

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB

RESOLUTION TO OPPOSE SB 937 (WIENER) UNLESS AMENDED TO ENSURE IMPACT FEES FROM MARKET RATE HOUSING DEVELOPMENT PROJECTS ARE PROVIDED EARLIER THAN THE CERTIFICATE OF OCCUPANCY TO FACILITATE PRODUCTION OF AFFORDABLE HOUSING

WHEREAS, the City of Oakland supports the overall goal of this bill to create better conditions for the production of housing; and

WHEREAS, this bill extends project entitlements and defers local jurisdictions' collection of development fees; and

WHEREAS, the City of Oakland, other Bay Area cities, and cities across California are experiencing a housing affordability and homelessness crisis; and

WHEREAS, it is important for cities like Oakland to build more housing—particularly below market rate housing—in order to stem displacement and soaring costs; and

WHEREAS, it is especially important for cities like Oakland to produce affordable and deeply affordable housing for low-income and homeless communities; and

WHEREAS, impact fees paid to the City of Oakland by market rate developers provide a crucial source of subsidy for affordable housing developers; and

WHEREAS, impact fees are an important source of funding that the City of Oakland uses to generate affordable housing; and

WHEREAS, between July 2018 and June 2023, we collected \$35.8 Million in impact fees for affordable housing; and

WHEREAS, currently in the City of Oakland, we collect 50% of the impact fee at building permit issuance and 50% at temporary certificate of occupancy or certificate of occupancy; and

WHEREAS, this collection schedule allows the City of Oakland to put these funds to use more quickly; and

WHEREAS, these funds make up an incredible 44% of our City’s Affordable Housing Trust Fund; and

WHEREAS, among the organizations also oppose the bill unless amended or have expressed reservations about the bill, include: California Special Districts Association, East Bay Housing Organizations (EBHO), and the L.A. Unified School District; and

WHEREAS, Oakland-based organization EBHO opposes the legislation unless amended for the same reasons as the City of Oakland; and

WHEREAS, the Oakland City Council believes strongly that “fees or charges on the residential development for the construction of public improvements or facilities” should not include affordable housing impact fees that are levied on market rate units; now, therefore, be it

RESOLVED: That the City of Oakland does not support the passage of SB 937 unless amended to state: “For purposes of this subdivision, “fees or charges on the residential development for the construction of public improvements or facilities” does not include impact fees that a local agency may impose on unrestricted units in a market rate housing development project for the purpose of constructing, acquiring or otherwise facilitating the creation, expansion or preservation of affordable housing; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator or his designee to immediately distribute this Resolution upon its adoption to Governor Gavin Newsom, State Senator Scott Wiener and Assemblymembers Buffy Wicks and Mia Bonta.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California