



Office of the Mayor

## SUPPLEMENTAL AGENDA MATERIAL

**Meeting Date:** December 14, 2021

**Item Number:** # 7

**Item Description:** City of Berkeley's 2022 State and Federal Legislative Platform

**Supplemental/Revision Submitted By:** Mayor Arreguin

**“Good of the City” Analysis:**

*The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.*

The Mayor is proposing changes to the draft Legislative Platform to reflect Council direction at the November retreat and clarify language.

***Consideration of supplemental or revised agenda material is subject to approval by a two-thirds vote of the City Council. (BMC 2.06.070)***

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



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**MEMORANDUM**

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**To:** The Honorable Jesse Arreguin and Members of the Berkeley City Council  
**CC:** Dee Williams-Ridley, City Manager

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

**Date:** November 5, 2021  
**Subject:** UPDATED 2022 State and Federal Legislative Agenda

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Townsend Public Affairs, Inc. (TPA) has prepared this initial draft for the City of Berkeley as we move forward to adopt the City's state and federal legislative platform.

The City's legislative platform for 2022 will reflect the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City's adopted goals. Once adopted, this blueprint will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress and the Biden Administration. However, it will be necessary to remain nimble and responsive as we move through the legislative year. Our legislative agenda will be fluid as some issues will be addressed with introduced legislation.

**Proposed Legislative Priorities for 2022**

The State Legislature is currently in interim recess and will reconvene on January 3, to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be like bills that did not advance in 2021, the second year of the two-year legislative cycle. In Washington, DC Congress will begin accepting earmark requests for the Fiscal Year 2023 appropriations process as soon as February 2022.

While the 2021 legislative session faced COVID related disruptions, major pieces of legislation were signed into law. It is expected that in 2022 the State Legislature will maintain its focus on its recent priorities, including the following topics below.

- **Affordable housing**
- **Climate change**
- **COVID -19 recovery**
- **Homelessness**
- **Housing**
- **Privacy and Technology**
- **Transportation and Related Infrastructure**
- **Wildfire prevention**

**Federal and State Legislative Monitoring and Potential Action**

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The 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 legislation and in years past have presented recommendations after session has started then providing rolling updates. TPA will monitor legislative activity in the following areas.

<b>Homelessness</b>
<p><u>Policy Priorities:</u></p> <ol style="list-style-type: none"> <li>1) Prevent displacement <u>of tenants and residents</u></li> <li>2) <del>Enhance</del> <u>Expand</u> emergency, transitional, and permanent housing opportunities</li> <li>3) Support legislative efforts that <del>will</del> require counties to partner with cities when receiving direct allocation of homeless funds and have a regional focus <u>in the expenditure of state funds</u></li> <li>4) Support legislative efforts that will allocate State homeless dollars such as the HHAP program and others, based off city point-in-time <u>count</u> numbers</li> <li>5) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs <u>for housing placements</u></li> <li><u>6) Support legislative efforts that have a focus on keeping people in housing, once placed, for many years</u></li> <li><u>7) Declare all jurisdictions to be in a shelter crisis if unsheltered homeless populations are larger (as percent of their total homeless population) than the national average outside of California. This would immediately expand the benefits of AB 2553 statewide, rather than to jurisdictions willing to opt-in.</u></li> <li><u>6)8) Extend the provisions of AB 2553 to shelters located on private property. Many emergency shelters in California are operated on private property, which excludes them from the provisions of AB2553.</u></li> </ol>
<p><u>Funding Priorities:</u></p> <ol style="list-style-type: none"> <li>1) Continue the state-funded emergency rent and utility assistance program for those at-risk of becoming homeless</li> <li>2) <u>Expand</u> <del>F</del>unding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), non-congregate shelters and emergency shelters, as well as operating costs for permanent <u>supportive</u> housing</li> <li>3) Funding for permanent housing interventions that reduce and prevent homelessness</li> <li>4) Support for more mental health and behavioral health outreach services; incentivize County provision of In-Lieu of Services in the CalAIM system change</li> <li>5) Funding for targeted homeless prevention programs that provide financial assistance, legal and housing navigation services</li> <li>6) Funding for employment, wage-earning programs for homeless people</li> <li>7) Funding for substance abuse services</li> <li>8) Support funding efforts for non-congregate shelter such as Safe Parking programs and allow existing rent subsidies sources to be used to subsidize the rent at these programs</li> <li>9) Support funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing) and emergency shelters, as well as operating costs for permanent housing</li> <li>10) Investment in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities</li> </ol>
<b>Housing</b>
<p><u>Policy Priorities:</u></p>

- 1) Help promote and support housing legislation to enable the construction of that provides incentives to approve more housing at various income levels; fight to appeal-repeal Article 34
- 2) Support legislation that advances the creation or funding of affordable housing projects
- 3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction
- 4) Reasonable reform to CEQA to streamline development and housing opportunities
- 5) Support legislative and funding efforts relating to housing preservation and acquisition and operation
- 6) Support legislative efforts to protect tenants and small property owners impacted by the COVID-19 pandemic which includes residential lease terminations
- 7) Support legislative efforts to extend the State rent relief program and to bring back the eviction moratorium/eviction protections
- 8) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
- 9) Support legislative efforts to expand or modernize repeal or reform the Ellis Act and the Costa-Hawkins Rental Housing Act
- 10) Work with UC Regents to help support more opportunities for student housing
- 11) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
- 12) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
- 12)13) Seek amendments to ADU legislation to establish additional conditions/protections on ADU construction in high fire hazard zones

Funding Priorities:

- 1) Support for soft-story seismic retrofits
- 2) Funding support for housing programs that advance racial equity
- 3) Funding for innovative programs to prevent displacement and address hazardous housing conditions
- 4) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
- 5) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
- 6) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
- 7) Expand funding for affordable housing on transit agency sites
- 8) Support funding for remediation of hazardous sites (to make viable for housing)
- 9) Support efforts to create more student housing funding opportunities

**Economic Development**

Policy Priorities:

- 1) Support and funding for arts and cultural spaces, arts education, and outdoor commerce
- 2) Measures providing for new tax increment financing opportunities (i.e., business district establishment or Enhanced Infrastructure Financing Districts) to support commercial districts as well as infrastructure and affordable housing
- 3) Efforts to encourage the development of sectors (and real estate sites) that align with quality job opportunities in local manufacturing, light industrial, bioscience, research and development, and other priority industry sectors. This includes environmental remediation of large industrial sites for redevelopment into research and development and/or life sciences use
- 4) Cannabis Tax reform which includes lowering taxes and tax simplification
- 5) Support efforts to address the digital divide
- 6) Support legislation relating to Online Sales Tax Distribution Formula reform

- 7) Support legislative and other efforts for programs that create pathways out of poverty, including guaranteed income programs
- 8) Support legislative efforts to create and expand public banking s

Funding Priorities:

- 1) Support for small business recovery, tourism/visitor recovery and other business sectors deeply impacted by the COVID-19 pandemic
- 2) Support funding for environmental remediation at the Pacific Steel site and other toxic sites throughout the City
- 3) Support funding for the seismic retrofit and renovation public landmark buildings s (Civic Center, Veterans Building and Civic Center Plaza revitalization)
- 4) Loan access for minority- and women-owned businesses who experience difficulties in accessing loans from private banks

**Infrastructure**

Policy Priorities:

- 1) Support developing ~~advanced technological~~ climate smart, resilient infrastructure to address growing climate threats ~~and address deferred maintenance as well as expanded initiatives~~
- 2) Funding for programmatic implementation of hardware and software to ensure security
- 3) Funding for programmatic initiatives to advance use of technology in partnership with delivering cutting edge and strategic programs
- 4) Funding for upgrading and updating outdated technological infrastructure
- 5) Measures affecting funding for roads, transit, “last mile” projects and goods movement as well as alternative modes of transportation (bikes, ebikes, scooters, etc.), and support the needs of the disabled community
- 6) Support efforts to help commuters and increase public transportation
- 7) Measures that tax ride sharing networks and help reduce vehicle congestion
- 8) Measures that support data sharing of TNCs with local government
- 9) Support regional transportation projects that would provide a benefit to the City and surrounding communities
- 10) Support for public infrastructure in the Waterfront including Pier and Marina, as well as other public buildings and projects including Maudelle Shirek (Old City Hall), Veterans Building, African American Holistic Resource Center, and San Pablo Park and Pool
- 11) Increasing resiliency of public infrastructure from threats of climate change
- 12) Support for public infrastructure that supports ADA access to all City facilities including buildings, Right of Way, and Parks
- 13) Support equity in infrastructure by improving City facilities and amenities in South and West Berkeley

Funding Priorities:

- 1) Increased funding for bicycle and pedestrian safety improvements
- 2) Increased funding for utility undergrounding
- 3) Increased funding to address the wildland urban interface and fire safety
- 4) Funding to electrify and add e-charging in public facilities and for the public fleet and to provide public e-charging stations
- 5) Funding for the Safe Routes to School program
- 6) Funding for improving, restoring, and enhancing public infrastructure including landmark sites (e.g., Maudelle Shirek) and the Berkeley Marina and Piers area
- 7) Funding for lifting equity through an African American Holistic Resource Center
- 8) Funding to enhance and build ~~low income neighborhood~~ recreation facilities to address neighborhood youth engagement and enrichment. (i.e., San Pablo Park and Pool)
- 9) Funding for cyber security and necessary, related technological improvements
- 10) Funding for riding transit especially when linked to housing

### Public Safety

#### Policy Priorities:

- 1) Support automated speed enforcement legislation and to seek alternatives to sworn traffic/parking enforcement
- 2) Support disaster preparedness, training, response, and resilience efforts
- 3) Criminal justice reform
- 4) Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on other individuals before they are at risk
- 5) Support efforts that reimagine public safety and incorporate community-based organizations to help address problems
- 6) Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct
- 7) Support legislative efforts that seek to legalize safe crossings for pedestrian's aka 'jaywalking', allows cyclists to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-hand turn, and other related efforts
- 8) Support legislative modifications to the CalVIP program to help cities such as Berkeley
- 8)9) Support legislation and funding to improve fire safety

#### Funding Priorities:

- 1) Support funding opportunities for alternative traffic enforcement efforts
- 2) Support funding opportunities for violence prevention services
- 3) Support funding opportunities for dispatch and service redesign or expansion
- 4) Support wildland fire mitigation grants to support home hardening, vegetation management and suppression and response such as low or no-interest loan/grant programs to assist homeowners in clearing hazardous vegetation and hardening homes in high fire hazard zones
- 5) Support funding opportunities for community paramedicine and alternative destination protocols
- 6) Support funding/resources for analysis, development and implementation of road network for wildfire evacuation programs
- 7) Support funding for park access and ADA amenities
- 8) Support funding for law enforcement engagement and community-centered collaborative approaches in support of reimagining public safety efforts (Specialized Care Unit)

### Sustainability and the Environment

#### Policy Priorities:

- 1) Support legislative efforts to incentivize Low-Carbon Construction: ability to and tools for incentivizing lower-carbon construction with fees from higher-carbon construction projects.
- 2) Support legislative efforts relating to electric bicycles: legislation to subsidize electric bicycle purchase, in coordination with electric vehicle subsidies.
- 2)3) Support legislative efforts to expand funding for electric vehicle charging in the public right of way
- 3)4) Measures that provide new tools and potential revenue opportunities to address illegal dumping
- 4)5) Measures that support regional planning for a climate change strategy which includes sea level rise
- 5)6) Support efforts that enhance data sharing for utility companies

#### Funding Priorities:

- 1) Support technological advancements that reduce our draw on paper and nonrenewable resources
- 2) Support development of software infrastructure to support current and emerging initiatives in the most sustainable way possible

- 3) Funding for enhancing capacity in Information Department to support ongoing movement towards sustainable systems that require forward thinking processes and modern technological systems
- 4) Support funding to address sea level rise along waterfront and Aquatic Park (inclusive of state lands)
- 5) Support funding for electrification and seismic retrofitting of care and shelter facilities
- 6) Support for reaching Climate Action Plan, Clean Water, and Resilience Plan goals
- 7) Support funding for Zero Waste efforts
- 8) Support funding for more EV charging stations at apartments and elsewhere

**Health**

Policy Priorities:

- 1) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds
- 2) Support legislative and other efforts to keep Alta Bates Hospital open and operating as an emergency and acute care hospital
- 3) Support legislative efforts that support and increase psychiatric care facilities and acute care facilities
- 4) Support legislative efforts to protect the rights of women and reproductive health
- 5) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings
- 6) Support legislative efforts that existing mental health and substance programming prioritize people who are referred by the homeless system
- 7) Support legislative efforts that soften data sharing constraints at the Federal level: HIPAA contains broad information-sharing allowances among “treatment providers” for the purposes of “care coordination”—issue guidance defining homeless encampment or homeless-serving teams as “treatment providers” and making it clear that information can be shared on a need-to-know basis
- 8) Support legislative efforts related to oversight of guardians, receivership, and other forms of care

Funding Priorities:

- 1) Support funding and regulatory changes to advance for emergency readiness, particularly in relation to public health
- 2) Support funding efforts relating to mental health treatment, substance abuse treatment, and other related services

**Miscellaneous**

Policy Priorities:

- 1) Support legislative efforts to make changes to the Brown Act to help encourage greater public participation and further encourage online meetings
- 2) Support legislative efforts to address the way ballot measures are formulated, worded, and advertised
- 3) Support funding for emergency readiness, particularly in relation to public health

**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”.

As it relates to state and federal “Member Requests”/ “Congressional 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 to reduce unsheltered homelessness including outreach and mental health services, for encampment efforts, non-congregate shelter, mental health efforts, housing subsidies and gap funding for affordable housing projects including new construction and acquisition and rehabilitation of housing.
- *Infrastructure Improvements* which could include funding for enhancements to the Berkeley Marina and Piers, active transportation enhancements which includes bicycle and pedestrian upgrades, and other related items.
- *Climate Resiliency* which could include funding for urban forestry interface, wildfire prevention, cooling centers, HVAC upgrades, and other related items.

### **Process for Reporting/Next Steps**

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess, during July while they are on Summer Recess, and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA will provide monthly updates which can be shared with the City Council.