As it relates to state and federal “Member Requests”/“Congressionally Directed Spending”, our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City’s projects fit the eligibility requirements of the various state and federal funding sources.

These buckets include:

- *Affordable Housing/Homelessness* which could include funding for gap funding for affordable housing projects on the New Construction Pipeline list, funding for the City's Acquisition and Conversion to Affordable Housing (ACAH) Program, teacher housing/workforce housing, mental health services, encampment management, and other related items.
- *Reimagining Public Safety* which could include funding for violence prevention efforts and ambassadors, wildfire prevention and other urban forestry efforts, tracing of ghost guns, mental health support based on equity, resource allocation for the formally incarcerated for successfully transitioning home, and other related items.
- *Infrastructure Improvements* which could include funding for enhancements to the Transforming Oakland's Waterfront Neighborhood project, the Coliseum project area, the replacement and repurposing of Fire Station #4, active transportation enhancements, broadband funding to help address the digital divide, Oak Knoll freeway exit/on ramp improvements, and other related items.
- *Economic Development* which could include funding for small business support, job training programs, career technical training, expansion of guaranteed income and other related efforts.
- *Climate Resiliency* which could include funding for urban forestry interface, cooling centers, HVAC upgrades, and other related items.

