



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting Thursday, March 2, 2023 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Mike Uberti, Secretary HAC@cityofberkeley.info
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Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Health and Safety Protocols for In-Person Commission Meetings – All/Staff**
(Attachment 1)
3. **Land Acknowledgement**
4. **Agenda Approval**
5. **Public Comment**
6. **Approval of the February 2, 2023 Regular Meeting Minutes** (Attachment 2)
7. **Recommend Draft HOME-ARP Allocation Plan (PY21 Annual Action Plan Substantial Amendment) for City Council Approval – All/Staff** (Attachment 3)
8. **Discussion and Possible Action Fair Access and Transparency in the Residential Application Process Study Session – Commissioner Simon-Weisberg** (Attachment 4)
9. **Update on Council Items (Future Dates Subject to Change)**
 - a. **Affordable Housing Preference Policy for Rental Housing Created Through Below Market Rate Housing Trust Fund Programs (2/21/2023)** (Attachment 5)
 - b. **Citywide Affordable Housing Requirements (2/14/2023)**
 - c. **Referral Response: Home Share Program (2/14/2023)** (Attachment 6)
10. **Announcements/Information Items**
 - a. **Housing Element Update**

11. Future Items

- a. April Meeting Reschedule

12. Adjourn

Attachments

1. Mark Numainville, City Clerk, Update- Health and Safety Protocols for In-Person Commission Meetings
2. Draft February 2, 2023 Regular Meeting Minutes
3. Joshua Oehler, HHCS, Recommend Draft HOME-ARP Allocation Plan (PY21 Annual Action Plan Substantial Amendment) for City Council Approval
4. Commissioner Simon-Weisberg, Fair Access and Transparency in the Residential Application Process Study Session
5. Affordable Housing Preference Policy for Rental Housing Created Through Below Market Rate Housing Trust Fund Programs
6. Referral Response: Home Share Program

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023

The policy below applies to in-person meetings of Berkeley Boards and Commissioners held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

Issued By: City Manager's Office

Date: February 14, 2023

I. Vaccination Status

All attendees are encouraged to be fully up to date on their vaccinations, including any boosters for which they are eligible.

II. Health Status Precautions

For members of the public who are feeling sick, including but not limited to cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, it is recommended that they do not attend the meeting in-person as a public health precaution. In these cases, the public may submit comments in writing in lieu of attending in-person.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to wear a well-fitting mask (N95s, KN95s, KF94s are best), test for COVID-19 3-5 days from last exposure, and consider submitting comments in writing in lieu of attending in-person.

Close contact is defined as someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane, etc., for a cumulative total of 15 minutes or more over a 24-hour period within 2 days before symptoms of the infected person appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign-in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

Members of City Commissions are encouraged to take a rapid COVID-19 test on the day of the meeting.

Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023

III. Face Coverings/Mask

Face coverings or masks that cover both the nose and mouth are encouraged for all commissioners, staff, and attendees at an in-person City Commission meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of Commissions, city staff, and the public are encouraged to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium, although masking is encouraged even when speaking.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. Capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

Distancing will be implemented for the dais as space allows.

V. Protocols for Teleconference Participation by Commissioners

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for Commissioners participating remotely due to an approved ADA accommodation. For Commissioners participating remotely, the agenda must be posted at the remote location, the remote location must be accessible to the public, and the public must be able to participate and give public comment from the remote location.

- A Commissioner at a remote location will follow the same health and safety protocols as in-person meetings.
- A Commissioner at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

Air filtration devices are used at all meeting locations. Window ventilation may be used if weather conditions allow.



Housing Advisory Commission

HOUSING ADVISORY COMMISSION
Thursday, February 2, 2023

Draft Minutes

Time: 7:03
Held via Video and
Teleconference

Secretary – Mike Uberti
HAC@cityofberkeley.info

1. Roll Call

Present: Sara Fain, Xavier Johnson, Libby Lee-Egan, Mari Mendonca, Deborah Potter, Ainsley Sanidad.

Absent: Nico Calavita (Excused), Alexandria Rodriguez (Unexcused), Simon-Weisberg (Excused).

Staff Present: Anna Cash, Mariela Herrick, Grace Streltzov, Mike Uberti, Jenny Wyant

Commissioners in attendance: 6 of 7

Members of the public: 9

Public Speakers: 11

2. Agenda Approval

Action: M/S/C: (Potter/ Mendonca) to approve the agenda with an amendment to defer item #8 (Discussion and Possible Action Fair Access and Transparency in the Residential Application Process Study Session–) to the March HAC meeting.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, and Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon-Weisberg (Excused)

3. Public Comment

There were three speakers during public comment.

4. Approval of the November 9, 2022 Special Meeting Minutes (Attachment 1)

Action: M/S/C: (Potter/ Mendonca) to approve November 9,2022 Special Meeting Minutes.

Vote: Ayes: Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: Fain. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon- Weisberg (Excused).

5. **Officer Elections – All/Staff (Attachment 2)**

Action: M/S/C: (Mendonca/Sanidad) to elect Commissioner Deborah Potter as Chair.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon-Weisberg (Excused).

Action: M/S/C: (Potter/Fain) to elect Commissioner Mari Mendonca as Vice-Chair.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon-Weisberg (Excused).

6. **Discussion and Possible Action to Approve a Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People – All/Staff (Attachment 3)**

Public Comment: 2 speakers.

Action: M/S/C: (Mendonca/Lee-Egan) to adopt land acknowledgement recognizing Berkeley as the ancestral, unceded home of the Ohlone People and read at the start of every Housing Advisory Commission meeting.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon-Weisberg (Excused).

7. **Approve City Funding for a future Homekey Project– All/Staff (Attachment 4)**

Public Comment: 3 speakers.

Action: M/S/C: (Mendonca/ Lee-Egan) to recommend that Council approve up to \$17M in Measure P funding for both the Rodeway Inn and the Russell Street project, as well as \$1M to operate the Rodeway Inn as interim housing prior to permanent housing conversion.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon-Weisberg (Excused).

8. **Discussion and Possible Action Fair Access and Transparency in the Residential Application Process Study Session– Commissioner Simon-Weisberg (Attachment 5)**

9. Update on Council Items (Future Dates Subject to Change)

- a. Adoption of Citywide Affordable Housing Requirements (January 17, 2023)
- b. Adoption of 2023-2031 Housing Element Update (January 18, 2023)
- c. Housing Preference Policy Work Session (February 21, 2023)

10. Announcements/Information Items

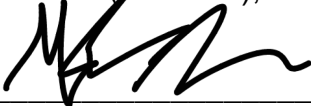
- a. Return to In-Person Meetings

11. Future Items

12. Adjourn

Action: M/S/C: (Fain/ Lee-Egan) to adjourn meeting at 8:34pm.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None. Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon- Weisberg (Excused).

Approved:  _____, Mike Uberti, Secretary



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Joshua Oehler, Community Services Specialist III, Housing and Community Services

Date: February 21, 2023

Subject: **Annual Action Plan (AAP) PY 2021 (FY22), Draft Amendment #1 – HOME-ARP**

RECOMMENDATION

Staff is requesting the Housing Advisory Commission support the staff recommendation that Council approve a substantial amendment to the PY2021 (FY22) Annual Action Plan that describes its plans to expend the one-time allocation of \$2,735,696 of the HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds.

CURRENT SITUATION

On September 20, 2021, the City of Berkeley was awarded \$2,735,696 in HOME-ARP funds as part of HUD's HOME Investment Partnerships Program (HOME) allocation for PY 2021. The City executed the grant agreement to accept these funds through Council's resolution 70,141 N.S. on December 14, 2021.

Prior to expending these HOME-ARP funds, HUD requires the City submit a HOME-ARP allocation plan to HUD as a substantial amendment to its PY2021 (FY22) annual action plan, and do so on or before March 31, 2023. Failure to submit a HOME-ARP allocation plan on or before the final submission deadline of March 31, 2023, will result in the automatic loss of their HOME-ARP allocation.

Staff recommends that the City allocate up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations.

Supportive services are defined as a) services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services")¹

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(42 U.S.C. 11360(29)); b) homelessness prevention services and c) housing counseling services.

HUD's acceptance of the City's Plan is not dependent on which supportive services the City will fund, nor which entity will deliver the services. At this time, the City continues to identify the best distribution of funds for these services. Council will have final authority on the distribution method once identified.

BACKGROUND

Consistent with the requirements in HUD implementing Notice: CPD-21-10, "Requirements for the Use of Funds in the HOME-American Rescue Plan Program", staff conducted a thorough public consultation process, including releasing a survey, conducting individual meetings, and presenting at group meetings with City agencies and community partners serving the qualifying populations. The purpose of these consultations was to fulfill the allocation plan's requirements to gather input on the unmet needs and the gaps in services for the following qualifying populations defined in the HUD HOME-ARP notice:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C.11302(a)) ("McKinney-Vento");
- At risk of homelessness, as defined in section 401 of McKinney-Vento;
- Fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking;
- Part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or
- Veterans and families that include a veteran family member that meet the criteria in one of the above.

After the consultation process, the City finalized its evaluation of the information it gathered and combined it with data describing the qualifying populations, their unmet needs and gaps in services to understand the priority needs of the qualifying populations and the eligible activities allowed in the HOME-ARP program that may best serve these needs.

The eligible activities for use of HOME-ARP funds are listed below:

- Production or Preservation of Affordable Rental Housing
- Tenant-Based Rental Assistance (TBRA)
- Supportive Services
- Acquisition and Development of Non-Congregate Shelter

After careful analysis the City decided that the best use of the funds would be in the delivery of supportive services.

The City, in its further review of the best way to distribute the funds will be mindful of an additional requirement in the use of HOME-ARP funds, which is that all qualifying populations must be eligible and have access to the HOME-ARP program. Section IV of the Notice states that “ARP requires that funds be used to primarily benefit individuals and families in the following specified ‘qualifying populations’. Any individual or family who meets the criteria for these populations is eligible to receive assistance or services funded through HOME-ARP without meeting additional criteria. If the Participating Jurisdiction (PJ) will fund only one HOME-ARP project, a PJ is not permitted to impose a limitation on the project. By imposing a limitation in its one HOME-ARP project, the PJ effectively excludes qualifying populations from its HOME-ARP program in violation of the ARP and Notice. This will lead to HUD disapproval of the PJ’s plan as inconsistent with the purposes of ARP.”

Attachments:

- *HOME-ARP Allocation Plan (Annual Action Plan (AAP) PY 2021 (FY22), Draft Amendment #1 – HOME-ARP)*

City of Berkeley HOME-ARP Allocation Plan DRAFT

Guidance

- To receive its HOME-ARP allocation, a Participating Jurisdiction (PJ) must:
 - Engage in consultation with at least the required organizations;
 - Provide for public participation including a 15-day public comment period and one public hearing, at a minimum; and,
 - Develop a plan that meets the requirements in the HOME-ARP Notice.
- To submit: a PJ must upload a Microsoft Word or PDF version of the plan into the Federal Integrated Disbursement Information System (IDIS) as an attachment next to the “HOME-ARP allocation plan” option on either the AD-26 screen (for PJs whose FY 2021 annual action plan is a Year 2-5 annual action plan) or the AD-25 screen (for PJs whose FY 2021 annual action plan is a Year 1 annual action plan that is part of the 2021 consolidated plan).
- PJs must also submit an SF-424, SF-424B, and SF-424D, and the following certifications as an attachment on either the AD-26 or AD-25 screen, as applicable:
 - Affirmatively Further Fair Housing;
 - Uniform Relocation Assistance and Real Property Acquisition Policies Act and Anti-displacement and Relocation Assistance Plan;
 - Anti-Lobbying;
 - Authority of Jurisdiction;
 - Section 3; and,
 - HOME-ARP specific certification.

Participating Jurisdiction: City of Berkeley
Consultation

Date: March 31, 2023

In accordance with Section V.A of the Notice (page 13), before developing its HOME-ARP allocation plan, at a minimum, a PJ must consult with:

- *CoC(s) serving the jurisdiction’s geographic area,*
- *homeless service providers,*
- *domestic violence service providers,*
- *veterans’ groups,*
- *public housing agencies (PHAs),*
- *public agencies that address the needs of the qualifying populations, and*
- *public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities.*

Describe the consultation process including methods used and dates of consultation:

The City sent an online survey to agencies and service providers whose clientele include the HOME-ARP qualifying populations to identify unmet needs and gaps in housing or service delivery systems, and to determine the HOME-ARP eligible activities currently taking place within the City to identify potential areas of collaboration. The survey used a template that is Section 508 and WCAG2 compliant, for accessibility. It allowed for agencies and survey providers to upload data that would help the City better understand the needs and gaps in services of the qualifying populations and provided contact information for the City to provide additional feedback. The survey was emailed to 44 agencies and service providers on January 18, 2023 and the collection period ended on January 25, 2023. Fourteen responses were received from agencies serving all four qualifying populations, including 8 respondents serving Veterans.

The City gained a greater understanding of the unmet needs and gaps in services, with respect to the qualifying populations, by meeting with individuals from agencies and service providers. These meetings were about 30 minutes in length each and occurred between February 1st and February 17th.

Finally, the City presented on the HOME-ARP program, its requirements, and opportunities, during the February 17th monthly meeting facilitated by the City, that is open to all providers of services to people experiencing homelessness.

List the organizations consulted:

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Everyone HOME	CoC Serving Berkeley QP1	Meeting (2/9/23)	There is a need for supportive services to help unhoused people meet their essential needs and for more peer-led programs
Downtown Streets Team- agency not regularly involved in CoC	Homeless Services Provider serving QP1	Meeting Request (1/27/23)	No Response
Suitcase Clinic- agency not regularly involved in CoC	Homeless Services Provider serving QP1	Meeting Request (1/27/23)	No Response
Dorothy Day House - agency not regularly involved in CoC	Homeless Services Provider serving QP1	Presentation to homeless services provider meeting (2/17/23)	No Response

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
UC Berkeley – Homeless Services	Homeless Services Provider serving QP1 not involved in CoC	Meeting (2/17/23)	There is a need for flexible and low barrier short-term motel stays and liaison services between landlords and eligible program participants
Bay Area Community Services	Homeless Services Provider Serves QP1, QP2, QP3 and QP4	Meeting (2/17/23) and Survey	There is a need for specialists and resources to address hoarding to keep people housed
Abode Services	Homeless Services Provider. Serves QP1, QP2, QP4, and Veterans	Survey	Qualifying populations need more affordable housing, income stability, housing search, health/mental health resources
Berkeley Food and Housing Project	Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans	Survey	Qualifying populations need supportive services to prevent, gain, and retain housing as well as housing opportunities.
Satellite Affordable Housing Associates	Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans	Survey	Qualifying populations need quality, affordable homes and services
Family Violence Law Center*	Domestic Violence Service Provider serving QP3	Survey	No Response
Women’s Daytime Drop-in Center	Domestic Violence Service Provider. Serves QP1, QP2, QP3, and QP4.	Meeting (2/1/23) and Survey	Priority needs are domestic violence shelter, rental assistance for QP1 & QP3, shelter staffing, and mental health staffing.
Berkeley Housing Authority	Public housing agency (PHA) serving QP1, QP2, QP3, QP4, and Veterans	Meeting (2/6/23) and Survey	Mainstream voucher holders, particularly seniors and veterans, need supportive services
Berkeley Police Department	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Meeting (11/10/21) and Survey	There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. It is not uncommon for a victim of domestic violence to have to wait two or three

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
			<p>days for a bed at a safe shelter, once they have requested it.</p> <p>When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items.</p>
Berkeley Fire Department	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Survey	No Response
City of Berkeley Mental Health Division*	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Survey	No Response
City of Berkeley - Neighborhood Services - Homeless Response Team*	Public agency that addresses the needs of qualifying populations. QP1, QP2, and QP3	Meeting (1/26/23)	Support for the unsheltered that leverages State encampment resolution funds should be a priority
City of Berkeley – Aging Services Division*	Public agency that addresses the needs of qualifying populations. QP3 and QP4	Survey	Qualifying population needs are: food, housing, socialization, long-term case management. The gaps in services are: Housing navigation, caregiving assistance, resources for severe mental health illness and substance abuse.
City of Berkeley Library Social Worker	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4	Survey	Qualifying populations need more shelter and housing resources followed by benefits and employment

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
City of Berkeley – Public Health Division	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4	Survey	No Response
Eviction Defense Center	Private organization that addresses civil rights and fair housing. Serves QP2, QP4, and Veterans.	Survey	Qualifying populations need rental assistance, financial assistance for housing stability related items, and assistance applying for affordable housing.
The Eden Council for Hope and Opportunity (ECHO Housing)	Private organizations that address civil rights and fair housing. Serves QP2 and QP4.	Meeting (2/1/23)	There will be an explosion of need for rental assistance, legal services, and housing counseling when the eviction moratorium ends
Center for Independent Living	Private organization that addresses the needs of persons with disabilities. Serve QP1, QP2, QP3, QP4, and Veterans	Meeting (2/6/23) and Survey	Flexible funding for low-cost accessibility tools like commode chairs and threshold ramps are critical for ensuring people with disabilities can access and remain in shelter and housing
Through the Looking Glass	Private organization that addresses the needs of persons with disabilities and low-income families. Serves QP1, QP2, QP3, and QP4	Survey	Families with disabilities often have difficulty finding and affording accessible housing.
Easy Does it	Private organization that addresses the needs of persons with disabilities and seniors. Serves QP2 and QP4.	Survey	Qualifying populations needs include transportation services, in-home care and assistance, assistive device repair, support to hire and maintain in-home care workers.

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Toolworks	Private organization that addresses the needs of persons with disabilities. Serves QP1, QP2 and QP4.	Survey	Qualifying populations need housing, rental subsidies, and employment assistance.
Rebuilding Together East Bay North	Private organization that addresses the needs of low-income seniors, veterans, and adults with disabilities. Serves QP2 and QP4	Survey	Service gaps include making residential bathrooms accessible for older adults and clean out services to prevent displacement
Berkeley City College Veterans Resource Center	Public organization that addresses the needs of veterans.	Meeting Request (1/31/23)	No Response
Swords to Plowshares	Public organization that addresses the needs of veterans.	Meeting (2/15/23)	There is a need for more programs that help veterans age in place and building social connections and community
East Bay Housing Organization – Berkeley Committee	Private organizations that address the needs of QP1, QP2, QP3, and QP4	Meeting (2/10/23)	Attendees encouraged to fill out survey

Summarize feedback received and results of upfront consultation with these entities:

The two largest needs identified through the survey for all qualifying populations were supportive services and affordable rental housing. Service gaps identified by survey respondents included mental health and recovery services, wraparound services, accessibility resources, case management, housing navigation, and nonprofit capacity building and operating support. These findings were echoed by consultation meetings,

where agencies also emphasized that each qualifying population needs tailored services and programming to meet their unique circumstances.

Public Participation

*PJs must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submission of the plan, PJs must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of **no less than 15 calendar days**. The PJ must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan. In addition, PJs must hold **at least one public hearing** during the development of the HOME-ARP allocation plan and prior to submission.*

For the purposes of HOME-ARP, PJs are required to make the following information available to the public:

- *The amount of HOME-ARP the PJ will receive,*
- *The range of activities the PJ may undertake.*

Describe the public participation process, including information about and the dates of the public comment period and public hearing(s) held during the development of the plan:

- ***Date of public notice:*** February 24, 2023
- ***Public comment period:*** start date – March 3, 2023. end date – March 18, 2023.
- ***Date of public hearing:*** March 2, 2023.

Describe the public participation process:

A Public Hearing on the PY21 Draft Annual Action Plan Substantial Amendment #1 (HOME-ARP Allocation Plan) was held on March 2, 2023 before the City of Berkeley Housing Advisory Commission. The City published the public notice notifying the community of the public hearing and the opportunity to provide public comment on the draft plan after the public hearing.

The Housing Advisory Commission recommended the City Council approve the City’s HOME-ARP Allocation Plan and, as required by the City’s Citizen Participation Plan, the City Council reviewed and approved the Housing Advisory Commission’s recommendation.

Describe any efforts to broaden public participation:

Several efforts were made to broaden public participation. The draft Amendment was posted on the City’s website, and a copy was presented at the City Council’s March 21, 2023 meeting. The City distributed the hard copy and electronic flyer mailings to

interested parties, including Alameda County-wide Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings. The public notice was published in English, Spanish and Mandarin. The Notice also made clear how the public can request reasonable accommodations and meaningful access to the plan in accordance with fair housing and civil rights requirements and the City's citizen participation plan.

A PJ must consider any comments or views of residents received in writing, or orally at a public hearing, when preparing the HOME-ARP allocation plan.

Summarize the comments and recommendations received through the public participation process:

TBD.

Summarize any comments or recommendations not accepted and state the reasons why:

TBD.

Needs Assessment and Gaps Analysis

PJs must evaluate the size and demographic composition of qualifying populations within its boundaries and assess the unmet needs of those populations. In addition, a PJ must identify any gaps within its current shelter and housing inventory as well as the service delivery system. A PJ should use current data, including point in time count, housing inventory count, or other data available through CoCs, and consultations with service providers to quantify the individuals and families in the qualifying populations and their need for additional housing, shelter, or services. The PJ may use the optional tables provided below and/or attach additional data tables to this template.

Homeless Needs Inventory and Gap Analysis Table

Homeless													
	Current Inventory					Homeless Population				Gap Analysis			
	Family		Adults Only		Vets	Famil y HH (at least 1 child)	Adult HH (w/o child)	Vets	Victim s of DV	Family		Adults Only	
	# of Beds	# of Units	# of Beds	# of Units	# of Beds					# of Beds	# of Units	# of Beds	# of Units
Emergency Shelter	50	12	221	221	12								
Transitional Housing	42	10	54	54	42								
Permanent Supportive Housing	98	25	341	341	0								
Other Permanent Housing						28	10	27	0				
Sheltered Homeless						51	295	21	87				
Unsheltered Homeless						0	813	60	203				
Current Gap										+111	+48	-502	-502

Data Sources: 1. Point in Time Count (PIT); 2. Continuum of Care Housing Inventory Count (HIC); 3. Consultation

Housing Needs Inventory and Gap Analysis Table

Non-Homeless			
	Current Inventory	Level of Need	Gap Analysis
	# of Units	# of Households	# of Households
Total Rental Units	29,822		
Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)	1,455		
Rental Units Affordable to HH at 30% - 50% AMI (Other Populations)	640		
Total	2,095		
0%-30% AMI Renter HH w/ 1 or more severe housing problems (At-Risk of Homelessness)		6,275	
30%-50% AMI Renter HH w/ 1 or more severe housing problems (Other Populations)		3,205	
Total		9,480	
Current Gaps			-7,385

Data Sources: 1. American Community Survey (ACS); 2. Comprehensive Housing Affordability Strategy (CHAS)

Describe the size and demographic composition of qualifying populations within the PJ's boundaries:

Homeless:

The most recent (2022) point in time (PIT) count found 1,057 people who were homeless in Berkeley, three quarters (803) of whom were unsheltered. The majority of unsheltered persons were sleeping either in a tent or on the street (67 percent) or in a vehicle (33 percent). About half (68%) of everyone in the count had been living in Alameda County (the County Berkeley is a part of) for ten years or more, and another 9% for five to nine years. 75% of the Alameda County PIT count respondents had been experiencing their current episode of homelessness for one year or more.

While 8% of Berkeleyans identify as Black/African American, the PIT count found that 45% of all people who were sheltered homeless residents of Berkeley were Black/African American. Conversely, 58% of the total population of Berkeley identifies as white, but 36% of the people found to be experiencing sheltered homelessness in Berkeley were white. Similarly, 2% of the sheltered homeless population in the Berkeley identified as Asian, but 21% of all residents were Asian. People in the PIT count who identified as Latinx/Hispanic, Multi-Racial, American Indian or Alaskan Native and Native Hawaiian or Pacific Islander experienced sheltered homelessness at disproportionate rates compared to the Berkeley total population.

Two-thirds of all people who were counted as sheltered homeless in the 2022 PIT count identified as male, 31% female, 0.8% transgender and 0.4% no single gender. Fourteen percent of people in the 2019 PIT count identified as LGBTQ+.

The 2019 PIT count is the most recent data source for other demographic information about Berkeley's unhoused population. The majority of people in the 2019 PIT count (73%) were between the ages of 25 and 69 and 17% were 60 years of age or older. There was one unaccompanied youth counted as homeless and additional 81 people were young adults.

In 2019, only five percent of the homeless population were persons in families, while the remaining 95 percent were single individuals.

A little more than a third (35%) of people who were found to be homeless during the PIT count in 2019, were chronically homeless and nearly 6 in 10 were unsheltered. Forty-one percent of all people who were homeless reported a disabling condition.

Because "most homeless services experts agree that the HUD point in time count undercounts the number of people experiencing homelessness in a community," to get a more accurate and detailed understanding of the homeless population in Berkeley, the City produced a report in 2019, the 1,000 Person Plan to Address Homelessness, that

used 42,500 individual records from the homeless management information system (HMIS), between the years 2006 and 2017.

Analysis of this data, found that “over the course of a year in Berkeley, nearly 2000 people experience homelessness of some duration. This number has been steadily growing at an average rate of 10% every 2 years and is highly disproportionate in its racial disparity: since 2006, 65% of homeless service users in Berkeley identify as Black or African American, compared to a general population of less than 10%.”

At Risk of Homelessness:

To account for all persons at-risk of becoming homeless is difficult because this population does not always present themselves to the homelessness response system and there is not an alternative systematic way to collect this data.

However, we can analyze the most recent (2014-2018) Comprehensive Housing Affordability Strategy (CHAS) data. This data contains elements of households that go some way to meeting the definition of “at risk of homelessness” found in 24 CFR 91.5. Specifically, the CHAS data breaks down occupied housing units by HUD Area Median Family Income (HAMFI)¹, including 30% and below of HAMFI and by their housing problems. This analysis uses severe housing problems² as a proxy for the non-income criteria found in definition, thus coming close to the precise definition of “at risk of homelessness”.

The CHAS data shows that about 16% of all households in housing units, in Berkeley, meet this proxy definition of “at risk of homelessness”. Five percent of all households in owner occupied units and 24% of all households in renter occupied units are “at risk of homelessness”. This data also provides estimates of the racial and ethnic makeup for the heads of households in these units. Households headed by people who identify as Asian and Black or African American, are overrepresented in this category, as compared to the total share of all housing units (see table below).

Race of Head of Household	<=30% HAMFI & at least 1 Housing Problem	All Housing Units
White alone, non-Hispanic	43%	62%
Black or African-American alone, non-Hispanic	13%	8%
Asian alone, non-Hispanic	28%	17%

¹ HAMFI – HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made (For full documentation of these adjustments, consult the HUD Income Limit Briefing Materials).

² The four housing problems are: incomplete kitchen facilities; incomplete plumbing facilities more than 1 person per room; and cost burden greater than 30%.

American Indian or Alaska Native alone, non-Hispanic	1%	0.4%
Pacific Islander alone, non-Hispanic	1%	0.3%
Hispanic, any race	9%	8%

The Turner Center’s December 2021 report, “On the Edge of Homelessness”, found that Extremely Low Income (ELI) households in the Bay Area are “more likely to include a person over 65 than higher income households, but they also represent a disproportionate share of children in the region.” The report also found that over 75 percent of employed ELI individuals are working-age adults who are primarily engaged in low-wage work, and that “Black and Hispanic/Latinx individuals, women, and immigrants are disproportionately represented among the low-wage labor force in the Bay Area.”

A May 2022 report from the California Budget Center found that half of low-income renters, who were hit hardest by pandemic-related job loss and suffering as inflation drives up the costs of food, energy and other necessities, are struggling to afford housing costs. The report also found that Black and Latinx renters are experiencing higher rates of housing hardship, and that half of California renters experiencing housing hardship are families with children.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking:

In the absence of comprehensive data, this report has consulted with the Berkeley Police Department (BPD) for available domestic violence data. While incomplete, given that not every victim has an accompanying case to record their victimization, examining criminal case data provides a reasonable approximation of the size and demographic makeup of this qualifying population.

In 2019, the BPD recorded 260 cases of domestic violence. In 2020, the number of cases increased to 241 and as of October 31st, there were 199 cases in 2021. Approximately, three quarters of the victims, during each time period, were female and a quarter were male. A disproportionately large number of victims have been Black or African American, compared to the total Berkeley population (~50% of victims each year vs. 6% of total population), and a disproportionately low number of victims identified as white or Asian. Fifty-four percent of the total Berkeley population identified as white, while the percent of victims who identify as white were 25, 31 and 24%, respectively. Similarly, 22% of the Berkeley population is Asian, while 7, 4, and 3% of victims identified as Asian, respectively.

Using BPD data of sexual assault cases, we find that there were 74 victims of this crime in 2019, 62 in 2020 and 47, as of October 31st, in 2021. The sex of the victims was largely female. In 2019, 85% were female, in 2020 the percentage was 95 and as of the end of October 87% of victims were female. The racial and ethnic disproportionality for sexual assault victims is different than it is from domestic violence victims. Sexual victims who identified as Black or African American made up 14% of all victims in 2019, 23% in 2020 and 23% in the most recent data from 2021 (up to October 31, 2021). These proportions are still disproportionate compared to the total population (6%), but less so than domestic violence victims. The proportion of sexual assault victims who identify as white (51 in 2019, 51 in 2020 and 36 as of October 31, 2021) is largely the same as the total population 54%.

The 2019 PIT count offers us a view of the size of the homeless population that had experience domestic violence. Five percent of the respondents in the Berkeley count reported currently experiencing domestic violence or abuse, compared to 6% of respondents in Alameda County. Twenty-five percent of the 2019 PIT count respondents in Berkeley reported a history of experiencing physical, emotional or sexual abuse by a relative or by a person with whom they have lived.

Other Populations:

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City of Berkeley currently funds a Housing Retention Program (HRP) that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21, 223 of whom were formerly homeless.

Of those recipients of emergency rental assistance who were formerly homeless, 62% were households where the head of the household was Black or African American. This is in stark contrast to the 8% of all households in Berkeley headed by someone who identifies as Black or African American. Similarly, head of households who identify as Hispanic/Latinx make up 8% of the total households in Berkeley, but were 15% of all emergency rental assistance recipients.

Conversely, 16% of all recipient, head of households, who were formerly homeless identified as white, compared to 62% of all head of households in Berkeley, and 17% of all head of households in Berkeley identify as Asian, but only 4% of emergency rental assistance recipients identify as Asian.

The largest age demographic, when broken by ten-year age groups, for this cohort, were 60-69 year olds. A little over 1 in 5 of the recipient head of households were in this

age group. Just under 1 in 5 recipient head of households were in the 30-39 and 40-49 age ranges, each.

Notably, 67% of all households receiving emergency assistance from the HRP, whose head of household was formerly homeless, had a child or adult with a disability in the household. Almost a quarter of the households were headed by single parent households.

The Rapid Rehousing programs within the City also have participants that meet the definition of this qualifying population. Participants of this program are formerly homeless individuals, notably it does not include families, who receive a temporary rental subsidy while they participate in supportive services that are meant to transition them to permanent housing. Data pulled from HMIS for the period of July 2020 to March 2021 from HMIS shows that there were 153 people served in this program, 41% of whom were female, 58% male and 1% trans women. Sixty-nine percent of participants identified as Black or African American and 25% white. The plurality of participants (31%) were 55-64 years of age. Twenty-five to 34-year-olds made up the next largest share of participants, by age group, at 21%, and a similar share (19%) was made up of 45 to 54-year-olds.

(2) At Greatest Risk of Housing Instability

(i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs)

According to the most recent (2015-2019) CHAS data, there were an estimated 45,350 occupied housing units in Berkeley. Of these, an estimated 6,760 (15%) were comprised of a household with an annual income that was less than or equal to 30% of the area median income, as determined by HAMFI, and were experiencing severe housing cost burden (i.e. paying more than 50% of monthly household income toward housing costs). Broken down by tenancy type, this amounted to 5% of owner-occupied units and 23% of all renter occupied units.

According to 2014-2018 CHAS data, the largest proportion (49%) of the owner-occupied units were households categorized as non-family elderly. Whereas, the largest share (69%) of renter occupied units meeting this definition of qualifying population, were households described as non-elderly and non-family.

Almost all of the units meeting this definition, 100% of owner and 95% of renter occupied unit had complete plumbing and kitchen facilities.

While there is no readily available data that estimates the racial and ethnic breakdown of this qualifying population, 2014-2018 CHAS data has been used to estimate the racial and ethnic breakdown for the population that meets the criteria of households that have a housing cost burden of 50% or greater. Using this proxy, we find that percentage

of households headed by someone who identifies as Asian (26%), is disproportionately higher than it is for the total household population of Berkeley (17%). There is also an overrepresentation of housed Black or African American headed households, that fall under this categorization (11% of $\geq 50\%$ housing cost burden vs. 8% of total housed households). Relatedly, white headed households are underrepresented in this category (49%), compared to the total population of occupied housing units (62%).

(ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the seven conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5.

The most recent CHAS data can also be used to provide a limited understanding of individuals and families that meet the definition of this qualifying population. There are several ways in which an individual or family can meet the criteria for this qualifying population. One of these ways, households living in units with 1.5 or more people and a HAMFI less than or equal to 50%, is covered in the CHAS data. According to the 2014-2018 CHAS, an estimated 2% of all occupied housing units are made up of households that meet this criterion, all of which are renter occupied households. Of those households, 25% are families and 75% are non-family households.

In its 2020 Consolidated Plan the City of Berkeley defined the “At risk of homelessness” subpart, “(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan”; as the high cost burden of housing characteristic in Berkeley. Using the number of households with a housing cost burden of greater than 30% as a high cost burden, and a HAMFI of less than or equal to 50%, we can utilize CHAS data to further understand the size and demographics of this population.

In Berkeley, 30% of all households occupying a housing unit have an income that is 50% or less of HAMFI and pay 30% or more on their housing costs. Broken down by type of tenancy, 10% of owner occupied and 44% of renter occupied units carry this housing cost burden. Low-income renters have a greater housing cost burden.

We can further breakdown the households who meet this criterion by their type of household. According to the data using the 2014-2018 American Community Survey, the most recent version of CHAS, we find that 59% of households in this subcategory are defined as non-family and non-elderly. The next most prevalent household type is, elderly non-family making up 21% of the subpopulation, followed by small families³ (15%) and elderly families⁴ and large families⁵ (2% each).

³ Small family is defined as: 2 persons, neither person 62 years or over, or 3 or 4 persons

⁴ Elderly family is defined as: 2 persons, with either or both age 62 or over

⁵ Large family is defined as: 5 or more persons

The closest approximation to a breakdown of households that meets the definition for this qualifying population, by race and ethnicity, is the breakdown by housing cost burden found in the current CHAS data tables (meeting subpart (G) of the “at risk” definition). For all households living in a housing unit with a housing cost burden greater than 30% (18,229 estimated) we find in this data series, that 54% are headed by someone who identifies as white, 11% as Black or African American, 20% as Asian, 1% as American Indian or Alaskan Native, 0.5% as Pacific Islander, 9% as Hispanic and 5% as multi-racial or a race not identified in the survey. These percentages largely mirror the share of occupied units throughout Berkeley by race and ethnicity (62% white, 8% Black or African American, 17% Asian, 0.4% American Indian or Alaskan Native, 0.3% Pacific Islander, 8% Hispanic and 4% multi-racial or a race not specified in the data).

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above:

The 2019 PIT count found that 81 people (7%) who were homeless were Veterans. The large majority (74%) of Veterans counted were living in unsheltered conditions.

An annual report from an agency that serves Bay Area veterans found that 50% of veterans served are over the age of 55, 44% have a disabling conditions such as a traumatic brain injury, and 51% are unhoused. 54% of this agency’s clients are veterans of color and 40% are Black veterans.

Describe the unmet housing and service needs of qualifying populations, including but not limited to:

- ***Sheltered and unsheltered homeless populations;***
- ***Those currently housed populations at risk of homelessness;***
- ***Other families requiring services or housing assistance or to prevent homelessness; and,***
- ***Those at greatest risk of housing instability or in unstable housing situations:***

Homeless, At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability:

Needs Identified by People with Lived Experience

In August 2022, the Alameda County Continuum of Care, EveryOneHome, convened a work group to help develop the Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. The group has six members, all of whom have experienced or are currently experiencing homelessness. Some of the group members have experienced living outside and/or in a vehicle. They have held two meetings to identify recommended strategies to be pursued either through multiple funding sources and processes.

As part of their discussions and deliberations, the Work Group identified the following

recommendations and ideas for how to better address unsheltered homelessness:

- Terms used to describe people experiencing homelessness, such as “unsheltered”, are intended to be respectful but in many ways, can actually be offensive, giving a technical definition to an experience that is traumatizing and tragic. Whatever terms we use, it is important to always strive to preserve the dignity and humanity of people we are talking about. HUD’s official definitions are also very restrictive and tend to exclude a lot of people that are unstably housed.
- Each person who experiences homelessness is unique and has their own story. Policies and programs should not treat people who are unhoused as a monolithic group.
- In general, programs and services need to be more individualized and oriented to the needs of individuals who are unhoused. In particular, we need improved “connectivity” throughout the system. The system is very difficult to navigate, and people need help getting from Point A to Point B. Speed and responsiveness are also important. People have to wait much too long for assistance. People need housing now—not many years from now.
- There needs to be more accountability and transparency about how public funds are spent. People who are staying in a program (e.g., a shelter) that receives public dollars should be able to see how the program is paid for, what the funding sources are, and how the money is spent.
- Program rules need to be more flexible to make it possible for people to succeed. Rules tend to be made and enforced by people who have never experienced homelessness. “Don’t tell me what is best for me if you have not walked in my shoes.”
- Fundamentally, homelessness is a problem caused by insufficient affordable housing and people not having sufficient income to afford housing.

The Work Group identified some key strategies that should be prioritized through federal funding.

a. Immediate Needs/Hygiene

- There is a need for showers, laundry, clothing, bathrooms, and other ways to help people meet basic hygiene needs while they are unsheltered. It is hard to find a job or a place to live when you are not able to be clean or have clean clothing. Basic hygiene provides dignity and is essential.
- Phones are also critical; it is hard to keep a hold of a phone when you are unsheltered, and people need phones to be able to access any help (services, shelter, housing).

b. Mental Health and Trauma

- Being unhoused is incredibly traumatizing and can cause or exacerbate mental health and/or substance use issues. Being unhoused can cause people to become mentally unwell due to the stress of being outside, fear for safety, and focus on basic survival. It is hard to do things as basic as keeping appointments.
- It is essential that staff from programs are understanding of trauma and how difficult it can be to transition back to housing. Staff sometimes underestimate the

level of stress that people are experiencing, and the long-term effects of this trauma.

- Once people are placed into housing, there needs to be more focus on helping to meet mental health needs and supporting them to rebuild their lives. There is a need for reintegration services to help people relearn things to rebuild a life.
- Mental health and substance abuse services are insufficient.

c. Street Outreach

- Street outreach programs will be much more effective if outreach teams include peers who have experienced homelessness. Train and pay peers, including people currently living in encampments, to be outreach workers, navigators, ambassadors.
- Offer outreach at night when people are awake.
- All outreach workers should be subject matter experts and have up-to-date and accurate information on available resources.
- All outreach teams should enter data into the Homeless Management Information System (HMIS) in real-time, so information can be shared and used to help connect people to what they need right away.

d. Physical Service “Hubs”

- In addition to street outreach, there is a need for physical “hubs” for drop-in services where people can go to get information and to communicate with each other and with case managers. One key function of hubs would be a place people can go to find out the status of their housing applications and ensure they don’t miss out on opportunities due to not having a phone or not getting messages in a timely way. The hubs would also be a place people could receive mail, access immediate needs like clothing, laundry or showers, and a place to safely store important documents so that they are not lost or stolen.
- Hubs should be a place where people can regularly meet Case Managers, as well as access other professionals, such as medical provider and attorneys.
- Hubs should be organized by quadrants (north, south, east, and west parts of the County) and there should be a bus to provide free access to hubs. Ideally, each City should be responsible for setting up a hub.

e. Encampments and Peer Navigators

- Identify people living in encampments who are interested in leadership roles and invite them to be part of a council that works with the cities on policies relating to encampments.
- Employ people living in encampments to do clean-up and other kinds of work through Public Works.
- Identify people living in encampments who can serve as ambassadors for outreach teams. People are more likely to share personal information and seek help from someone that they know and trust.

- There is a need for more peer navigators and peer counselors throughout the system. Peer navigators should be trained and compensated for their time. Policy change is needed so that stipends/wages do not jeopardize benefits such as housing or other benefits received.

f. Shelter and Housing

- It can be very challenging to move directly from streets to housing. Sometimes people need a place where they can transition (e.g., transitional housing), or a time in which they receive more intensive services during a time of transition into housing
- Provide services and supports to people who are newly housed. If their trauma and crisis is not addressed, people will return to homelessness. There is a need for landlord incentives to get landlords to rent units to people (e.g., direct payments, tax breaks).
- Stigma about homelessness needs to be addressed, to interrupt NIMBY-ism (“not in my backyard”) and discriminatory practices from landlords.

g. Use of Data

- There is always lots of data being collected but it seems like homelessness gets worse and worse. There needs to be action behind the data; use data to enact solutions in a timely fashion.
- We need more and better ways to understand how many people are unhoused and what their challenges are; not just Point in Time (PIT) count data. People who are interviewed in the PIT often do not self-report everything, such as criminal justice involvement. For many people, having a criminal background is a bigger obstacle to securing housing than mental health issues.
- There is a need for tracking and communicating data on housing – how many units are needed, how many are becoming available, how many developers are there, etc. Is the amount of housing production sufficient to meet needs?
- Need transparent data about how funding is being used.
- Look to other communities for what is working well and increase collaboration.

Needs Identified by Service Providers and Primary Data

49% of 2022 Alameda County PIT count respondents reported that rent assistance could have prevented their homelessness. Employment assistance (37%), mental health services (27%), benefits/income (26%), and family counseling (23%) were also top responses. We can safely assume that to some degree this means that these services were lacking in either in quantity, quality or accessibility.

Relatedly, the top five primary causes of homelessness can be viewed as a barometer for the needs of people who were homeless and populations at risk of homelessness. The 2022 Alameda County PIT count respondents noted that, family or friends couldn't let me stay or argument with family/friend/roommate (27%), eviction/foreclosure/rent

increase (25%), job loss (22%), other money issues including medical bills (13%), and substance use (13%), were the top reasons for homelessness.

Participants in the 2019 PIT count, people who were homeless, also identified how they think money should be spent to alleviate homelessness. This serves as another proxy for the needs expressed by people who are experiencing homelessness. In the responses, the top suggestion was to spend money on affordable rental housing (58%). A little under half (43%) of people felt that employment training/job opportunities was how money should be spent. The next most popular response (29%), was permanent help with rent/subsidies, followed by substance abuse/mental health services (28%), housing with supportive services (22%) and 24/7 basic sanitation (19%).

Examining the findings from the aforementioned, 1,000 Person Plan to Address Homelessness (the Plan) also helps to ascertain unmet housing and service needs for people who are homeless, which overlaps with people who may qualify as: at risk of homelessness. The Plan found, using the 42,500 individual records from HMIS, between the years 2006 and 2017, that:

- “The likelihood of returning back to homelessness in Berkeley after previously exiting the system for a permanent housing bed is increasing over time, irrespective of personal characteristics or the type of service accessed. Importantly, among those who previously exited the system to permanent housing in the past but eventually returned, the largest percentage of those exits had been to unsubsidized rental units. None of this is surprising given the extreme increase in the East Bay’s rental housing costs over the past several years, and the volatility that creates for poor and formerly homeless people struggling to make rent.”
- “A comprehensive regression analysis found that having any disability (physical, developmental, substance-related, etc.) is by far the single largest reason a person is unlikely to exit homelessness to housing and subsequently not return back to homelessness. Unfortunately, the percentage of homeless Berkeleyans self-reporting a disability of any kind has increased greatly, from 40% in 2006 to 68% by 2017--meaning the population is increasingly comprised of those least likely to permanently end their homelessness with the services available.”
- “Per Federal mandate, all entities receiving HUD funding for homeless services are required to create a Coordinated Entry System (CES) that prioritizes limited housing resources for those who are most vulnerable. However, Berkeley’s Federal permanent supportive housing (PSH) budget, which supports housing for 260 homeless people, can place only about 25-30 new people every year. To help alleviate this lack of permanent housing

subsidy, Berkeley experimented with prioritizing rapid rehousing for its highest-needs individuals at the Hub. We found that rapid rehousing can be used as a bridge to permanent housing subsidies, but, used alone, cannot prevent some of the highest needs people from returning to homelessness.”

The Plan concludes that “the system has not created sufficient permanently subsidized housing resources to appropriately service a Coordinated Entry System, and has instead relied on rapid rehousing to exit them from the system. Overreliance on rapid rehousing with high needs individuals in a tight housing market—all of which we found evidence for in these data—is a strategy that is tenuous in the long-run.”

A system model analysis in the Continuum of Care’s 2021 report, “Centering Racial Equity in Homeless Response System Design” found that Alameda County has a sufficient inventory of emergency shelter and transitional housing, and that capacity and investment is most needed in interventions that prevent homelessness and help people experiencing homelessness secure and retain permanent housing. The report also identified the “acutely limited housing options available in Alameda County for extremely low-income people.” According to its Regional Housing Needs Allocation, the City of Berkeley will need to build 2,446 affordable housing units for extremely- and very-low income households between 2023 and 2031.

The consultation process identified the following unmet housing and service needs for people experiencing homelessness:

- Mental health resources
- Needs of shelter residents are becoming increasingly complex and there is a need for additional staffing and resources to address those needs
- Unhoused people with a disability are in need of accessibility equipment in order to obtain and retain permanent and transitional housing
- There is a need for more peers in the field who are well compensated and trained
- Recently housed people are in need of additional supportive services to obtain and retain their housing, including mental health resources, transportation, education and employment services

Priority unmet needs identified at the February 17th homeless services provider meeting included short term hotel stays, respite beds and supportive services for shelter guests with disabilities and medical conditions, housing retention services along with short and medium term rental assistance, liaison services between landlords and eligible program participants, and resources to address hoarding.

Needs for People At Risk of Homelessness

The largest needs identified through the City’s January 2023 consultation survey for people at risk of homelessness (QP2) are also supportive services and affordable rental

housing. Other identified needs include shelter and transitional housing, rental assistance, housing counseling, and accessibility services. The service gaps most often identified by organizations serving this population are mental health and recovery services and wraparound services such as employment training and caregiving support. Consultation meetings also identified a need for flexible funding to help with deposit and first month's rent to keep people housed and for shallow subsidies and long-term rental assistance that doesn't require a disability.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

According to the previously referenced Berkeley Homeless Count and Survey, a history of domestic violence and partner abuse can be a primary cause of homelessness. Victims of domestic violence have a great risk of becoming homeless and experiencing poverty. According to the Family and Youth Services Bureau (<https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>), this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to go unidentified, move to an overcrowded unit, or move into a homeless shelter than those not experiencing domestic violence.

After consulting with the Berkeley Police Department's Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.
- It is not uncommon for a victim of domestic violence to have to wait two or three days for a bed at a safe shelter, once they have requested it. This can lead to victims to stay with or return to their abuser while they wait for a bed to become available.
- When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items. This may lead to the victim to return to the abuser for financial security.

The University of California, Berkeley Human Rights Center's 2018 report on supporting human trafficking survivors in the Bay Area identified a need for housing dedicated to victims of human trafficking, finding that "shelter is sorely needed across the Bay Area, and special attention should be paid to providing appropriate transitional and long-term housing, foster care placements, and shelter for queer and gender non-conforming survivors." The report also identified a particularly acute shortage of services for victims of labor trafficking, finding that "victims of sex trafficking generally have greater access to services than those of labor trafficking."

The largest need identified through the City's January 2023 consultation survey for this population (QP3) is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and homelessness prevention services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and case management. Interviews with agencies serving this population emphasized that human trafficking is a very complex issue that requires thoughtful and nuanced interventions.

Other Populations:

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City has had a rental assistance program for many years, but this program was prioritized during the COVID-19 pandemic and an additional \$3.7 million was added to provide rent relief and prevent evictions that may lead to homelessness. This program currently has a waitlist and is unable to fully meet the need in the community. The unmet needs for the recipients can be enumerated using some of the data collected from the heads of household. Loss of employment was cited as the primary reason for recipients seeking assistance. More than half (57%) listed their loss of employment and subsequent inability to find alternative employment as the reason for needing emergency rental assistance to remain housed. Increases in expenses, including child care and health care costs, accounted for a little more than a third (37%) of the recipient's primary reason for needing assistance.

The largest need for this population identified through the City's January 2023 consultation survey for is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and accessibility services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and accessibility resources, and case management.

One homelessness prevention provider noted that a primary cause of housing instability and loss of housing was unemployment or underemployment during the pandemic, which many households have still not recovered from. Another provider shared that the

major barriers for unstably housed and unhoused families are jurisdictional limitations, assessment barriers, programmatic limitations, and system navigation, and noted that the issues families need to resolved in order to secure stable housing are complex and require a great deal of trust and staff time to resolve.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

The 2022 Alameda County PIT count helps us better understand the needs and extrapolate the unmet needs for the population of veterans that are homeless. In this report, the top five primary causes the veterans list for being homeless are: Eviction/Foreclosure/Rent Increase, Loss of Job, Family or friends couldn't let me stay or argument with family/friend/roommate, Divorce/Separation/Break-up, and Other Money.

The largest needs for veterans identified through the City's January 2023 consultation survey are supportive services and affordable rental housing. Other identified needs include rental assistance and housing counseling. Service gaps identified by six organizations serving this population include wraparound services, mental health and recovery services, housing navigation, and accessibility resources.

The Berkeley Housing Authority noted that that there is a particular need for supportive services for veterans using mainstream vouchers, such as mental health resources, support with transportation, and securing housing. They also noted that there is a far greater need for VASH vouchers than the current amount available.

Providers that serve veterans identified a need for culturally responsive services that understand veterans' specific barriers and expectations when accessing support. Veterans tends to be older, more isolated, and have more complex health issues than civilians, and there is a need for programs that create community and social connection for veterans in addition to housing and wraparound services. The Bay Area's veteran population is rapidly aging and there is a need for more resources that help veterans age in place.

Identify and consider the current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, TBRA, and affordable and permanent supportive rental housing:

Homeless:

The City funds multiple agencies to provide 298 year around shelter beds, 30 seasonal shelter beds and 27 transitional housing beds. As part of the City's COVID-19 response, the census at these programs has been reduced by approximately 50% so staff and participants can maintain 6' social distancing. Additionally, funds have been provided to

expand shelter operations to 24/7 and to provide three meals per day so participants don't have to leave during the day.

To offset the census reduction, while providing a safe space, the City implemented a non-congregate shelter program to house 18 households who meet the CDC's criteria for at-risk populations, 65+ or having an underlying medical condition requiring extra precautions against COVID-19. These shelter enhancements are expected to be in place until the City's Shelter In Place (SIP) order is lifted. Rapid re-housing resources are being offered to help people move into permanent housing.

Additionally, the City expanded the Berkeley Emergency Storm Shelter operations from an inclement weather shelter to supporting a 24/7 winter shelter operation through mid-April.

Additionally, while the Emergency Solutions Grant (ESG) regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

"An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- The individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing."

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

During the coronavirus pandemic, the City expanded the housing retention program to assist households unable to pay rent due to a COVID-19 related loss of income. Households must provide a dated Notice of Eviction from landlord stating amount owed for back rent OR a letter of verification from landlord stating the amount owed for back rent, since there is currently an eviction moratorium.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can't support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

The following is a list of services targeted to people who are homeless in Berkeley:

Homelessness Prevention Services:

- Counseling/Advocacy
- Rental Assistance

Street Outreach Services:

- Law Enforcement
- Mobile Clinics
- Other Street Outreach Services

Supportive Services:

- Alcohol & Drug Abuse
- Employment and Employment Training
- Life Skills
- Mental Health Counseling
- Transportation

At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability

The City of Berkeley established the Housing Trust Fund (HTF) program in 1990, and since then the HTF program has funded the renovation or construction of approximately 1,414 units of affordable housing. The City's HTF portfolio includes units affordable to households at a variety of income levels, including units for formerly homeless households, people with disabilities, Extremely Low-Income households, veterans, and survivors of domestic violence. City funding is currently supporting projects that will create more than 564 new affordable housing units. 58 units in the City's pipeline received No Place Like Home funding from the State of California, which supports units for formerly homeless households with mental illnesses. The projects include supportive services and case management.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan, which was recently completed. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then, the City has been working closely with the project team on a three-part project including a community kitchen and wrap-around services space, 32 emergency shelter beds, 12 transitional housing beds for Veterans, 53 units of permanent supportive housing (53 units at 30% AMI), and 89 affordable apartments for low and very-low income families.

The City also offer flex funds. These funds are available for one-time costs like back payment of rent, security deposits, etc. They must generally must be used to obtaining or maintaining housing. Providers have emphasized in consultation meetings the importance of flex funds for this population.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

The following is a list of resources available to victims in Berkeley and the surrounding area:

Bay Area Women Against Rape (BAWAR) is Alameda County's community rape crisis center offering advocacy and counseling to folks in Alameda County who have experienced sexual violence. BAWAR has a 24/7 crisis line in both English and Spanish.

Family Violence Law Center (FVLC) provides survivor-centered legal advocacy and assistance for individuals who have experienced intimate partner violence or sexual assault. They have a 24/7 crisis line for people living in Alameda County.

Alameda County Family Justice Center provides access to 80 community agencies and programs that provide healing, support and resources to people impacted by domestic violence, sexual assault and exploitation, child abuse, elder and dependent adult abuse, and stalking.

- Domestic violence counseling
- Sexual assault counseling
- Restraining orders
- Case management
- Trauma recovery services
- Safety planning
- Children's counseling
- Parenting support
- Shelter/housing assistance
- Medi-CAL and CalFRESH application assistance
- Victims Compensation Program application assistance
- Safe at Home application assistance
- Self-sufficiency program: financial literacy, professional development, resume writing and interviewing skills.
- Criminal justice information and assistance
- Childcare while parent or guardian is receiving services onsite (KidZone)
- GED
- ESOL (ESL) ALCO
- Public Health Immunization Clinic
- Legal Advice Clinic

- Immigration Clinic

A Safe Place is an Oakland based domestic violence agency that provides an emergency domestic violence shelter for women with children, 24/7 crisis line, mental health services, and community outreach programs.

Deaf Hope is a center providing culturally specific services to deaf survivors of interpersonal violence and their children.

Narika is an agency providing multicultural services for people who have experienced intimate partner violence. Narika offers support groups, seed programs and a helpline particularly for immigrants from South Asian communities.

Ruby's Place is a free, multi-population program serving women, men, transgender people and accompanied minors who have experienced domestic violence, human trafficking or both. Shelter and 24/7 crisis line offered.

Shalom Bayit strives for social change and offers confidential peer counseling, support, information, referrals, and advocacy for women identified folk in the Jewish community. Healing support groups are offered in the East Bay, SF, Marin, and the Peninsula.

Other Populations

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City of Berkeley currently funds a Housing Retention Program that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21.

The County of Alameda also operates an Emergency Rental Assistance Program. It has received more than 777 applications for emergency rental assistance, and distributed \$11,645,004 in emergency assistance to Berkeley renters. This program cap also has a cap that affects the amount of assistance they can provide.

As mentioned earlier, there are also several Rapid Rehousing programs that serve formerly homeless individuals that operate within the City.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

The Roads Home Veteran Services program of Berkeley Food & Housing Project provides the following services:

- Housing location help
- Temporary financial assistance, and

- Wraparound case management for people who are experiencing or at risk of homelessness
- Outreach to people who are unsheltered
- Permanent Supportive Housing – Six-bedroom house for local Veterans
- Temporary housing (6-24 months) and intensive life skills training to 18 homeless male veterans in Berkeley.
- Health care specific case management to Veterans and their families, including help with:
 - Accessing eligible benefits,
 - Getting to appointments,
 - Filling prescriptions,
 - Establishing home aid, and
 - Referrals to other services.
- Employment Services
- Shallow subsidy that provides two years of rental assistance that will not decrease if the household increases their income.
- Assist Veterans in preparing and submitting applications for Housing & Urban Development/Veterans Affairs Supportive Housing (HUD-VASH) vouchers
- Works with local public housing authorities to understand their eligibility criteria, in helping with HUD-VASH

Additionally, Operation Dignity operates a duplex in Berkeley that provides transitional housing for seven male veterans at a time.

Identify any gaps within the current shelter and housing inventory as well as the service delivery system:

Homeless Shelter, Housing Inventory and Service Gaps

The 2019 City Council report, *1000 Person Plan to Address Homelessness*, states that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.”

Meanwhile, according to the 2019 PIT count, 35% of Berkeley’s homeless population is chronically homeless—387 individuals on any given night. “To alleviate this supply/demand mismatch, the City implemented a policy of prioritizing high-needs people not just for PSH, but also for rapid rehousing (RRH), beginning in 2016. As a result, the percentage of RRH clients entering with disability had approached that of PSH by 2017.

Given what we now know about the statistical effect of disability on housing success, this has had the predictable effect of reducing the percentage of clients who are able to ultimately keep their housing after the subsidy and intervention ends, from a pre-CES

average of 81% to a post-CES average of 57%. Compare this to PSH homeless return rates, which were less than 9% in 2017.”

It is becoming more common for City-funded affordable housing projects to restrict a portion of their total units to formerly homeless households. This responds to the significant need for homeless housing opportunities in Berkeley, but the challenge is identifying and securing funding to support rental subsidies and the long-term operation of the projects. Some of the City’s local funds are restricted to capital costs, and state funding programs often do not include operating subsidies. The City has some local funds that can be used for this purpose, but not enough to meet the demand.

The consultation process identified the following gaps in the homeless services delivery system:

- Mental health resources and staffing
- Adequate shelter staffing to respond to guests’ complex needs
- Dearth of non-congregate emergency shelter for families, which requires special employee screening and separation from other populations
- Low-barrier shelters and service hubs in multiple areas throughout the City
- Accessibility resources such as wheelchair ramps and low-cost accessibility equipment (e.g. bathroom commode chair or threshold ramps) to help unhoused people with disabilities access shelter, housing, and services
- Incentives for landlord participation in rehousing programs

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking Shelter, Housing Inventory and Shelter Gaps:

Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given that there is generally a lack of affordable housing in the City, additional affordable housing options would likely also benefit the population.

After consulting with the Berkeley Police Department’s Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.

This largest gap identified in the consultation process is the lack of an emergency shelter for people fleeing intimate partner, domestic, or gender-based violence in Berkeley.

Other Populations

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

According to data provided by the City's subrecipient distributing emergency rental assistance, 57% of all recipients who were formerly homeless, needed this assistance because they could not find employment, largely due to the economic effects of COVID-19. Forty-eight percent of formerly homeless recipients stated that their disability was a contributing factor to their need for assistance, 37% said increased costs, including child care and health care costs, contributed to their need and 20% were elderly.

This data suggests there is either a gap in services to people in this qualifying population or an unmet need, that, if properly filled and met, could alleviate their need for emergency rental assistance.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given the data presented in the PIT, ongoing supportive services may be beneficial.

Identify the characteristics of housing associated with instability and an increased risk of homelessness if the PJ will include such conditions in its definition of "other populations" as established in the HOME-ARP Notice:

In the City of Berkeley, the high cost burden is a housing characteristic strongly linked with instability and an increased risk of homelessness. According to the 2019 Out of Reach report, the hourly wage needed to afford a two-bedroom at FMR (\$2,790) in downtown Berkeley is \$53.65. According to the report, the same downtown zip code (94704) also has a poverty rate of 51.4 percent with a median household income of \$26,758 and an unemployment rate of just over nine percent (9.1%). The urbanized downtown area of Berkeley sits in stark contrast with the more suburban neighboring zip code (94705), which has an unemployment rate of just over five percent (5.3%), a 10.1 percent poverty rate, an \$116,250 median household income and where the hourly wage needed to afford a two-bedroom at FMR (\$2,370) is \$45.58. Proximity to social services and regional job centers via public transit makes Berkeley's urban downtown appealing, but its higher housing prices make it difficult for low income, transit dependent residents (without cars) to retain housing.

While the lower income households within the downtown core of Berkeley is of particular note, the numbers also reflect the impact of the University of California at Berkeley's (UC Berkeley) student population many of whom have little or no income. Students compete with nonstudent residents for housing, creating elevated pricing conditions for existing low-income households, especially in those geographic areas surrounding the UC Berkeley campus.

Service gaps for this population identified in the consultation process include:

- Dedicated funding for veteran services
- Resources to help unhoused seniors and veterans age in place
- Services and programs that build social connection and community for veterans, seniors, and people experiencing homelessness

Identify priority needs for qualifying populations:

Homeless, At Risk of Homelessness, Other Families Requiring Services or Housing Assistance to Prevent Homelessness & Other Populations at Greatest Risk of Housing Instability:

Housing instability and homelessness continue to be a pressing issue for Berkeley community members, many of whom are still grappling with the economic, social, and emotional impacts of the pandemic along with a regional housing shortage. All populations have a number of critical needs that outstrip the amount of HOME-ARP funding available. Overall, there is a need for more affordable housing, supportive services and non-congregate shelter.

Priority supportive services needs for all qualifying populations include mental health and recovery, peer support, essential hygiene services, accessibility resources, case management, and housing navigation.

The consultation process also identified a need for nonprofit capacity building, particularly to respond to the increasingly complex needs faced by qualifying populations and to adjust operations to comply with HOME-ARP requirements.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

The inability of a victim of domestic violence, dating violence, sexual assault, stalking or human trafficking to find immediate safe shelter, upon request, and quality affordable housing are top needs for this qualifying population.

Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined:

The data represented here is a compilation of the most recent CHAS data, the 2019 and 2022 PIT counts, the 1000 Person Plan to Address Homelessness and the PY2020-2025 Consolidated Plan. Some 2022 PIT count responses are not currently available at the local level, so a combination of 2019 and 2022 data was used to provide a more complete understanding of homelessness in Berkeley. All of the Plans had various methodologies and went through extensive public consultation process including multiple public hearings. We also used our consultation with various stakeholders to identify the needs and gaps in shelter, housing inventory and services.

Proposed HOME-ARP Activities

Describe the method for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors and whether the PJ will administer eligible activities directly:

The City will select subrecipients to administer the activities directly. It will do so by issuing a Request for Proposals (RFP) to provide supportive services to all of the qualifying populations in the city of Berkeley.

If any portion of the PJ's HOME-ARP administrative funds were provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

Not applicable.

PJs must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organization operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits. The following table may be used to meet this requirement.

Use of HOME-ARP Funding:

	Proposed Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 2,188,557		
Acquisition and Development of Non-Congregate Shelters	\$ 0		
Tenant Based Rental Assistance (TBRA)	\$ 0		
Development of Affordable Rental Housing	\$		
Non-Profit Operating	\$ 0	0 %	5%
Non-Profit Capacity Building	\$ 136,785	0 %	5%
Administration and Planning	\$ 410,354.40	15 %	15%
Total HOME ARP Allocation	\$ 2,735,696		

Describe how the PJ will distribute HOME-ARP funds in accordance with its priority needs identified in its needs assessment and gap analysis:

Given the significant need for multiple forms of supportive services to help community members access and retain housing, the City will distribute HOME-ARP funds to supportive services providers to offer McKinney-Vento Supportive Services, Homelessness Prevention Services, and/or Housing Counseling Services to help more people in the qualifying populations find and/or maintain housing. The one-time nature of the HOME-ARP funds as well as the availability of other resources to address the needs of new non-congregate shelter beds and affordable rental housing, mean the best use of the funds to address the needs and gaps in Berkeley are providing supportive services to all the qualifying populations.

Describe how the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

The City’s seminal 2019 report to Council, 1,000 Person Plan to Address Homelessness, clearly identified the lack of supportive services as a reason for the number of people returning to homelessness in Berkeley after previously exiting the system for a permanent housing bed, and that this need has increased over time. Specifically, the report found that people with the highest needs in the homeless population needed more support than what rapid rehousing programs provide to prevent a return to homeless.

Furthermore, the 1,000 Person Plan to Address Homelessness, found that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.” This lack of significant turnover of vouchers suggests people receiving them are not getting the supportive services they

need to release their voucher, solidifying the case that supportive services are lacking in Berkeley.

The most recent data on factors contributing to homelessness underpin the findings from the 2019 report. For instance, the leading causes of homelessness in the 2022 Alameda County PIT count were, in order of prevalence, rent assistance, employment assistance, mental health services, benefits/income, and family counseling, all of which can be addressed with supportive services. Many of the priorities identified by people with lived experience, such as mental health resources, service hubs, and peer support, can be addressed through supportive services.

The consultation process further supported the 2019 findings, as every service provider of the qualifying populations mentioned supportive services as a need.

HOME-ARP Production Housing Goals

Estimate the number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

N/A

Describe the specific affordable rental housing production goal that the PJ hopes to achieve and describe how it will address the PJ's priority needs:

N/A

Preferences

- *Preferences cannot violate any applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a).*
- *PJs are not required to describe specific projects to which the preferences will apply.*
- *The PJ must comply with all applicable nondiscrimination and equal opportunity laws and requirements listed in 24 CFR 5.105(a) and any other applicable fair housing and civil rights laws and requirements when establishing preferences or methods of prioritization.*

*While PJs are not required to describe specific projects in its HOME-ARP allocation plan to which the preferences will apply, the PJ must describe the planned use of any preferences in its HOME-ARP allocation plan. This requirement also applies if the PJ intends to commit HOME-ARP funds to projects that will utilize preferences or limitations to comply with restrictive eligibility requirements of another project funding source. **If a PJ fails to describe preferences or limitations in its plan, it cannot***

commit HOME-ARP funds to a project that will implement a preference or limitation until the PJ amends its HOME-ARP allocation plan.

For HOME-ARP rental housing projects, Section VI.B.20.a.iii of the HOME-ARP Notice (page 36) states that owners may only limit eligibility or give a preference to a particular qualifying population or segment of the qualifying population if the limitation or preference is described in the PJ's HOME-ARP allocation plan.

Adding a preference or limitation not previously described in the plan requires a substantial amendment and a public comment period in accordance with Section V.C.6 of the Notice (page 16).

Identify whether the PJ intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project:

N/A

If a preference was identified, explain how the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the PJ's needs assessment and gap analysis:

N/A

If a preference was identified, describe how the PJ will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference:

N/A

Referral Methods

PJs are not required to describe referral methods in the plan. However, if a PJ intends to use a coordinated entry (CE) process for referrals to a HOME-ARP project or activity, the PJ must ensure compliance with Section IV.C.2 of the Notice (page10).

A PJ may use only the CE for direct referrals to HOME-ARP projects and activities (as opposed to CE and other referral agencies or a waitlist) if the CE expands to accept all HOME-ARP qualifying populations and implements the preferences and prioritization established by the PJ in its HOME-ARP allocation plan. A direct referral is where the CE provides the eligible applicant directly to the PJ, subrecipient, or owner to receive HOME-ARP TBRA, supportive services, admittance to a HOME-ARP rental unit, or occupancy of a NCS unit. In comparison, an indirect referral is where a CE (or other referral source) refers an eligible applicant for placement to a project or activity waitlist. Eligible applicants are then selected for a HOME-ARP project or activity from the waitlist.

The PJ must require a project or activity to use CE along with other referral methods (as provided in Section IV.C.2.ii) or to use only a project/activity waiting list (as provided in Section IV.C.2.iii) if:

- 1. the CE does not have a sufficient number of qualifying individuals and families to refer to the PJ for the project or activity;*
- 2. the CE does not include all HOME-ARP qualifying populations; or,*
- 3. the CE fails to provide access and implement uniform referral processes in situations where a project's geographic area(s) is broader than the geographic area(s) covered by the CE*

*If a PJ uses a CE that prioritizes one or more qualifying populations or segments of qualifying populations (e.g., prioritizing assistance or units for chronically homeless individuals first, then prioritizing homeless youth second, followed by any other individuals qualifying as homeless, etc.) then this constitutes the use of preferences and a method of prioritization. To implement a CE with these preferences and priorities, the PJ **must** include the preferences and method of prioritization that the CE will use in the preferences section of their HOME-ARP allocation plan. Use of a CE with embedded preferences or methods of prioritization that are not contained in the PJ's HOME-ARP allocation does not comply with Section IV.C.2 of the Notice (page10).*

Identify the referral methods that the PJ intends to use for its HOME-ARP projects and activities. PJ's may use multiple referral methods in its HOME-ARP program. (Optional):

N/A

If the PJ intends to use the coordinated entry (CE) process established by the CoC, describe whether all qualifying populations eligible for a project or activity will be included in the CE process, or the method by which all qualifying populations eligible for the project or activity will be covered. (Optional):

N/A

If the PJ intends to use the CE process established by the CoC, describe the method of prioritization to be used by the CE. (Optional):

N/A

If the PJ intends to use both a CE process established by the CoC and another referral method for a project or activity, describe any method of prioritization between the two referral methods, if any. (Optional):

N/A

Limitations in a HOME-ARP rental housing or NCS project

Limiting eligibility for a HOME-ARP rental housing or NCS project is only permitted under certain circumstances.

- PJs must follow all applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, section 504 of Rehabilitation Act, HUD's Equal Access Rule, and the Americans with Disabilities Act, as applicable.*
- A PJ may not exclude otherwise eligible qualifying populations from its overall HOME-ARP program.*
- Within the qualifying populations, participation in a project or activity may be limited to persons with a specific disability only, if necessary, to provide effective housing, aid, benefit, or services that would be as effective as those provided to others in accordance with 24 CFR 8.4(b)(1)(iv). A PJ must describe why such a limitation for a project or activity is necessary in its HOME-ARP allocation plan (based on the needs and gap identified by the PJ in its plan) to meet some greater need and to provide a specific benefit that cannot be provided through the provision of a preference.*
- For HOME-ARP rental housing, section VI.B.20.a.iii of the Notice (page 36) states that owners may only limit eligibility to a particular qualifying population or segment of the qualifying population if the limitation is described in the PJ's HOME-ARP allocation plan.*
- PJs may limit admission to HOME-ARP rental housing or NCS to households who need the specialized supportive services that are provided in such housing or NCS. However, no otherwise eligible individuals with disabilities or families including an individual with a disability who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability.*

Describe whether the PJ intends to limit eligibility for a HOME-ARP rental housing or NCS project to a particular qualifying population or specific subpopulation of a qualifying population identified in section IV.A of the Notice:

N/A

If a PJ intends to implement a limitation, explain why the use of a limitation is necessary to address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or subpopulation of qualifying population, consistent with the PJ's needs assessment and gap analysis:

N/A

If a limitation was identified, describe how the PJ will address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the limitation through the use of HOME-ARP funds (i.e., through another of the PJ's HOME-ARP projects or activities):

N/A

Internal



CALENDAR
01/23/2023

To: Housing Advisory Commission

From: Libby Lee Egan, Chair and Leah Simon-Weisberg, Commissioner

Submitted by: Libby Lee-Egan, Chairperson, and Leah Simon-Weisberg Commissioner,
Housing Advisory Commission

Subject: Fair Access and Transparency in the Residential Application Process Study
Session

BACKGROUND

The HAC's discussion around housing preference policy naturally revolved around vulnerable communities who have the most difficulty finding adequate housing in Berkeley. There are so many barriers for many individuals to become housed and Commissioners celebrated the removal of criminal history from rental applications. Therefore, more unfair barriers to housing need to be removed to make sure residents are happily housed here. Several commissioners expressed interest in learning more about these policies.

INTRODUCTION

The pandemic has hit low-income renters the hardest, exacerbating the existing housing crisis and placing more people at risk of homelessness. Specifically, the pandemic has resulted in increased debts and decreased incomes for many households, especially in communities of color, which has compounded existing racial inequities in housing access, including denial of housing due to a criminal history. These ordinances will increase access to housing by ensuring that (1) the rental application process is transparent and fair and (2) factors that are unrelated to an applicant's current ability to pay their rent do not prevent them from accessing housing.

At a time when so many are recovering from the financial challenges of the pandemic, we must remove unjust and unlawful barriers to housing, do what we can to proactively level the playing field for those who have been historically excluded from housing access, and end discrimination in rental housing.

FAIR ACCESS AND TRANSPARENCY POLICIES

Rental Access: This ordinance would prohibit landlords from asking about or using certain criteria in evaluating a rental application:

- a tenant's failure to pay rent or utility bills during the COVID-19 emergency
- a tenant's participation in a rental assistance program
- a tenant's eviction history
- a tenant's credit score or credit history

The ordinance also would prohibit landlords from using an automated tenant screening or evaluation service, which typically include the prohibited criteria

Rental Transparency and Accessibility Ordinance: This ordinance would require landlords to have uniform screening criteria for rental applications and to disclose those criteria up-front to potential applicants. This ordinance also would require landlords to disclose the reason for denying a rental application.

Factors like credit scores and eviction history often have discriminatory impact

Credit scores and eviction history are factors that indicate whether an applicant has the present ability to pay the requested rent. There is ample evidence that consideration of these factors perpetuates racial discrimination because there are stark racial disparities baked into each of these factors.¹

Credit Scores

Numerous studies have shown that Black and Latinx communities have lower credit scores as a group than White communities, due to centuries of discrimination which have contributed to a wide wealth gap between these groups.²

Credit scores also are not an appropriate or relevant proxy for a tenant's ability to pay rent. Most significantly, rental payments are not reported to credit monitoring agencies, so a tenant's history of on-time rental payments are not factored into credit scores. Many tenants prioritize paying their monthly rent over other expenses, leading to them taking on debt for food, transportation, and other necessities, which is factored into a credit score. Credit scores also consider certain medical debt and student loan debt. This makes a credit score an inappropriate and inaccurate indicator of both whether a tenant has paid their rent on-time in the past, and whether they have the ability to do so in the future.³ In fact, many tenants may forgo other payments - hurting their credit score in the process - to ensure they are able to make their rental

¹ Reosti, A. (2021). The Costs of Seeking Shelter for Renters With Discrediting Background Records. *City & Community*, 20(3), 235–259. <https://doi.org/10.1177/15356841211012483>

² https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf (citing to several studies); https://www.urban.org/research/publication/explaining-black-white-homeownership-gap-closer-look-disparities-across-local-markets/view/full_report (More than 50 percent of white households have a FICO credit score above 700, compared with only 20.6 percent of black households. Thirty-three percent of black households with credit histories have insufficient credit and lack a credit score, while only 17.9 percent of white households have missing credit scores); <https://www.brookings.edu/research/analysis-of-financial-institutions-in-black-majority-communities-black-borrowers-and-depositors-face-considerable-challenges-in-accessing-banking-services/> (demonstrating disparity in average credit score by racial group and noting that Black consumers are more likely to be excluded from conventional financial services and pay higher service fees due to their credit scores); https://cpb-us-e1.wpmucdn.com/sites.suffolk.edu/dist/3/1172/files/2014/01/Rice-Swesnik_Lead.pdf (Discriminatory Effects of Credit Scoring on Communities of Color).

³ Rosen, E., Garboden, P. M. E., & Cossyleon, J. E. (2021). Racial Discrimination in Housing: How Landlords Use Algorithms and Home Visits to Screen Tenants. *American Sociological Review*, 86(5), 787–822. <https://doi.org/10.1177/00031224211029618>

payment on time. This should not be a factor that hurts a tenant's chance of obtaining housing in the future.

Eviction History

Landlords often reject tenants based upon eviction history no matter the context. This exclusion disproportionately impacts Black female renters.⁴ Eviction history is not representative of a tenant's present ability to pay rent or abide by the terms of a lease agreement. Many landlords will file eviction lawsuits against tenants for fraudulent or discriminatory reasons, in order to give the landlord more leverage to displace the tenant.⁵ Additionally eviction is disproportionately used by landlords renting in areas with high poverty rates and/or shares of African-American individuals.⁶ This spatial concentration illuminates the way in which eviction is more likely to occur where the tenant is already at a disadvantage and my struggle to access legal counsel, getting time off work to appear in court, and more.

Large landlords file evictions at two to three times the rates of small landlords, and this disparity is not driven by the characteristics of the tenants they rent to. Not only do large landlords file more often, but also over less money owed and more often as a rent collection strategy.⁷

Eviction cases are complicated, move fast and are highly technical; it is very difficult, if not impossible, to successfully defend an eviction case without a lawyer.⁸

When landlords file eviction lawsuits, tenants have five days to file an Answer,⁹ where they respond to landlord's allegations by noting substantive and technical deficiencies in the cases against them.

If tenants do not file an Answer in time, then their landlord can petition the court to enter a default judgment against them. Before approving a default judgment, courts hold "prove up hearings," where judges confirm landlords' allegations, though without requesting evidence to substantiate these allegations. Sometimes in as little as 90 seconds, judges enter default judgments and tenants lose their homes without opportunities to defend themselves in court.

⁴ Carter, C. (n.d.). *Salt in the Wound: How Eviction Records and Back Rent Haunt Tenant Screening Reports and Credit Scores*. 3. https://www.nclc.org/images/pdf/special_projects/covid-19/IB_Salt_in_the_Wound.pdf;

⁵ *Eviction Record Expungement Can Remove Barriers to Stable Housing—Center for American Progress*. (n.d.). Retrieved May 17, 2022, from <https://www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/>

⁶ Lens, M. C., Nelson, K., Gromis, A., & Kuai, Y. (2020). The Neighborhood Context of Eviction in Southern California. *City & Community*, n/a(n/a). <https://doi.org/10.1111/cico.12487>

⁷ Ferrer, Alex. 2021. *Beyond Wall Street Landlords: How Private Equity in the Rental Market Makes Housing Unaffordable, Unstable, and Unhealthy* (The Just Recovery Series). SAJE. https://www.saje.net/wp-content/uploads/2021/03/Final_A-Just-Recovery-Series_Beyond_Wall_Street.pdf

⁸ Inglis, Aimee and Dean Preston. 2018. *California Evictions Are Fast and Frequent*. Rep. San Francisco, CA: Tenants Together.

⁹ California Code of Civil Procedure Section 1167. (<https://www.courts.ca.gov/27757.htm?rdeLocaleAttr=en>)

Evictions result from unequal power. When tenants are not represented by an attorney, they almost always lose, even if they have a valid legal defense. When tenants have legal representation, they achieve far more beneficial outcomes than tenants without representation.¹⁰ This illustrates the ways in which unequal access to legal representation and limited resources to navigate the fast and technical eviction process results in evictions; not wrongdoing on the part of the tenant.

Evictions Target People of Color and Low-Income Families. Low-income tenants, women of color, and families with children comprise a majority of tenants facing eviction. It is a well-documented fact that **evictions disproportionately impact Black and female-headed households**. Decades of analysis demonstrate that the higher the percentage of Black persons and children living in female headed households, the higher the eviction rate.¹¹

There is a direct mechanism connection that ties eviction to gentrification. In this case, landlords are so convinced of their ability to obtain higher value (via increased rents or property or land sales) that they initiate an eviction proceeding with or without cause. This phenomenon can be especially pronounced when corporate landlords and institutional investors are involved.¹²

Default Evictions

Between 2010-2019, California landlords filed almost 1.5 million evictions against tenants, approximately 166,000 annually. The most common eviction outcome was default, where the tenant lost their case before being assigned a court date. According to an analysis of unsealed statewide eviction records, 70.4% of cases statewide culminated in default judgments including 83.7% of cases in Monterey County, 82.4% in Butte, 76.9% in Fresno, 73.9% in Alameda, and 71.9% in Kern.¹³

Default occurs when a tenant does not appear in court. Meaning that unlike in criminal court, where a defendant cannot be convicted in their absence, the court in an eviction action can order the tenant to be evicted and left with an eviction record even if the tenant never appeared in court. Default occurs far too often for tenants facing eviction and says nothing about whether the tenant committed wrongdoing.¹⁴ When tenants default, they are evicted and their case records are unsealed. Credit reporting agencies collect data on unsealed eviction case records.

¹⁰ Blasi, Gary. 2004. "How Much Access-How Much Justice." *Fordham Law Rev.* 73:865; <https://www.cssny.org/news/entry/right-to-counsel-new-york-tenants-lawyers-evictions>

¹¹ Heskin, Alan David and Keith Davidson. 1993. "Residential Evictions in the City of Berkeley: Ethnicity and Gender." Unpublished paper. Graduate School of Architecture and Urban Planning: University of California, Berkeley.

¹² Lens, M. C., Nelson, K., Gromis, A., & Kuai, Y. (2020). The Neighborhood Context of Eviction in Southern California. *City & Community*, n/a(n/a). <https://doi.org/10.1111/cico.12487>; Immergluck, Dan, Jeff Ernsthansen, Stephanie Earl, and Allison Powell. 2019. "Evictions, Large Owners, and Serial Filings: Findings from Atlanta." *Housing Studies* <https://doi.org/10.1080/02673037.2019.1639635>; Raymond, Elora, Richard Duckworth, Benjamin Miller, Michael Lucas, and Shiraj Pokharel. 2018. "From Foreclosure to Eviction: Housing Insecurity in Corporate-Owned Single Family Rentals." *Citiescape* 2(3):159–88.

¹³ Montano, Kyle Nelson. Forthcoming 2022. "Losing by Default". Berkeley Right to Counsel Coalition.

¹⁴ *Ibid.*

If a tenant wins an eviction lawsuit or the case ends in any way other than a judgment in favor of the landlord, California law requires the case record to be “sealed,”¹⁵ an acknowledgement that such eviction actions are not relevant to a tenant’s ability to pay or comply with a lease. When landlords ask questions about involvement in our eviction system (instead of relying on what records are publicly-available), they are circumventing the intention of state law to prevent this kind of eviction history from being used against a tenant.

Other ways that credit reports, and eviction histories are flawed

Research has shown that credit reports, criminal records, and eviction histories are often rife with extreme errors. For example, a recent study of consumer credit reports revealed that a third of reports contained at least one error.¹⁶ These errors are not minimal - there are media reports and anecdotes of multiple tenants having been erroneously identified as being on a terrorist watch list,¹⁷ resulting in housing denials. By prohibiting consideration of these factors—and the use of tenant screening services that incorporate these factors—the policy seeks to make sure that applicants are not denied housing due to mistakes on a report.

The problem with tenant screening services

Historically, tenant screening has been a simple, straightforward process based on income information and conversations between the prospective landlord and applicant. However, in recent years, landlords have increasingly asked applicants for voluminous information, verifications and records, and utilized third party screening services to check public records and outsource the screening process. These services frequently utilize flawed or inaccurate public records, including erroneously using records which do not even apply to the applicant in question.¹⁸ The services then characterize tenants as “good” or “bad” tenants and issue an automated recommendation to the landlord about whether to accept that tenant’s application. This automated and arbitrary characterization of tenants limits their ability to know why they were rejected and discuss that reason with landlords, and the landlord themselves may not even know the basis for the recommendation to deny an applicant.¹⁹ These services exacerbate challenges to housing access, often render inappropriate and/or inaccurate decisions, and could

¹⁵ Code of Civil Procedure § 1161.2.

¹⁶ Preventing and Removing Barriers to Housing Security for People With Criminal Convictions. (n.d.). *Center for American Progress*. Retrieved May 17, 2022, from <https://www.americanprogress.org/article/preventing-removing-barriers-housing-security-people-criminal-convictions/>; *More Than a Third of Volunteers in a Consumer Reports Study Found Errors in Their Credit Reports*. (n.d.). *Consumer Reports*. Retrieved May 17, 2022, from <https://www.consumerreports.org/credit-scores-reports/consumers-found-errors-in-their-credit-reports-a6996937910/>.

¹⁷ Kirchner, L., & Goldstein, M. (2020, May 28). How Automated Background Checks Freeze Out Renters. *The New York Times*. <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>

¹⁸ Kleysteuber, R. (2006). Tenant Screening Thirty Years Later: A Statutory Proposal to Protect Public Records Note. *Yale Law Journal*, 116(6), 1344–1388.

¹⁹ Vogell, E. S., Heather. (n.d.). *How Your Shadow Credit Score Could Decide Whether You Get an Apartment*. ProPublica. Retrieved May 17, 2022, from https://www.propublica.org/article/how-your-shadow-credit-score-could-decide-whether-you-get-an-apartment?token=l8mgMae53zU3XpjaqkIAgwk_ytL5O1GN

frustrate the goals of the Fair Access for Renters policies by allowing landlords to consider banned factors through a third party.²⁰

These policies would not stop landlords from asking relevant questions to come to their own conclusions; they simply prevent landlords from relying solely on the conclusions of third-party services that may not properly vet information, base their decisions on irrelevant or extraneous information, or don't allow landlords and tenants to know what information a decision has been based on.

This policy supports renters with pandemic-related hardship

Renters should not be penalized for pandemic-related hardship when they need housing in the future. Hundreds of thousands of renters accessed emergency rental assistance, and many others went into debt to be able to pay their rent during the pandemic. This policy will ensure that seeking rental assistance—or the negative credit consequences of pandemic-related debt—do not prevent applicants from accessing housing. This is a key component of pandemic recovery. It is fundamentally unfair for the unprecedented financial crisis caused by the pandemic to be a long-term obstacle to housing.

This policy helps families or individuals with housing vouchers find housing

Once an eligible family on the waitlist is issued a voucher, they typically are only given about 60 days to successfully find and lease housing with their assistance. If they are unable to meet this timeline, the assistance is revoked. Even when families can afford the rent being asked for with their rental assistance, they often have a difficult time finding housing due to irrelevant hits on a credit check, such as old medical debt. This policy would help families with vouchers access housing and use their voucher timely, allowing the City to leverage federal assistance in combating homelessness.

What information can landlords ask for to evaluate potential tenants without the prohibited criteria?

Landlords should be able to ask for information that relates to a tenant's ability to pay the rent. More specifically, landlords can still ask for:

- Current income (pay stubs, account balances)
- Current employer and employment history
- Rental history and references from previous landlords
- Proof of on-time rental payments
- Applicable personal information: household size, pets, personal statement, etc.
- Any other information reasonably related to the tenancy which is not prohibited by these policies or other discrimination or fair housing laws

²⁰ *Ibid.*

ELEMENTS OF FAIR ACCESS AND EXAMPLES FROM OTHER CITIES

Cities and states throughout the country, including Philadelphia, Washington D.C, Seattle, and Washington State, all have enacted various laws that include some of the protections of the Fair Access for Renters package.

Reduce the amount of security deposit that can be charged to only the equivalent of one month

This is already in place in Portland as stated in City Code Section 30.01.087 Security Deposits; Pre-paid Rent (<https://www.portland.gov/code/30/01/087>). This is also already present in Seattle as stated in City Code 7.24.035 - Security deposits and nonrefundable move-in fees (https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT7COPR_CH7.24REAGRE_7.24.035SEDENOMOF&showChanges=true).

Landlord must provide written reasons why the tenant was not offered housing.

This is already in place in Philadelphia as stated in Philadelphia Code Sections 9-1108 (3) and (4), Section 9-810, and the Philadelphia Renters Access Act (https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278660 https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278115, <https://www.phila.gov/media/20211014090131/Renters-Access-Act-tenant-screening-guidelines-20211013-rev2.pdf>).

This is also currently in place in Seattle as stated in RCW 59.18.257 (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.257>). This is also stated in Portland in the Portland Rental Housing Application and Screening Administrative Rule (<https://www.portland.gov/sites/default/files/policies/hou-3.06-rental-housing-application-and-screening-03-29-21-filed-for-inclusion-03-29-21.pdf>).

May not request a credit report.

This is currently in place in Philadelphia, as stated in Philadelphia Code Section 9-810 (https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-27811). This is also currently present in Portland as stated in City Code 30.01.086 - Evaluation of Applicants for Dwelling Units (<https://www.portland.gov/code/30/01/086>).

A Landlord may only require income, prior landlord contact, and personal reference.

- This is currently present in Philadelphia as stated in Philadelphia Code Sections 9-1108 (3) and (4), Section 9-810, and the Philadelphia Renters Access Act (https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278660 https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/

0-0-0-278115, <https://www.phila.gov/media/20211014090131/Renters-Access-Act-tenant-screening-guidelines-20211013-rev2.pdf>).

- This is also present in Portland as stated in in the Portland Rental Housing Application and Screening Administrative Rule (<https://www.portland.gov/sites/default/files/policies/hou-3.06-rental-housing-application-and-screening-03-29-21-filed-for-inclusion-03-29-21.pdf>).
- This is also currently present in Seattle, as stated in RCW 59.18.257 (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.257>).

A landlord cannot inquire about a prospective tenant’s failure to pay rent during the Local Emergency.

This is currently present in Portland as stated in Senate Bill 282 (<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0282/Enrolled>). This is also present in Philadelphia as stated in Philadelphia Code Section 9-810 (https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278115



Office of the City Manager

WORKSESSION

February 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services

Subject: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs

SUMMARY

Staff are providing information on work to date on an Affordable Housing Preference Policy (HPP), and requesting the City Council provide feedback on which preferences to move forward for policy development and adoption. Staff will use this guidance to inform the policy, Fair Housing analysis, and implementation plan. Staff anticipate returning to Council in Summer 2023 for adoption of the policy.

The HPP, if adopted, will focus on preventing displacement from Berkeley, responding to displacement from Berkeley that has occurred, and addressing historical injustices. Preference policies for affordable housing are unique amongst anti-displacement policy tools for their potential to help already-displaced residents return to their community. Preference categories may assist people who faced or are facing displacement in Berkeley, those with ties to Berkeley's historically redlined areas, and households with children to receive priority for new affordable housing units. The HPP is intended to apply to units created by the City's Below Market Rate (BMR) and Housing Trust Fund (HTF) programs. Opportunities for implementation of the policy will be shaped by staffing levels, Fair Housing law, and approvals by other government funding sponsors for HTF projects.

The current proposal is a product of work undertaken by the Department of Health, Housing, and Community Services (HHCS) in partnership with community-based organizations. In 2019, in response to Council referrals and ongoing community advocacy for a preference policy, HHCS and the Department of Planning applied for a Partnership for the Bay's Future (PBF) Challenge Grant. The Challenge Grant, which commenced in March 2020, allowed HHCS to support community partners East Bay Community Law Center (EBCLC) and Healthy Black Families (HBF) to engage in a community-driven process to make recommendations for an HPP. Housing Advisory Commission (HAC) also provided recommendations on a Housing Preference Policy.

CURRENT SITUATION AND ITS EFFECTS

Council Guidance & Next Steps

The preferences recommended by community engagement and the HAC are identified in Table 1. Staff are requesting City Council identify which preferences to move forward for policy development and implementation. Staff will use this guidance to inform the policy, Fair Housing analysis, and implementation plan. Staff anticipate returning to Council in Summer 2023.

Table 1: Summary of Preferences Recommended by HAC & Community Engagement

Proposed Preferences	Details	Rationale & Potential Benefits
Displacement due to BART construction (first priority)	Descendant of someone who was displaced due to construction of BART in Berkeley.	Supports those who lost their homes due to BART construction and forewent intergenerational wealth-building opportunities as a result. Acknowledges this harm and provides an opportunity to return to the community with stable housing.
Displaced due to foreclosure	Displaced due to foreclosure in Berkeley since 2005.	Supports displaced residents to return to Berkeley and acknowledges lack of support during the foreclosure crisis. The foreclosure crisis disproportionately impacted communities of color.
Displaced due to eviction	Displaced in Berkeley due to eviction within the past seven years.	Supports renters facing challenges finding new housing due to an eviction, which stays on a record for seven years. Evictions disproportionately impact Black women. Eviction court cases move quickly, and renters are at a significant disadvantage when they do not have legal representation.
Families with children	Household with at least one child aged 17 or under.	Increases community cohesion, since families are being displaced from social networks and school districts, often to lower resource places. Research and community knowledge indicate that children are most impacted by displacement, with impacts on education, child care, and peer networks.
Homeless <u>OR</u> at-risk of homelessness	Homeless <u>OR</u> At-Risk of Homelessness with current/former address in Berkeley	Supports housing insecure Berkeley residents become stably housed in their community. Berkeley’s homeless population is disproportionately people of color.
Ties to redlined areas	Residential ties to Berkeley’s redlined areas – current or former address of applicant.	Acknowledges historic racialized injustices that contributed to the displacement crisis, supports displaced residents to return to Berkeley, and supports those in

Proposed Preferences	Details	Rationale & Potential Benefits
		neighborhoods facing gentrification-related displacement pressures to become stably housed.
Ties to redlined areas – historical	Residential ties to Berkeley’s redlined areas – current or former address of parent/guardian or grandparent of applicant.	<i>See above.</i>

Policy and Implementation Considerations

Staff identified several additional considerations related to policy development and implementation:

- Displacement due to BART construction:
 - Staff submitted a Public Records Request to BART and received some records on individuals who lost their homes due to BART construction. Staff are seeking further clarification on whether these records are comprehensive.
 - Community discussions have centered around those displaced due to eminent domain, but staff are proposing a broader scope to this preference in light of examination of BART records.
 - Staff collected examples from other cities with similar preferences on documentation verification processes.
- Displacement due to eviction:
 - Feedback from affordable housing providers suggested that it may make sense to identify specific causes for eviction that would qualify for this preference, such as nonpayment of rent, owner move-in, and demolition.
 - HAC will be discussing recommendations for an ordinance prohibiting landlords from considering eviction history and other factors, such as credit checks, in rental applications at the March HAC meeting.
- Homeless or at risk of homelessness:
 - The City currently supports homeless individuals to access affordable housing with supportive services via the BMR program’s Shelter Plus Care voucher requirements and HTF program’s Permanent Supportive Housing units.
 - Typically, when affordable housing projects include homeless-designated units, these units are dedicated to homeless households and include supportive services. Homeless advocates have noted that people may be at-risk of homelessness or homeless with a wide range of circumstances and service needs.

- At the same time, affordable housing providers expressed concern that a homeless preference may lead to chronically homeless residents being housed without adequate support if they are able to income-qualify for a unit.
- Affordable housing providers indicated typically homeless units on average require \$5,000 - 6,000 in additional subsidy per unit that has not been identified.
- Affordable housing providers also expressed concern that there may be an excessive administrative burden to screen chronically homeless applicants who will be prioritized but will not ultimately qualify for income-restricted units (i.e., 50-60% AMI). This could result in delayed lease-up and increased projects costs.
- Implementation must consider how homeless people can demonstrate local ties without being overly burdensome. Narrowing this preference to those with a former address in Berkeley may help prioritize those with local ties. At the same time, filtering for local ties could filter out eligible applicants who have a difficult time supplying documentation.
- Affordable housing providers also stressed the importance of definitions of homelessness and risk of homelessness that are consistent with existing definitions.
- For these considerations, monitoring and adjusting implementation as needed will be important.
- Number of preferences
 - Affordable housing providers emphasized that additional administrative requirements related to preferences may cause lease-up delays and increase project costs.

Fair Housing Analysis

Fair Housing law requires disparate impact analysis (DIA) for preferences before a preference policy can be implemented on HTF projects. DIA assesses whether specific racial groups or other protected classes would be inadvertently disproportionately impacted by the HPP. County, State, and Federal funding agencies that contribute funding to HTF projects require this analysis to permit use of the HPP on specific projects. Staff will need the discretion to adjust the application of preferences in order to ensure no disparate impact and secure the necessary funding approvals for HTF projects.

This analysis also determines what percentage of units can receive preferences without creating disparate impacts on protected classes under state and federal law. Staff's intent is for the policy to be applied to the maximum percentage of units permitted by disparate impact analysis. Research from other cities shows this analysis will limit the share of affordable housing units the policy can apply to; it will not be able to be applied to 100% of units in a development.

Staff issued a Request for Proposals (RFP) for Fair Housing analysis of the proposed preferences in August 2022. The Fair Housing analysis report will help determine how each preference can be applied to the maximum percentage of units permitted by disparate impact analysis, and will help secure approval for use of preferences from funding agencies. Staff submitted a report for February 28, 2023 to receive Council approval for a contract with the selected bidder.

Implementation Considerations

The following considerations will help shape the implementation plan:

- **Preferences:** The proposed preferences vary in scope and reach and will take time to effectively implement. Most jurisdictions surveyed typically implement three to four preferences. Staff will prepare an implementation plan predicated on the scope of the preferences selected by Council.
- **Sequencing of Rollout:** Disparate Impact Analysis is not required for BMR units as they are not reliant on outside government funders. Staff recommend implementing the policy on new BMR units upon adoption of administrative guidelines, while the Fair Housing analysis required for HTF projects is simultaneously completed.
- **Outreach:** Staff will issue an RFP to select a local community-based organization to conduct outreach and education.
- **Reporting:** Staff will provide an annual report to Council documenting the policy's impact and request any policy amendments to better serve the anti-displacement goals.

Housing Advisory Commission Vote

The Housing Advisory Commission (HAC) supported adopting a Housing Preference Policy at the October 6, 2022 meeting with the following vote:

Action: M/S/C (Simon-Weisberg/Mendonca) to recommend City Council take the following actions:

- Adopt a policy to establish the following preferences for new affordable housing created via the City's Housing Trust Fund and Below Market Rate programs:
 - Displacement due to eminent domain for North Berkeley and Ashby BART construction
 - Displaced in Berkeley due to foreclosure since 2005
 - Families with children
 - Homeless or at risk of homelessness
 - Ties to redlined areas
 - Ties to redlined areas – historical
 - Displaced in Berkeley due to eviction within the past seven years;
- Structure the preferences to provide applicants that qualify for the "Displacement due to eminent domain for North Berkeley and Ashby BART construction" a first priority and all remaining preferences equally weighted; and

Referral Response: Affordable Housing Preference Policy for Rental Housing
Created Through the Below Market Rate and Housing Trust Fund Programs

WORKSESSION
February 21, 2023

- Share the research that informed these recommendations with the City's reparations consultant.

Vote: Ayes: Ching, Johnson, Lee-Egan, Mendonca, Sanidad, and Simon-Weisberg.
Noes: None. Abstain: None. Absent: Calavita (excused), Fain (unexcused), Rodriguez (unexcused), and Potter (excused).

The HAC supported all six preferences staff identified via the community engagement process, and added a preference for those displaced by eviction, due to challenges renters may face finding new housing with an eviction that stays on their record for seven years, as well as the racial disparities of evictions. Community engagement leaders and the HAC agreed that a preference for displacement due to BART construction should have a first priority above other preferences.

Referrals

This report responds to two referrals: #001-3208, which originally appeared on the agenda of the April 5, 2016 meeting and was sponsored by Councilmembers Droste, Moore, Capitelli, and Maio; and #000-3732, which originally appeared on the agenda of the April 30, 2019 Council meeting and was sponsored by Councilmembers Davila and Bartlett.

The Housing Preference Policy is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support services for our most vulnerable community members. The HPP will apply to units created by the BMR and HTF programs.

BACKGROUND

Over the past several years, multiple community-based organizations in Berkeley have called for a Housing Preference Policy to help address gentrification and displacement in Berkeley, particularly from the African American community in South Berkeley. In 2016, Council made a referral to develop Neighborhood Preference in Affordable Housing to reduce the impact of displacement. The Adeline Corridor Specific Plan prioritized the development of a local preference policy for affordable housing, specifically mentioning preference policy on potential future affordable units at the Ashby BART station. In 2019, the City Council made a referral to create policies to develop a "right to return" for Berkeley's displaced residents, "especially People of Color, including the African American communities who have been displaced."

In 2020, with the support of the Mayor and Councilmembers Bartlett and Harrison, the City began the PBF Challenge Grant with a focus on developing a Housing Preference Policy rooted in community engagement and research. Also in 2020, the City and BART Joint Vision & Priorities included a Housing Preference Policy for future housing at Ashby and North Berkeley BART stations.

As part of the PBF Challenge Grant, the City of Berkeley worked with community partners East Bay Community Law Center and Healthy Black Families to engage in a community-driven process to design the Housing Preference Policy. Community input was solicited through outreach and engagement strategies including:

- Community surveys: A targeted displacement-focused survey led by Healthy Black Families, and a city-wide survey focused on a Housing Preference Policy hosted on Berkeley Considers (results and analysis of the survey are included as Attachment 1);
- Outreach led by Healthy Black Families;
- A “Community Leaders Group” comprised of representatives from local community-based organizations and community groups led by Healthy Black Families and East Bay Community Law Center. Participants were selected by the lead community groups.

The discussions around a Housing Preference Policy revolved around addressing specific challenges facing Berkeley’s most impacted residents:

- Significant displacement within and from Berkeley has already occurred. The number of people experiencing homelessness in Berkeley steadily grew at an average rate of 10% every two years between 2006 and 2019. The most common response to the question of why homeless people chose to sleep in Berkeley was that they grew up in Berkeley. Black people are disproportionately represented in Berkeley’s homeless population; since 2006, 65% of homeless service users in Berkeley are Black while Black people comprise less than 8% of the overall population. Between 1990 to 2018, Berkeley lost 49% of its Black population while other racial groups all grew slightly.
- There is ongoing housing insecurity and displacement pressure in Berkeley. Approximately 49% of low-income renters in Berkeley spend more than half their income on rent.
- There is historical harm to communities of color in Berkeley. Redlining facilitated patterns of disinvestment that continue to enable gentrification. Approximately 83% of today’s gentrifying areas in the East Bay were rated as “hazardous” (red) or “definitely declining” (yellow) by the government agency that introduced redlining. These policies limited homeownership and housing stability in these Berkeley neighborhoods, which were predominantly populated by people of color. In the 1960s, BART bought blocks of homes in order to build Ashby and North Berkeley BART stations, in some cases invoking eminent domain; those who lost their homes due to BART construction lost their opportunities for intergenerational wealth-building.

In September 2022, SB 649 was adopted at the state level. This legislation established that it is the state’s policy that lower-income individuals residing in neighborhoods and

Referral Response: Affordable Housing Preference Policy for Rental Housing
Created Through the Below Market Rate and Housing Trust Fund Programs

WORKSESSION
February 21, 2023

communities experiencing significant displacement need access to housing that is affordable and assists in avoiding displacement, and that a local tenant preference adopted pursuant to the bill's provisions is subject to the duty of public agencies to affirmatively further fair housing.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Displacement can lead to long commutes as displaced people continue to return to their community of origin for school, work, faith institutions, healthcare, and/or social networks. A Housing Preference Policy can help reduce greenhouse gas (GHG) emissions associated with these longer commutes by reducing or reversing displacement of those with ties to Berkeley.

POSSIBLE FUTURE ACTION

Staff will return to Council based on recommendations for preference categories with a resolution for Council consideration to create a new Housing Preference Policy applicable to new residential housing units created via the BMR and HTF program. The policy will be inclusive of Fair Housing law and government funder program requirements and approvals. Staff will also bring to Council an implementation plan that includes staffing, outreach, and data collection.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

A Housing Preference Policy will require new staff time for training/education, leasing certification, contract management, data collection and evaluation, and other ongoing implementation responsibilities. HHCS' Housing and Community Services Division (HHCS/HCS) estimates needing 0.3 FTE Community Service Specialist I (CSSI), 0.3 FTE Community Development Project Coordinator (CDPC) and 0.1 FTE Senior Community Development Project Coordinator to fulfill these duties. This represents an estimated annual staffing budget of \$136,299. HHCS/HCS is currently working with a consultant on a staffing study to assess overall staffing needs for the division. The draft study indicates there is a sufficient increased workload associated with new programs and regulations, including the HPP if adopted, to warrant a full-time CSSI position. The results of the staffing study and associated staffing requests and funding plan will be brought forward for consideration in early 2023. Staffing for the Housing Preference Policy implementation will be incorporated into the division's plan.

Further, as part of an evaluation one year after Housing Preference Policy adoption, staff will assess ongoing staffing needs in the context of current and other oncoming housing policy and program work, and return to Council with the results of the evaluation.

HHCS/HCS issued an RFP for Fair Housing analysis of the proposed preferences in August 2022. Staff submitted a report for February 28, 2023 Council approval of a contract with the selected bidder, in the amount of \$60,055. Funding in the amount of

Referral Response: Affordable Housing Preference Policy for Rental Housing
Created Through the Below Market Rate and Housing Trust Fund Programs

WORKSESSION
February 21, 2023

\$60,055 for this Fair Housing analysis is available in the FY 2023 budget in the General Fund (Fund 011).

It will be critical to conduct outreach to ensure that potential affordable housing applicants are aware of the Housing Preference Policy. Staff recommend conducting an RFP to fund a community-based organization to lead outreach in Berkeley, and outside of Berkeley to reach those already displaced from the community. It will be important to have consistent outreach and education through the development of the two BART sites. Staff can evaluate possible funding sources once the scope of the policy has been determined.

CONTACT PERSON

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Mike Uberti, Senior Community Development Project Coordinator, Health, Housing and Community Services, (510) 981-5114

Attachments:

- 1: Housing Preference Policy Survey Results
- 2: Research Overview of Preference Policies in Other Jurisdictions
- 3: Referral Report from April 5, 2016
- 4: Referral Report from April 30, 2019



Office of the City Manager

INFORMATION CALENDAR
February 14, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Referral Response: Home Share Program

INTRODUCTION

This report responds to a Council referral on home share programs that originated with the Housing Advisory Commission. A home share program pairs individual homeowners who have extra room in their homes with individuals seeking affordable housing in a communal setting. This may also support homeowners with financial need and/or a need for companionship or other support. Home share programs are typically designed to support housing affordability for seniors and to prevent displacement.

Staff researched home share programs to gather information on their scope, staffing, and a potential Berkeley-focused program. Council may consider identifying funds and issuing a Request for Proposals to fund such a program via an existing home share provider. There are existing local home share programs that could scale up operations in Berkeley with additional funding.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral #000-2822 that originally appeared on the agenda of the October 16, 2018 Council meeting and was sponsored by Igor Tregub, Chairperson of the Housing Advisory Commission.

Home share programs match those seeking affordable housing with those who have extra room in their homes, and need financial support, companionship, task exchanges, or some combination thereof. These programs typically pair older adults (aged 55 and over) with individuals aged 18 and over who are seeking affordable housing in a communal setting. The programs facilitate the match through a “high-touch” screening process for both homeowners and tenants. They also vet homes to ensure the accuracy of listings and facilitate shared living through development of house agreements and regular check-ins. These programs address housing shortages and mitigate isolation and loneliness senior populations are facing. They also increase financial security and help individuals remain at home in their community. These services are offered free of charge to homeowner and tenant participants.

Referral Response: Home Share Program

INFORMATION CALENDAR
February 14, 2023

In 2018, the City Council referred to the City Manager the possibility of working with existing similar programs such as Safe Home (Rebuilding Together senior rehabilitation program) and Ashby Village to implement a Home Share Pilot Program.

The nonprofit organization Front Porch is currently implementing home share programs in the East Bay (Contra Costa County and parts of Alameda County), as well as in San Francisco and Marin County (<https://covia.org/programs/home-match/>). Berkeley residents may be able to access the home share programs already operational in Alameda County. Front Porch is connected to local senior-serving organizations such as Ashby Village and Rebuilding Together. There is also a UC-Berkeley Retirement Home Match Program run by the Berkeley Retirement Center that matches retired UC Berkeley faculty and staff who own homes with Berkeley graduate students, post-docs and visiting scholars. This program has not been active since the COVID-19 pandemic began in 2020, but is in conversation with Front Porch about partnering to begin delivering home sharing service to more diverse populations.

There is also existing funding to focus on high-need areas in Berkeley. For example, Front Porch received a grant from the State's CalHome program to provide services in Oakland, San Leandro, Hayward, Fremont, City of Alameda and Treasure Island. This grant includes funding to work with Ashby Village to support home providers in Opportunity Zones, which cover parts of South Berkeley, West Berkeley, and downtown. Outreach to potential home providers in these parts of Berkeley started in late 2022; as of the time of writing this report in December 2022, one match has been made in Berkeley, and Front Porch is currently working with two other home providers to coordinate tenants. Their goal is to facilitate and stabilize four or five home matches per year in Berkeley through this program.

City funding could support a full-time program manager dedicated to Berkeley that would result in increased outreach in Berkeley. Front Porch estimates this can provide and stabilize housing for 35-40 Berkeley residents per year. Additionally, this outreach could be citywide, and not limited to Opportunity Zones, which may result in increased opportunities for lower-income tenants to find housing in higher-resource areas.

BACKGROUND

In 2018, the City began the Age-Friendly Berkeley initiative (<https://www.agefriendlyberkeley.org>), which identified affordable housing and home modifications as priority issues for seniors. Currently, several City programs assist senior homeowners. The Home Modifications for Accessibility and Safety program operated by Rebuilding Together and the Center for Independent Living completes home improvement projects to improve accessibility within the home for seniors and persons with disabilities. Similarly, low- and moderate-income senior households may apply for a zero interest loan for home improvements through the City's Senior and Disabled Home Improvement Loan Program.

There is a severe shortage of affordable housing in Berkeley; in July 2022, more than 21,000 residents applied to get on a Berkeley Housing Authority wait list for Section 8 housing vouchers, with only 2,000 vouchers available. Over half of renter households in Berkeley are rent-burdened, paying more than 30 percent of their income to housing expenses. In a 2017 survey of UC Berkeley students, 10 percent identified as having experienced homelessness at some point since arriving at UC Berkeley. Berkeley's senior population, ages 65 to 74, was the fastest growing age group between 2010 and 2019. Senior-headed households comprise nearly 28 percent of all Berkeley households. Of senior households that are owner-occupied, one in four are lower income (80% area median income or lower). Berkeley is in a unique position to benefit from a home share program given its mix of senior homeowners and the UC Berkeley student population.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

If Council chooses to fund a Request for Proposals for a home share program through the budget process, this program may help reduce greenhouse gas (GHG) emissions associated with longer commutes by reducing or reversing displacement of those with ties to Berkeley.

Additionally, the Front Porch Home Match program described above is including climate adaptation activities as part of its deliverables in a CalHome award for Alameda County. These activities enhance their existing "home readiness" program and provide environmentally beneficial upgrades to participating homes including providing energy efficient light bulbs to replace incandescent bulbs, window tinting to reduce ambient heat, low-flow showerheads, and helping caulk or foam leaks around windows and change filters on home provider's furnaces.

POSSIBLE FUTURE ACTION

If Council chooses to fund a Request for Proposals for home share through the budget process, the City's Health, Housing, and Community Services department could administer the competitive Request for Proposals to fund an existing home share program provider(s). The City's Aging Services may also partner on outreach through their many existing outreach channels with seniors.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

If Council chooses to fund a Request for Proposals for home share through the budget process, home share organizations would supply bids to formalize a local program and do targeted outreach in Berkeley. Home share provider organization staff typically recruit homeowners and tenants, vet and prepare homes, and coordinate ongoing support to ensure successful cohabitation.

For a home share program, it may make sense to explore a cost share with another jurisdiction, and/or with UC-Berkeley, given the potential to assist housing insecure students in finding affordable housing and the existing university efforts on home share

Referral Response: Home Share Program

INFORMATION CALENDAR
February 14, 2023

programming. Depending on whether there is a cost share, staff estimate home share program costs would range from \$50,000 to \$125,000.

CONTACT PERSON

Anna Cash, Community Development Project Coordinator, HHCS, 510 981 5403

Attachments:

- 1: Home Match All Counties Impact Survey 2021
- 2: Original Referral Report from October 16, 2018