



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR

April 26, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Budget Referral: Expand Scope of the Downtown Streets Team to Include Services within the Gilman District

RECOMMENDATION

Referral to the City Manager and the FY 2022-23 budget process \$50,000 annually to expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly.

The Gilman District is defined as the commercial area west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border.

CURRENT SITUATION AND ITS EFFECTS

The Gilman District Experiences High Levels of Trash and Debris. The Gilman District—west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border—has long been the heart of the City’s manufacturing and industrial sectors, while more recently becoming home to wineries, breweries, artisanal food production facilities, non-profits, and maker spaces. The area experiences the following challenges related to trash and debris:

- Build up of trash and debris on sidewalks and streets that obstruct access
- High volume of rodents
- Illegal dumping

The Downtown Streets Team is Deployed to Numerous Other Berkeley Business Districts. The City currently has a contract with the Downtown Streets Team (DST)¹ to do a variety of manual beautification services, including removal of leaves and trash from sidewalks and gutters, graffiti abatement, and poster and

¹ See [Downtown Streets Team](#) webpage

advertising removal from commercial areas. These services complement Public Works' baseline services that use mechanical street sweepers and pressure washing, and removal of illegally dumped materials from the public right-of-way. Both types of services help keep an area clean and well maintained. The DST deploys teams of local, low-income and homeless residents to service seven different commercial and high-use areas throughout the City. These areas include:

- Downtown Berkeley, serviced three times per week
- Telegraph Avenue, serviced three times per week
- West Berkeley (University and San Pablo area), serviced three times per week
- South Berkeley, serviced two times per week
- North Shattuck, serviced one time per week
- Elmwood, serviced one time per week
- Solano Avenue, soon to be serviced two times per week

All the teams work cooperatively with community agencies to ensure team members receive training for the jobs they perform. The goal is to promote self-sufficiency through job training and build effective work habits as well as to provide assistance in securing permanent housing.

The Gilman District Deserves Similar Investment as Other Business Districts.

The Downtown Streets Team provides a low-barrier volunteer work experience model where unhoused participants receive case management, employment services and non-cash basic needs support in exchange for beautifying their community. This investment in keeping the district clean can have an outsized impact as locations that are well maintained tend to invite greater public use which helps to revitalize an area, while poorly maintained and degraded areas invite undesirable behaviors and elements. Regular attention to litter and debris removal and graffiti abatement will create a more welcoming environment for customers, workers, and visitors.

BACKGROUND

The Downtown Streets Team has provided support to the City of Berkeley's Clean City program since August of 2018 (see attachment). The Clean City Program, developed in 1989, aims to provide clean, debris-free public rights of way within the City by assisting with neighborhood clean-ups, street sweeping, and removal of illegally dumped materials. Over the years the program expanded to include designated hand sweeping zones throughout the City; the work of the DST fulfills this objective as teams deployed to targeted areas hand sweep sidewalks and gutters, complementing the efforts of our Public Works Department.

FISCAL IMPACT

\$50,000 annually for Downtown Streets Team services in the Gilman District two-times per week.

ENVIRONMENTAL SUSTAINABILITY

Keeping our business districts clean and healthy is one of the City’s strategic priorities “to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.”² The Municipal Regional Stormwater Permit (MRP) also requires the City to reduce the trash flowing into the Bay and local waterway via our storm drainage system. Hand sweeping sidewalks and gutters helps remove built up leaves and debris, which prevents litter from entering the system. Codornices Creek, home to steelhead trout, a threatened species, borders the city along the length of the Gilman District and has been undergoing a process of restoration since the 1990s.

CONTACT PERSON

Rashi Kesarwani, Council District 1

(510) 981-7110

Attachments:

Downtown Streets Team 2018 Contract

² See the City’s [Strategic Plan](#) webpage



Office of the City Manager

CONSENT CALENDAR
June 26, 2018

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Department of Public Works

Subject: Contract: Downtown Streets Team Hand Sweeping, Graffiti Abatement, and Poster Removal Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Downtown Streets Team to provide supplemental hand sweeping, graffiti abatement, and poster removal services to support the City's Clean City Division. Contract amount is not to exceed \$645,304 for the two-year period from July 1, 2018 through June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding of \$332,652 for Year One of the Contract is allocated in the FY 2019 Public Works Streets and Operations Division budget account code 820-5502-432-3038; funding for Year Two of the Contract, FY 2020, is subject to appropriation.

YEAR	FISCAL YEAR	AMOUNT	BUDGET CODE
ONE	FY 2019	\$322,652	820-5502-432-3038
TWO	FY 2020	\$322,652	Subject to Appropriation
TOTAL FY 2019 & FY 2020 NTE		\$645,304	

The contract has been entered into the Contract Management System (CMS) as CMS No. RCWTM.

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works Clean City Program, (the Program) is responsible for maintaining clean City streets, gutters, and sidewalks by providing mechanical street sweeping, pressure washing, and removal of illegally dumped items from rights of way, litter and graffiti abatement services.

To supplement the baseline services provided by Public Works staff; ensuring that the Program meets standards of cleanliness and safety and promotes beautification of the City's commercial districts, the Clean City Program relies upon contractor supplied hand sweeping, graffiti abatement, and poster removal services.

The contract for these supplemental services has expired; thus, the Clean City Program has not had the critical assistance required to maintain standards of cleanliness, safety, and appearance in the City's commercial districts.

BACKGROUND

The Clean City Program was developed in 1989 with the objective of providing clean, debris-free public rights of way for the City. In the 1990s the Program expanded to include designated hand sweeping zones for the City's South Berkeley, West Berkeley, Telegraph Avenue, and Downtown Berkeley commercial districts. In 2012, with an emphasis on further enhancing the appearance of these commercial districts, the City issued a Request for Proposal (RFP) for supplemental hand sweeping, leaf and litter abatement services (Specification No. 12-10677-C) to support the Public Works staff, ultimately entering into a contract, which expired December 31, 2017.

The Department of Public Works does not have sufficient staff to absorb the hand sweeping, debris and litter abatement duties previously performed by the contractor. Furthermore, to enable the Clean City Program to expand its services to three additional commercial districts: Solano, North Shattuck, and Elmwood, Public Works issued a new RFP (Specification No. 18-11185-C) in December 2017 at an estimated cost of \$640,000. Four responses were received in January 2018. A panel of three managers representing the City's Public Works, Health Housing and Community Services, and Economic Development Departments evaluated the responses against the requirements specified in the RFP. Downtown Streets Team (DST) was selected as the lowest responsive and best qualified bidder to meet the Clean City Program's needs; demonstrating both a thorough comprehension of the scope of services to be delivered and a proven program model by which very low income, unhoused persons working as DST Team Members to beautify their community, receive employment services, training, and other support to promote self-sufficiency in preparation for reentering the workforce and securing permanent housing.

ENVIRONMENTAL SUSTAINABILITY

The Municipal Regional Stormwater Permit (MRP) requires the City to reduce the amount of trash flowing into local waterways and the San Francisco Bay via the City's storm drainage system. Hand sweeping in commercial districts helps to prevent litter from entering the City's storm drainage system. As required by the MRP, the Public Works Department has installed more than 400 Full Trash Capture Devices (FTCDs) in catch basins throughout the City. FTCDs are concentrated in the City's commercial districts as these districts are among the highest trash generating areas. Hand-sweeping prevents trash from getting caught in the FTCDs, reducing the amount of maintenance required to be performed by Public Works staff on these devices.

RATIONALE FOR RECOMMENDATION

The DST Program is designed to complement the City's Clean City Program by maintaining clear, unobstructed pedestrian rights of way and enhancing the appearance of the City's seven commercial districts. Additionally, the DST Program, as operated in other cities throughout Northern California, has been proven successful in delivering contracted services and in placing its team members into employment and permanent housing.

Without the support from DST to supplement baseline services provided by Public Works staff, the Clean City Program would be unable to maintain established standards of cleanliness and beautification in the City's seven commercial districts.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Without the supplemental support provided by a contracted vendor, the Clean City Program is unable to maintain cleanliness and appearance standards in the City's commercial districts.

CONTACT PERSON

Kem Loong, Superintendent of Operations, Department of Public Works (510) 981-6479

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: DOWNTOWN STREETS TEAM FOR HAND SWEEPING, GRAFFITI ABATEMENT, AND POSTER REMOVAL SERVICES

WHEREAS, the City's Department of Public Works Clean City Program is responsible for maintaining clean, unobstructed sidewalks and gutters, and an enhanced appearance in the City's seven commercial districts; and

WHEREAS, Public Works staff relies upon supplemental, contractor-provided hand sweeping, graffiti abatement, and poster removal services to maintain established standards of cleanliness and beautification; and

WHEREAS, the City is committed to supporting programs which promote the low income, un-housed community in becoming more self-sufficient through job training and leadership opportunities to rebuild effective work habits, and with assistance in securing permanent housing; and

WHEREAS, the City issued a request for written proposals from qualified firms to provide supplemental hand sweeping, graffiti abatement, and poster removal services, (Specification No. 18-11185-C); and received four qualifying vendor responses; and

WHEREAS, a management team representing the City's Public Works, Health Housing and Community Services, and Economic Development Departments evaluated each of the proposals for cost, experience, qualifications, responsiveness, and references; and determined that Downtown Streets Team (DST) was the lowest and most responsive, best qualified bidder to meet specific City needs; and

WHEREAS, initial funding is available in the FY2019 budget 820-5502-432-3038 and subsequent funding for FY2020 is subject to appropriation; the contract has been entered into the Contract Management System (CMS) as CMS No. RCWTM.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments or extensions with Downtown Streets Team to provide supplemental Hand Sweeping, Graffiti Abatement, and Poster Removal Services for the City's Clean City Program, for a total not to exceed \$645,304 from July 1, 2018 through June 30, 2020. A record signature copy of said contract will be on file in the Office of the City Clerk.

ACTION CALENDAR

May 5, 2022

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín, Vice-Mayor Kate Harrison, and Councilmembers Ben Bartlett and Sophie Hahn
 Subject: Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach

RECOMMENDATION

To continue the study and implementation of a comprehensive, new approach to public safety and policing in Berkeley, responsive to the City Council's unanimous July 14, 2020 direction for **a transformative approach to community-centered safety with equitable investment in the essential conditions of a safe and healthy community:**

1. Refer up to \$5.3 Million to the FY 2023-2024 Budget Process for staff and/or consulting services and community investments to complete the **Priority Reimagining Public Safety Initiatives** listed in Attachment 1, Section A.
2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of **Reimagining Implementation** listed in Attachment 1, Section B.
3. Direct the City Manager to initiate a design process for an **innovative and comprehensive public safety agency or Department of Community Safety** within the City of Berkeley administration, as outlined in Attachment 1, Section C, and return with recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.
4. Except where resources may allow for expedited implementation, refer additional reforms to the FY 2025-2026 Biennial Budget as outlined in Attachment 1, Section D.

BACKGROUND**2020 Omnibus Motion**

On July 14, 2020, after hearing from over 130 speakers and receiving hundreds of written comments, the City Council adopted an omnibus motion combining elements from a variety of Council proposals to reimagine community safety in Berkeley. This action came two months after the murder of George Floyd by Minneapolis Police, and in response to a growing movement for reform of traditional public safety models. On June 6, 2020, over 7,000 Berkeley residents marched in the streets to call for transformative change in law enforcement not just nationally, but also here in Berkeley.

Berkeley, like many cities throughout the United States, is not immune from the stain of systemic racism, including state-sponsored actions such as violence against people of color, redlining and discriminatory housing practices. Gaping racial inequities persist with respect to housing affordability and ownership, income, health status, academic achievement, homelessness, and experiences with the criminal justice system, among others. At the same time, due to the lack of government programs to support wealth building and rising housing costs and gentrification, the size of the Black community in Berkeley has decreased from approximately 20% in 1970 to [8%, according to the 2020 census](#). If Berkeley is to realize its aspiration of becoming a truly progressive, equitable community, we must be willing to examine and transform all systems and institutions, including those related to housing, health, education, employment, environmental justice, criminal justice, and law enforcement.

The July 14, 2020 omnibus motion committed Berkeley to:

- i. **A transformative approach to community-centered safety and reducing the scope of policing**, by re-defining our understanding of safety to be holistic and focus not just on crime prevention but health, wellness, and economic security for *all* of our residents. While the focus has been on reducing the footprint of policing, we recognize that police play a critical role in our society, and we must determine the right size, focus and function of our Police Department to prevent and respond to crime, while exploring alternative response models and upstream investments in social services to create a healthy, safe and equitable community.
- ii. **Equitable investment in the essential conditions of a safe and healthy community**, especially for those who have been historically marginalized and have experienced disinvestment, and
- iii. **A broad, inclusive community process** that will result in deep and lasting change to support safety and wellbeing for all Berkeley residents.
- iv. **Reimagining health and safety**, considering allocating resources towards a more holistic approach - one that shifts resources away from policing towards health, education and social services, and is able to meet crises with a variety of appropriate responses.
- v. **Providing meaningful safety, continuing critical health and social services, and committing to, and investing in, a new, positive, equitable and community-centered approach to health and safety that is affordable and sustainable.**
- vi. **Determining the appropriate response to community calls** for help including size, scope of operation and powers and duties of a well-trained police department.
- vii. **Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization**, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.

In addition to these original goals, we are committed to:

- viii. **Supporting police by freeing them to focus on what they do best: respond to and investigate serious crimes**
- ix. **Ensuring an appropriately staffed and deployed Police Department while reducing the impact of Police expenditures to the General Fund;** Investing in a suite of alternative response services and a sophisticated dispatch system to deploy the most appropriate emergency response in a cost-effective manner.

These initial proposals for a comprehensive, phased approach to fulfilling Council’s omnibus recommendations are designed to actualize Council’s stated values and goals.

RATIONALE FOR RECOMMENDATIONS

For too long “public safety” has been equated with policing alone, while police have become tasked by default with the impossible job of managing the impact of decades of disinvestment in mental health, education, housing, and other social safety nets. While efforts to address systemic racism and reform the criminal justice system long pre-dated the murder of George Floyd in May of 2020, his murder by the Minneapolis Police challenged communities across the country to reimagine and redefine public safety. In the two years since his tragic death, the Berkeley City Council, city staff, community members and consultants have worked collaboratively to advance recommendations on new programs, policies, and initiatives to reimagine public safety in Berkeley. Some of these recommendations are ready for implementation, while others need further analysis and development, but **collectively these actions represent the building blocks of a new paradigm for public safety in Berkeley.**

This transformative approach requires balancing our resources to simultaneously build a new system while continuing to provide essential public safety services to the community. Thus, as we develop alternative capabilities, our police will continue to receive necessary resources. Start-up costs for new programs and services require investments that may be supported by government and philanthropic grants; there is a great deal of interest among funders in meaningful work to expand and reform models for public safety. Short-term salary savings and other one-time monies available within the City budget may also be invested in the development of Berkeley’s transformative work to reimagine and re-deploy our resources to achieve greater public safety and equity across the community.

These recommendations continue Berkeley’s thoughtful, measured approach to restructuring and redefining health and safety through identifying and building the right response to each safety related call or crisis, and upstream investments to address social determinants. Through immediate, intermediate, and longer-term steps these recommendations, drawn from the National Institute of Criminal Justice Reform, the Reimagining Public Safety Task Force, and the City Manager’s Reimagining Public Safety report, continue Berkeley’s efforts to restructure and redefine “health and safety” for all Berkeleyans, and to transform the city to an equitable and holistic model that delivers greater response capabilities to all residents.

1. **Refer up to \$5.3 Million in staffing, consulting costs and community investments to the 2023-24 Budget Process as Priority Reimagining Public Safety Initiatives**

These budget referrals are broken down by staff and consultant costs. Budgets are taken from the City Manager’s proposals unless another source is noted.

City Staff Costs

Amount	Purpose	Rationale
\$315,000	Assistant City Manager to lead Office of Equity and Diversity	<p>Recommendation supported by City Manager, Task Force and City Council.</p> <p>The development of the Office Equity and Diversity should consider the recommendations from the Reimagining Task Force. Particular attention from the Office of Equity should be paid to language access, which has been identified repeatedly as a barrier to trust and the provision of services delivered by the City across departments.</p>
\$315,000	Assistant City Manager to serve as Reimagining Project Coordinator	The responsibilities of project management have fallen under the already heavy burden of the existing Deputy City Manager, with part-time support from a Management Analyst. To effectively coordinate the ongoing work, a full-time senior level staff person in the City Manager’s Office is required as they will be coordinating a multi-departmental, citywide response.
\$100,000	Fair and Impartial Policing (FIP) Training	Recommendation to implement and prioritize FIP has been supported by City Manager, City Council and Task Force
\$100,000	Grant Writing Services	Recommended by City Manager to apply for and seek grant funds to support Reimagining efforts
Up to \$1.5 Million	1 Supervisor - CSO Unit; Up to 9 Community Services Officers	Launch a pilot Community Services Officer unit using Police salary savings. Positions would be project based for two-years. Evaluate pilot after two-year period to align with the FY 25-26 Budget

		Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders.
\$175,000	Vision Zero Staff Position	Approve a new Vision Zero staff position in Public Works' Division of Transportation to conduct collision analysis. This will promote the City's Vision Zero approach by boosting the City's capacity to analyze collision data collected by the Police Department, and, with Police input, propose

Consultant Costs

Amount	Purpose	Rationale
\$300,000	Continue BerkDOT process to plan for a civilian traffic enforcement unit. Process would inform the content of any needed state law changes and also work to develop functions that could be carried out by civilians absent such changes (e.g., collision analysis, civilianization of non-moving violations)	Recommendation supported by the City Manager and Task Force. Explore as part of the continued BerkDOT analysis/implementation the potential for unarmed traffic officers in the Police Department. If state law is not amended this may be a potential path for unarmed traffic enforcement.
\$70,000	Analysis of BPD Staffing and Beat Structure (<i>See details in Attachment 1 section A</i>)	Recommended by City Manager and supported by City Council
Approximately \$250,000	Support an organizational design process to create an umbrella agency or Department of Community Safety	See below, rationale part 3
\$150,000	Review Municipal Code for proposed changes to increase equity and racial justice in City's transportation fines and fees, and explore the civilianization of enforcement of various	Recommendation is supported by the City Manager and Task Force

	Municipal Code violations	
\$200,000	Consulting costs requested by City Manager to support continued analysis of prioritized dispatch and development of an implementation plan	Recommendation is supported by the City Manager. Developing a new model for dispatch was identified as critical by both SCU Steering Committee and Task Force

Community Investments

Opportunities for community reinvestment, as envisioned in the City Council’s omnibus proposal.

Category	Budget	Purpose	Rationale	Status
Violence Prevention and Youth Services	\$50,000	McGee Avenue Baptist Church - Voices Against Violence	Youth-led violence prevention program in South Berkeley. City has previously funded at \$50,000	Request funding in FY 23 and FY 24 Biennial Budget
	\$200,000	Berkeley Ceasefire	Consulting costs to develop a Gun Violence Intervention (GVI) program, commonly known as “Operation Ceasefire.”	Funded in FY 22 AAO #1 (separately referred by CM Taplin - 11/9/21)
	\$160,000	Berkeley Youth Alternatives Counseling Center	\$125,000 to support for their counseling center which cannot meet the current demand for mental health services. \$35,000 for the Summer Jam Day Camp	FY 23 and FY 24
Alternatives to Sanctions/Fines	\$150,000	Expand Hearing Officer Capacity	Expand existing hearing officer	FY 23 and FY 24

			resources in CMO to provide alternative referrals to community service and social services for parking and other infractions	
	\$50,000	Expand Downtown Streets Team	Expand Downtown Streets Team as placement for low-level violations (e.g., vehicular camping/parking and sidewalk ordinance infractions)	FY 23 and FY 24. Measure P revenues.
Community Mental Health, Behavioral & Crisis Response	\$100,000	Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments	Enhance creation and deployment of behavioral and crisis services and responses via SCU etc.	FY 23 (separately referred by VM Harrison)
	\$350,000	Youth Peers Mental Health response	BHS student-led plan for mental health services for youth	FY 23 and FY24 (separately referred by VM Harrison)
Respite from Gender Violence	Up to \$500,000	Increase the capacity of community based-orgs (see page 223 of NICJR Final Report Packet)	Recommended by Task Force: Provide services and housing leads for victims of Gender Violence Additionally, staff to work with county partners to clarify which services should be provided by county vs the city.	FY 23-24

Language Equity	\$15,000	Publish Victim Resources in Plain Language and Multiple Languages	Recommended by Task Force	FY 23-24
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2. Direct the City Manager to prioritize programmatic recommendations for Phase 1 of Reimagining Implementation during next 12-24 months (Attachment 1, Section B)

Recommendation	Rationale
Adopt the report, “City of Berkeley Specialized Care Unit Crisis Response Recommendations” by Resource Development Associates and implement the pilot Specialized Care Unit (SCU)	Recommendation supported by the City Manager, Task Force, City Council and Steering Committee
Continue development and implementation of prioritized dispatch, request staff return with a recommended plan	Recommendation supported by the City Manager, RDA report, SCU Steering Committee, and City Council
Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, environmental health, fire inspectors or city-hired community mediators	<p>The Task Force, City Council and City Manager expressed interest in exploring alternative, civilian responders (as recommended by NICJR) but felt more work was needed before a pilot could be pursued. Questions around the appropriate level of authority, concerns around liability and further refinement of call types need to be addressed.</p> <p>This work could be led by the new reimagining project coordinator and/or be folded into the organizational design process for a new umbrella public safety department.</p> <p>The City Manager has proposed using Community Service Officers in the Police Department as one approach to alternative responders, which for certain functions have some value. But developing non-police alternatives is important for a variety of reasons, most critically enhanced public trust and confidence. Some people are uncomfortable calling the Police to ask for help but might if assured that a community responder will be available as appropriate. Second, while BPD is working</p>

	to hire diverse candidates, there is an opportunity to create a classification that appeals to people that would otherwise not choose to be a sworn responder. Third, having a variety of non-police alternatives which are skilled to respond to different types of calls (CSOs for police calls, code enforcement for noise complaints and other code violations, SCU for health and substance abuse) will ensure the appropriate response to various non-violent calls for service and better improve service delivery and outcomes.
Transition collision analysis and crossing guards from BPD to Public Works until a Department of Transportation is developed.	Recommendation supported by City Manager and Task Force.
Continue consolidating transportation functions as recommended by staff	Recommendation supported by City Manager and Task Force
Complete the implementation of Fair and Impartial Policing Recommendations	Recommendation supported by City Manager and Task Force
Complete Auditor Recommendations on overtime and calls for service	Recommendation supported by City Manager, Task Force, and City Council
Fully implement the Ceasefire violence intervention program	Recommendation supported by City Manager, Task Force, and City Council
Collect data on service gaps in crisis stabilization and analyze creation of a new crisis stabilization center	Recommendation is supported by Task Force. This recommendation refers to the work of the Homeless Commission and the companion report from City Staff to expand access to crisis stabilization and/or respite centers. ¹

¹https://www.cityofberkeley.info/Clerk/City_Council/2022/04_Apr/Documents/2022-04-26_Item_38b_Companion_Report_Development_of_Crisis_Stabilization_Program.aspx

<p>and/or expanded access to existing centers so that people in crisis have a safe and supportive alternative to jail or emergency rooms.</p>	
<p>Implement recommendations from the Reimagining Task Force relating to Gender Violence, LGBTQIA . (Attachment X)</p>	<p>Recommendations supported by Task Force. BPD has already begun the work of expanding collaboration with organizations.</p> <p>The gender-based subcommittee spearheaded their own outreach to service providers and subject matters to develop a set of actionable recommendations to increase resources for victims, provide training to faith-based leaders, coordinate and expand prevention education work as well as many ideas to improve police responses.</p>

3. Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration (Attachment 1, Section C)

This recommendation initiates a design process to develop the right organizational model that reflects Berkeley’s new and holistic approach to public safety.

To date, the process of reimagining and the emerging services and programs have been managed on a department-by-department basis. Health, Housing and Community Services (HHCS) manages the SCU process, the Fire Department manages the priority dispatch process, Public Works leads the BerkDOT work, and the Police Department has been engaged with the Reimagining Task Force and NICJR process and is focused on implementing recommendations by the City Auditor and the Fair and Impartial Working Group. In the short-term, additional project management to coordinate the next phase of these efforts can be supported by a new project coordinator, as requested by the City Manager. However, in the long-term the city should explore an organizational approach to synthesize these efforts. **If the City is to truly re-imagine public safety, it needs a structure for how this new approach will fit within the city organization and work collaboratively to deliver comprehensive public safety services.**

Nowhere is the need clearer to reorganize our approach than our dispatch system. Dispatch is the nervous system of our city’s response network. The system is key to ensuring that low level incidents are handled efficiently and effectively to provide the most appropriate response in

each situation and preserve and prioritize core resources for serious emergencies and critical incidents. Historically, this function has been served by BPD prioritizing calls requiring BPD support. As part of the reimagining process, the Council authorized the City Manager to contract with Federal Engineering to conduct an analysis of the staffing, infrastructure, and technology needs of the Berkeley 9-1-1 Communication Center and create a project plan to implement an accredited emergency medical dispatch system based on industry standards. The adoption of a new model would allow the Fire Department to triage calls for service more efficiently and reduce response times.²

In anticipation of the Specialized Care Unit pilot, which will require further nuance and expertise to ensure the right resources are dispatched for each call, this scope of work was expanded to include an analysis of adding behavioral health dispatch capabilities to the Communications Center. Resource Development Associates supported this approach in their recommendation and noted in their system recommendations that moving dispatch outside the Police Department could better align several of the reimagining initiatives:

*“The 911 Communications Center is currently operated by the Berkeley Police Department. This structure affects how Dispatch is funded and who makes decisions. As the role of Dispatch is broadened to coordinate a greater variety of responses to emergencies, there may be advantages to moving Dispatch outside of the Berkeley Police Department, such as improved communication and coordination across relevant agencies. For instance, it has been expressed that Dispatch call takers are currently more comfortable deploying the police than other crisis responders given their long tenure and rapport with police officers, so call takers’ ability to establish rapport with the SCU team is needed for them to be comfortable deploying the SCU. **Structural changes like this may also align to several of the Reimagining Public Safety initiative’s aims.**”³*

While we have a lot to learn through pilots, preliminary analysis through the reimagining process indicates that Berkeley can be more effectively and efficiently served through a broader array of public safety responders. According to City Auditor and NICJR analyses, 81% of calls to the police are for non-criminal incidents, and police spend 53% of their time responding to these calls.⁴ By implementing an SCU in phase two of this process, and introducing additional civilian responders in phase three, calls for service could be spread much more evenly across police, fire, and civilian responders. However, finding the appropriate balance and resourcing of these

² City Manager Response to the Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform Recommendations, https://www.cityofberkeley.info/Clerk/City_Council/2022/04_Apr/Documents/2022-04-21_Special_Item_01_City_Manager_Presentation_Part2_pdf.aspx

³ Specialized Care Unit Crisis Response Recommendations, Resource Development Associates, 61, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Berkeley-MH-SCU_Final-Recommendations_FINAL.pdf

⁴ National Institute for Criminal Justice Reform, Calls for Service Analysis, https://berkeley-rps.org/wp-content/uploads/2022/03/BerkeleyCalls_Report_021722.pdf

new approaches will take time and patience. A new umbrella agency can ensure that this iterative approach is well-coordinated and that new civilian responses are prioritized equally to police and fire. Moreover, it can ensure better communication and coordination between different public safety responders (sworn and un-sworn) and flexible deployment of all these resources to address community needs.

Other Cities Are Pursuing Similar Approaches

Example 1: Albuquerque, New Mexico Department of Community Safety

As noted in NICJR's *New and Emerging Models Report*, Berkeley would not be alone or the first in taking this approach.⁵ Albuquerque, New Mexico created a new cabinet level Department of Community Safety that operates independently from and in collaboration with Albuquerque Police and Fire, with four strategic goals:

Respond: Increase public safety by providing a holistic and trauma-informed response to calls for service.

Build: Establish a sustainable and long-term presence that is woven into the community and the public safety ecosystem.

Engage: Activate community partnerships and strengthen community engagement by enhancing relationships, trust, information sharing, and capacity building between the community and ACS.

Influence: Leverage ACS's position and knowledge to influence and inform the ongoing evolution of the larger (e.g., county, state, national) system of care.

In December 2021, Albuquerque published a complete organizational plan that defines the department and its role, responses, training, and goals.⁶

⁵ National Institute for Criminal Justice Reform, *New and Emerging Models*, https://berkeley-rps.org/wp-content/uploads/2022/03/NewAndEmergingModels_Report_021722.pdf

⁶ Albuquerque Community Safety Department FY2022 Organizational Plan, <https://www.cabq.gov/acs/documents/acs-organizational-plan-20211207.pdf>

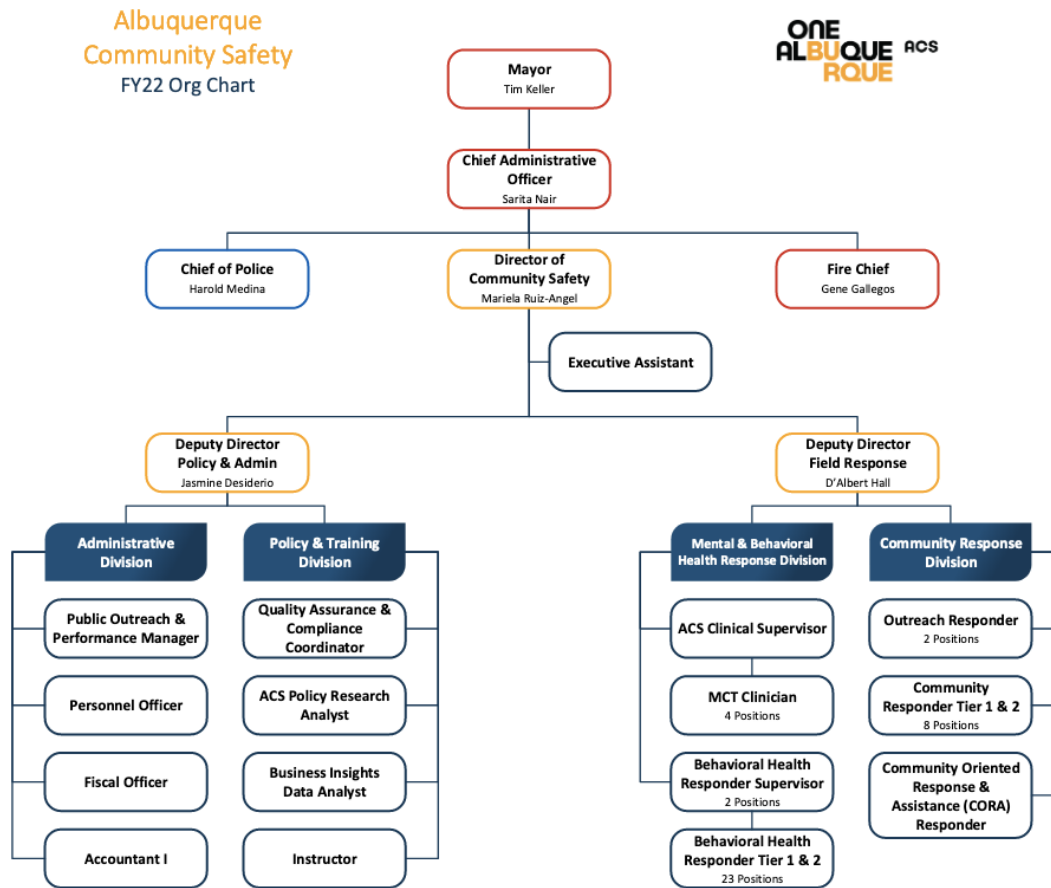


Figure 1: Albuquerque Community Safety FY22 Org Chart

Example 2: Ithaca, New York

Ithaca, New York has also recently released an implementation plan to create a new Department of Community Safety. The Ithaca model consists of a division of police and a division of community solutions, staffed by community responders, with co-equal chiefs that will respond to a civilian director of community safety. A working group of civilians appointed by the Mayor collaborated with city and county staff to provide recommendations including: the assignment of call types, restructuring police staffing and beat design, and defining key responsibilities, training, research and data needs, and equipment and technology requirements.⁷

Goals for Design Process

The primary goal of this process is to develop a long-term organizational structure that will support Berkeley’s vision for community safety. Rather than providing prescriptive direction on

⁷ Implementing the City of Ithaca’s New Public Safety Agency https://www.cityofithaca.org/DocumentCenter/View/13725/WG_IthacaReport_Final

the exact changes to make, this process will define what the right structure looks like for Berkeley. This recommendation does not suggest any changes to the structure of the Police or Fire Departments except for those that are already underway and in alignment with the City's reimagining efforts.

The design process should place a few key principles at the core of its exploration, while also seeking to answer several questions. As part of the design process, the City Manager is recommended to convene an external Steering Committee made up of representatives of affected labor groups, City Commissioners, and community stakeholders.

Key principles to guide the organizational design plan include:

- Police, Fire, and any additional civilian responders should report to a civilian Director or Deputy City Manager of Community Safety, who is responsible for implementing a holistic approach to public safety.
- Dispatch should serve all branches of responders equally and report directly to the Department Director or Deputy City Manager.
- The department should integrate new response models and community services including the SCU, additional community service responders as defined during the development of an implementation plan, and a Mobile Integrated Paramedic unit (MIP).

The organizational plan should explore and include the following considerations, among others:

- A name and structure that matches Berkeley's vision for a community-centered and holistic approach to public safety and prioritizes civilian responders and community investments as key functions of community health and safety along with Police and Fire.
- The best organizational fit for a Specialized Care Unit and other civilian responders that will respond to non-violent calls for service:
 - Review and incorporate ideas from emerging models like Albuquerque, NM and Ithaca, NY
 - Explore whether Berkeley should develop a new division for community response similar to Albuquerque or Ithaca
- Assess the appropriate uniforms, technology and tools for any new division or classifications of civilian responders
- Define the appropriate connections and/or roles for the Mobile Crisis Team, a potential crisis stabilization center, and other services that currently operate under mental health but might frequently work in coordination with other community safety services.
- Consider the role and relationship of a Department of Transportation (BerkDOT) and potential civilian traffic enforcement in relation to a new Public Safety Department. Explore as part of the continued BerkDOT analysis/implementation the potential for unarmed traffic officers in the Police Department. If state law is not amended this may be a potential path for unarmed traffic enforcement.
- Define the appropriate connections and/or roles of the Homeless Response Team and community service providers including housing navigators, homeless outreach staff, and street medicine teams in responding to Police and 311 calls related to street homelessness.
- Analyze calls for service and determine which calls could be handled by Police and by civilian responders
- Evaluate how a new comprehensive dispatch system can better screen and route calls

- to a variety of public safety responders
 - Determine how and under what circumstances a co-response is warranted to police calls for service and determine how civilian responders will communicate and coordinate with Police in responding to lower-level calls.
- 4. Refer for consideration in the FY 2025-2026 budget cycle - Creation of a permanent Specialized Care Unit, expanding crisis stabilization services, introducing additional civilian responders, fully implementing BerkDOT, implementing a Universal Basic Income Pilot and expanded job programs. Consider expedited implementation as appropriate if staff capacity and city resources allow. (Attachment 1, Section D)**

These recommendations express a commitment to fulfilling a more transformative vision for community safety over time. Programs like a universal basic income (UBI), or expanded job opportunities were consistently supported throughout the reimagining process. At the same time, the realities of staff capacity and city resources necessitate the prioritization of the reimagining work. This phased approach is consistent with the original intent of the July 2020 Item, Transform Community Safety, which envisioned implementing new programs, structures and initiatives over several budget cycles.⁸

This referral expresses that, by 2024, it is the City's goal to be prepared to make the following decisions and investments:

1. Expand Specialized Care Unit pending positive pilot results and;
 - a. Conduct an evaluation of the training curriculum and review best practices from other similar emerging models (see Training and Community Institute Task Force Recommendation for inspiration)
 - b. Expand the community responder model to tackle a larger range of low-level calls for service based on implementation plan developed by staff.
2. Revise the BPD Budget and Staffing Structure to reflect results of staffing and beat analysis, and the development of alternative responders
3. Invest in a new Department of Transportation and have clarity on a vision and legal path to civilianized traffic enforcement
4. Invest in a new umbrella city organization for public safety
5. Launch a Universal Basic Income Pilot
 - a. The Mayor as a member of Mayors for Guaranteed income will pursue state grants and philanthropic opportunities to initiate a pilot prior to this budget cycle
6. Continue expanding opportunities for alternatives to fines
7. Consider an Expanded Jobs Program
8. Evaluate BPD Training needs and make changes where needed

⁸ July 14, 2020, Transform Community Safety, https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-14_Item_18d_Transform_Community_Safety_pdf.aspx

FINANCIAL IMPLICATIONS

Up to \$1,575,000 in community investments, \$1,200,000 in consulting costs and \$2,405,000 in staffing costs as identified in the tables in section 1.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES AND LAWS

This effort is in support of the following strategic plan goals:

- Champion and demonstrate social and racial equity
- Create a resilient, safe, connected, and prepared City
- Create affordable housing and housing support services for our most vulnerable community members
- Provide an efficient and financially healthy City government
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental impacts

CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981-7100

Attachments:

1. Summary of Recommendations
2. Consolidated Spreadsheet of Task Force, NICJR Recommendations
3. Albuquerque Community Safety Department Organizational Plan
4. Ithaca, New York plan for a Department of Community Safety

ATTACHMENT 1**Section A: Priority Reimagining Public Safety Initiatives**

- Staff costs
 - \$315,000 to support a staff position of Assistant City Manager to serve as the Reimagining Project Coordinator
 - \$315,000 to support a staff position of Assistant City Manager to lead the Office of Equity
 - Additionally, the development of the Office Equity and Diversity should consider the recommendations from the Reimagining Task Force. Particular attention from the Office of Equity should be paid to language access, which has been identified repeatedly as a barrier to trust and the provision of services delivered by the City across departments.
 - \$100,000 to support training in implementing fair and impartial policing recommendations
 - \$100,000 for Grant Writing Services recommended by the City Manager to apply for and seek grant funds to support reimagining efforts
 - Up to \$1.5 Million Launch a pilot Community Services Officer unit using Police salary savings.
 - Positions would be project based for two-years. Evaluate pilot after two-year period to align with the FY 25-26 Budget Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders
 - \$175,000 for a Vision Zero Coordinator

- Consultant Costs:
 - \$300,000 to the Budget Process to fund the BerkDOT process that in addition to furthering the organizational development:
 - Develop a vision for unarmed traffic enforcement and a new paradigm for supporting traffic safety that aligns with vision-zero.
 - Evaluate paths to unarmed enforcement under both the scenario that state law changes to enable non-peace officer enforcement as well as the potential for a new designation of peace officers to enforce the California Vehicle Code.
 - \$70,000 for an analysis of BPD Staffing and beat structure. The scope of analysis should:
 - Build on the City Auditor's analysis and recommendations
 - Measure patrol workload – how much time patrol officers spend handling calls for service and how it might change with the implementation of the SCU and additional civilian responders to non-criminal calls.
 - Include availability analysis/measure capacity: Hours officers are on duty
 - Include proactive time analysis: Staff capacity to manage workload
 - Analyze alternative deployment configurations, including new shift schedules and allocations of personnel, as well as redesigning the patrol beat structure.

- Evaluate what police staffing would look like if all calls for service are rerouted from police except those involving crime and violence. Increase flexibility in deployment of beat officers to bike, pedestrian, or problem-oriented policing teams.
 - \$150,000 for City Attorney and City Manager to analyze the Berkeley Municipal Code to identify opportunities to civilianize enforcement.
 - Create a working group to further refine the call for service analysis and determine which calls could be appropriately handled by unsworn alternative responders built on the recommendations from the Reimagining Public Safety Task Force.
 - Identify aspects of the municipal code that require a police officer to enforce that could be safely handled by a civilian entity.
 - \$250,000 to support an organizational design process to create an umbrella Department of Community Safety as described in Section C.
 - \$200,000 for consulting costs requested by City Manager to support continued analysis of prioritized dispatch and development of an implementation plan
- Community Investments
 - Violence Prevention:
 - \$50,000 for McGee Avenue Baptist Church, Voices Against Violence
 - \$200,000 for Berkeley Ceasefire
 - \$160,000 for Berkeley Youth Alternatives: \$125,000 to support their counseling center and \$35,000 for the Summer Jam Day Camp
 - Alternatives to Sanctions/Fines
 - \$150,000 to expand hearing officer resources in the City Manager’s Office to provide alternative referrals to community service and social services for parking and other infractions
 - \$50,000 to expand downtown streets team as placement for low-level violations (e.g. vehicular camping/parking and sidewalk ordinance infractions)
 - Community Mental Health, Behavioral and Crisis Response
 - \$100,000 for a Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments
 - \$350,000 for Youth Peers Mental Health response as proposed by the Berkeley High School student-led plan for mental health services
 - Respite from Gender Violence
 - Up to \$500,000 to increase the capacity of community-based orgs. Provide services and housing leads for victims of Gender Violence (see Reimagining Task Force Report and page 223 of NICJR Final Report Packet for details)
 - Additionally, request staff to work with county partners to clarify which services should be provided by county vs the city.
 - Language Equity
 - \$15,000 to publish victim resources in plain language and in multiple languages. See Task Force gender violence report for details

Section B: Phase 1 of Reimagining Implementation (12 - 24 months)

- Adopt the report, “City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates” and implement the pilot Specialized Care Unit (SCU)
- Continue development and implementation of prioritized dispatch, request staff return with a recommended plan.
- Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, environmental health, fire inspectors or city-hired community mediators
- Transition collision analysis and crossing guards from BPD to Public Works until a Department of Transportation is developed.
- Continue consolidating transportation functions as recommended by staff
- Complete the implementation of Fair and Impartial Policing Recommendations
- Complete Auditor Recommendations on overtime and calls for service
- Fully implement the Ceasefire violence intervention program
- Collect data on service gaps in crisis stabilization and analyze creation of a new crisis stabilization center and/or expanded access to existing centers so that people in crisis have a safe and supportive alternative to jail or emergency rooms.
- Implement recommendations from the Reimagining Task Force relating to Gender Violence, LGBTQIA and PEERS as feasible. (Attachment 2)

Section C: Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, as outlined in Attachment 1, Section C, and to return recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.

The design process should place a few key principles at the core of its exploration, while also seeking to answer several questions. As part of the design process, the City Manager is recommended to convene an external Steering Committee made up of representatives of affected labor groups, City Commissioners, and community stakeholders.

Key principles to guide the organizational design plan include:

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- Analyze calls for service and determine which calls could be handled by Police and by civilian responders
- Evaluate how a new comprehensive dispatch system can better screen and route calls to a variety of public safety responders
- Determine how and under what circumstances a co-response is warranted to police calls for service and determine how civilian responders will communicate and coordinate with Police in responding to lower-level calls.

Section D: Except where resources may allow for expedited implementation, refer to the FY 2025-2026 Biennial Budget process the following proposals.

This referral expresses that, by 2024, it is the City’s goal to be prepared to make the following decisions and investments:

1. Create a permanent Specialized Care Unit pending positive pilot results and;
 - a. Conduct an evaluation of the training curriculum and review best practices from other similar emerging models (see Training and Community Institute Task Force Recommendation for inspiration)
 - b. Expand the community responder model to tackle a larger range of low-level calls for service based on implementation plan developed by staff.
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- a. The Mayor as a member of Mayor's for Guaranteed income will pursue state grants and philanthropic opportunities to initiate a pilot prior to this budget cycle
6. Continue expanding opportunities for alternatives to fines
7. Consider an Expanded Jobs Program
8. Evaluate BPD Training needs and make changes where needed

NICJR Recommendation	NICJR Estimated Cost & Explanation	NICJR Identified Funding Source	NICJR Timeline	Vote by Task Force	Reason for vote	Proposed Narrative Summary for report
u						
1 Establish tiered dispatch/CERN model (p.14)	\$2,532,000, plus some costs associated with training for Dispatch	Current BPD Vacant Positions	Issue RFP 30 days after City Council approval, select vendors 90-120 days afterward, and begin pilot six months after City Council approval.	More analysis needed	<ol style="list-style-type: none"> Who determines, and at what point in time, which calls are handled by whom (e.g., by CERN, BPD, SCU)? What is the system (or multiple systems) for both receiving calls and routing the responses? How does one system (e.g., CERN) mix and match with other programs under discussion (e.g., SCU, BerkDOT)? Who will provide and staff these non-police responses (i.e., City staff or contractor, professional credentialed or community responders) and if contractors, under what color of authority will they provide City service? When will staffing, and at what staffing level, be available to change, if at all, the allocation of calls for service -- whatever the merits of replacing police, we cannot replace something with nothing? What system is in place should the nature of the call change (i.e., what is the back-up system in case seemingly benign calls turn violent and/or criminal)? Is BPD involved (e.g., as co-responder, as back-up, etc.) or are they required to be separate from these non-police responses? What liability issues do these new responses present to the City; (ix) what impact, if any, does reallocating some percentage of calls for service from police affect the minimum police patrol staffing necessary to perform their function of focusing on and responding to calls for service involving crimes and or violence? 	Overall, the Task Force supports the idea of a community-based response as an alternative to an armed response that would decrease the footprint of the police department. As presented, commissioners are concerned that the co-responder model proposal by NICJR would not decrease the footprint of the police and could have the consequence of having the community see CBOS as an extension of the police. In addition, commissioners need more clarity on how CERN would work with other new models like SCU, BerkDOT and dispatch.
2 Contracting with local CBOS for Tier 1 CERN response				More analysis needed	<ol style="list-style-type: none"> Which CBOS? (Where is the landscape analysis that was promised by NICJR?) Has the City dialogued with each CBO to confirm their interest in providing responders and their timeframe to make responders available, including hiring new staff? What will the pay structure to CBO responders be; does each CBO set their own rates, or will the City set rates? How will all responders be trained to achieve a systematic SCU non-police response for calls for service? 	The Task Force would need more analysis to understand the investment that it would take for the city to ask CBOS to take on this responsibility, including training, the infrastructure a CBO would need, and skills needed for the types of cases in the new model.
3 Evaluate CERN (p. 19-20)				(did not vote on this)		
4 Full implementation of Tiered Dispatch/CERN Pilot Program and reduction of BPD patrol division of 50%	\$7,596,000	Reduction of BPD Patrol Division by 50%	Two years after implementation of the pilot	More analysis needed		No analysis was provided by NICJR for how police department would be reduced by 50%, especially if NICJR recommends no officer layoffs, and reductions through attrition only. Is full implementation dependent on the department reducing by 50% and when would this occur?
5 Reduce BPD budget through attrition only and no layoffs (p. 20)				Reject		This recommendation is unresponsive to the goal of reducing the police department by up to 50% to make resources available for other programs.
6 End pretextual stops (p. 24)				Reject		The Task Force is fully in favor of the elimination of pretextual stops by BPD - this work is already well underway and thus does not constitute a useful recommendation. In 2020 the Mayor's Fair and Impartial Policing Working Group recommended that BPD focus on "the basis for traffic stops on safety and not just low-level offenses" and that they minimize or de-emphasize as a lowest priority stops for low-level offenses," and in February 2021, Council unanimously approved the Working Group's recommendations for adoption. Plans are currently underway for implementation, with quarterly updates being provided to the Police Accountability Board. (based on analysis from Liza Lutzker's report to RPSTF, linked to in the Improve & Reinvest Subcommittee's Feedback document posted January 6, 2022)
7 BerkDOT (p.25)				Accept with Conditions	<ol style="list-style-type: none"> This is in NICJR Report but is not mentioned in the Implementation Plan grid. This needs MUCH more analysis, much like Dispatch changes required by CERN implementation, which NICJR does not detail. 	While the Task Force is glad to see that NICJR sees the value in the creation of BerkDOT as a strategy to reduce the footprint of policing in Berkeley, the description provided for BerkDOT is inadequate with respect to the components of and motivation for BerkDOT (the NICJR report describes BerkDOT as a moving of traffic enforcement away from BPD). Because the BerkDOT creation process is moving forward separately, a complete description and analysis of BerkDOT are not necessary, but at a minimum, the NICJR recommendation ought to accurately describe what a proposed BerkDOT would consist of and provide the rationale for pursuing this approach beyond simply reducing the staffing and budget of BPD. Specifically, BerkDOT needs to be described as a consolidation of all transportation-related work being done by the City and would entail combining the current Public Works Department's above-ground street and sidewalk planning, maintenance, and engineering responsibilities with the current transportation-related BPD functions of parking enforcement, traffic law enforcement, school crossing guard management, and collision response, investigation, data collection, analysis, and reporting.
IMPROVE						
8 BPD Become A Highly Accountable Learning Organization (HALO) (p. 26)				Reject	<ol style="list-style-type: none"> Not credible that this change comes at "no additional cost" RPSTF focused on spending less on BPD, not more More training does not necessarily lead to changes in police culture This process is not about re-imagining police 	Overall, commissioners did not think there was enough information provided in the NICJR report that allowed an accurate assessment of the program and also disagreed with NICJR's indication that this recommendation would come at no cost. Some commissioners felt strongly that any programs that potentially increase funding to police should not be prioritized, and more training will likely not lead to changes in police culture or address the racial disparities that continue to persist in the city.

NICJR Recommendation	NICJR Estimated Cost & Explanation	NICJR Identified Funding Source	NICJR Timeline	Vote by Task Force	Reason for vote	Proposed Narrative Summary for report
9 BPD join ABLE program	Joining ABLE is free of cost	N/A	Within six months of approval from City Council	(Did not vote unless this is part of the HALO program)	1. HALO, EPIC and ABLE might be good programs, but what cost to join/enact? Recordkeeping alone would be a cost.	Same analysis as item 8
10 Expand EIS to assess all Use of Force	No additional costs	N/A	Within six months of approval from City Council	Reject	1. In general recommendations limited to police reform and requiring additional funding were not seen as ideas in the spirit of re-imagining public safety 2. Side question: Is Fair & Impartial's EIS measuring new best-practice gauge of proportionality? Not relying only on officer reporting & citizen complaints through PAB. Not being "de-fanged" by Union during implementation? See Univ of Chicago/Ron Huberman work: https://polsky.uchicago.edu/2021/06/08/benchmarking-police-performance-for-early-intervention-evidence-based-solutions/	The Task Force supports an EIS. However, this work is already well underway and thus does not constitute a useful recommendation. The EIS was recommended in 2020 by the Mayor's Fair and Impartial Policing Working Group and in February 2021, Council unanimously approved the Working Group's recommendations for adoption.
11 BPD Expand current Personnel and Training Bureau OR Create Quality Assurance and Training Bureau				Reject		Rejected, similar to the reason in item 8. The Task Force did not believe that additional investment in training would create the change needed to change police culture and the racial disparities that continue to persist in the city.
12 Transfer 5 officers and 2 civilian staff to new Quality Assurance and Training Bureau (p. 32)	No additional costs	N/A	Within six months of approval from City Council	Reject	Rejecting #12 above, so rejecting this related item, which is yet more additional training/QA cost.	
13 BPD provide semi-annual reports to public (p. 32)	internal re-organization can achieve this goal without additional costs	N/A	First Report should be issued by July 1, 2022	Accept with Conditions	1. Data should be available on a real-time basis, all the time. 2. Build a dashboard that is constantly updating.	Data should be provided to the community through a dashboard, in real-time. Reports can be helpful, and should be provided, in addition to real-time data.
14 Develop a Bay Area Progressive Police Academy (BAPPA) (p. 35)	An analysis of police academies throughout the Bay Area found that the cost per student range is roughly \$4,300 - \$4,600 per student, with a significant proportion of costs eligible for reimbursement through the Commission on Peace Officers Standards and Training (POST.) The development of the BAPPA would include certification through POST in order to satisfy State requirements. NICJR recommends that collaboration with Albany and potentially Oakland be explored.	Reduced BPD budget through eliminating patrol positions through attrition, revenue from partner law enforcement agencies	Launch two years after City Council approval	Reject	RPSTF is focused on reducing BPD spending, not increasing. 2. BAPPA is dependent on a great deal of inter-agency agreement, sharing and teamwork, which don't already exist. Would take many man-hours to get others on board, agree scope of work, convince all to start contributing. 3. Very high staff and overhead costs. 4. BPD regularly states they have top-notch training and sourcing for sworn and non-sworn personnel – it is not clear that a Berkeley-run academy would solve any hiring difficulties. 5. Instead of spending on this, RPSTF recommends spending on creating a Public Safety & Community Solutions Institute.	The Task Force recognizes that many cities are gearing up to provide a robust, expert non-police response to citizens in need, but that this type of workforce does not yet exist in a coordinated fashion. Berkeley can be in the vanguard of cities creating this workforce and expanding best-practice training beyond paid professionals and offering it to the general public, interested groups, students, and the like. The Public Safety & Community Solutions Institute can bring together crisis intervention and situation calming, triage, medical response, mental health response, peer counseling, city and county services offerings, case work, data capture, and follow up with compassionate, trauma-centered delivery. The Institute's trainings and coursework will be created by experts at Berkeley's SCU and the division of Mental Health, and tailored for other relevant audiences, e.g., BerkDOT. The Task Force feels this would be an exemplary area in which to spend time, money, and other resources to provide citizens with resources and support.
15 Increase diversity of BPD leadership (p. 36)				Accept with conditions	1. What is the plan for achieving diversity? 2. What are the numerical definitions of diversity?	The Task Force agreed that diversity in leadership alone would be insufficient to change an entire police culture. However, commissioners do acknowledge the importance of diversity and having responders who are from the city and the taskforce recommends making diversity a priority for all employees, including leadership.
16 Increase Standards for Field Training Officers (p. 36)				Needs more analysis	1. Need numbers about what % of officers have more than 2 complaints or 1 sustained complaint in a 12-month period? 2. How does race & gender data map with complaints data? 3. How do we assess whether implicit bias has played a role in complaint data figures?	
17 Revise BPD's Use of Force policies to limit any use of deadly force as a last resort to situations where a subject is clearly armed with a deadly weapon and is using a threatening to use the deadly weapon against another person	Training Costs	Savings from eliminating patrol positions through attrition	Within six months of approval from City Council	Reject	1. Use of Force policy was revised a year ago. Did NICJR read it and is this different than most recent version? 2. Use of Force policies are complex, making changes is a lengthy process. Shouldn't change what has been recently agreed upon without good reason.	This was rejected because this work has already been done and is covered by a different process and does not need to be duplicated in this process.

REINVEST

NICJR Recommendation	NICJR Estimated Cost & Explanation	NICJR Identified Funding Source	NICJR Timeline	Vote by Task Force	Reason for vote	Proposed Narrative Summary for report
18 Launch a guaranteed income pilot program (p. 37)	\$1,800,000	General Fund; federal funding already received or forthcoming from the Infrastructure Bill; or raised through philanthropy akin to the approach in other cities	Within six months of approval from Council	Accept with Conditions	<ol style="list-style-type: none"> 1. Strong support for the program 2. Addresses root causes 3. Strong preference for unconditional funds that puts trust in people to use the money as they see fit 4. Unclear who is responsible for administering pilot 5. Unclear how families will be selected 6. Informed by completed/ongoing pilots in Stockton, Fremont, Richmond, etc. 	Members strongly support this type of program and note that other communities have implemented these programs successfully. More information is needed to understand how families would be selected, and the city should consider whether other groups, like the AAPI or Indigenous community, should be included in this program.
19 Launch a community beautification employment program (p. 39)	\$1,250,000	5% of County Criminal Justice Realignment funds allocated to community services for Berkeley residents	Launch one year after approval from City Council	Accept with Conditions	<ol style="list-style-type: none"> 1. General support for employment programs 2. Current recommendation is specific to previously incarcerated folks, and funding source is based on that, and could be expanded to include other funding sources, and serve other communities e.g., youth, unhoused population 3. Remove the word beautification that is superficial 4. The program should be responsive to skills and talents of folks 5. Program could benefit from integrating professional development, pipeline to employment, especially folks who are generally left out of the workforce 6. Program should aim for goals and results that are transformative 	Members are very interested in increasing job skills and opportunities. However, programs should be centered around the interests of the target group. The Task Force therefore rejects the idea of simply a beautification program but fully supports programs that focus on professional development, and serve as a pipeline to employment, especially for those who face additional barriers like a criminal record. Any program should have the goal of being transformative.
20 Increase funding for CBOS in one of two ways: (1) increase grant amounts by 25%, or (2) create local government agency/ department (Department of Community Development) (p. 40)	\$25,605,492.50	Measure W funds, when the BPD's budget is gradually reduced; the infrastructure bill; and concerted efforts to increase philanthropic dollars	FY 22-23	Accept with conditions	<ol style="list-style-type: none"> 1. Unclear where the funding is coming from, some of it is coming from Measure W 2. Recommendation is too general, and funding of CBOS should be prioritized based on RPS goals and improving social determinants of health 3. Strong disagreement with approach that proposes across the board funding for CBOS 4. Preference for a recommendation that includes a new department could play a role in visioning and tracking of CBOS and funds, and oversee increased funding 	While members generally agree with increasing the capacity of community-based organizations as a way to improve public safety, funding should be targeted and focus on the goals set forth in the enabling legislation for reimagining public safety. Members also note that this recommendation does not explain where the additional funds would come from, as NICJR does not propose any layoffs to reduce the police budget. Members are very interested in creating a city division that could continue this work and focus on issues of equity.
21 Launch the Advance Peace Program	\$500,000	General Fund	Launch in first quarter of FY 2023, on going for at least 3 years	Recommendation was not in draft report, therefore task force did not vote	N/a	Appendix 6 provides a collection of resources on violence prevention programs. The task force informally voiced their support for these kinds of efforts repeatedly throughout their process.
Notes						
Grid is based on pages 39-40 of NICJR Final Report, titled Implementation Plan and the table on Pages 10-17 of the Task Force Final Report						
Recommendations highlighted in orange indicate items not listed on the grid in the NICJR Final Report						

Reimagining Public Safety Initiative Topic	Specific Task Force Recommendation	Task Force Rationale*	Budget Estimate	Request Additional staff analysis?
Traffic Law Enforcement & Traffic Safety	Review Transportation Laws, Fines and Fees to Promote Safety and Equity	Berkeley should conduct a full review of the Berkeley Municipal Code (BMC) and our structure of fines and fees as they relate to transportation. This review should specifically identify items that serve only to criminalize and penalize poverty or serve as pretext to target at-risk populations. Once reviewed, any identified items should be brought to City Council to either eliminate or revise. In cases when these BMC laws have State law equivalents, City Council should make clear that BPD should make enforcement of these State laws their lowest priority (i.e., decriminalize these behaviors).		Staff should identify the resources required to take this on. See additional comment regarding expanding the effort to look at civilianizing the resources
	Fully Fund the BerkDOT Planning Process	Given the size, scope, and ambition of the BerkDOT proposal, and given the fact that Berkeley is the first city in the nation to approach this topic, there is a substantial need to adequately fund the BerkDOT exploration and planning process. In comparison, the SCU planning process received \$185K, but SCU faces no legal challenges and has numerous models from around the country off which to build. To-date, the \$175K allocated to BerkDOT has funded some initial background research on free-standing departments of transportation and also a community engagement component around traffic safety and enforcement (a BerkDOT-specific citywide survey and listening sessions).	\$200,000	Staff confirm the budget required for the next phase.
	Move forward with the transfer of both collision analysis and school-crossing-guard management away from BPD and over to Public Works			
911 Call Processing & Alternative Calls-for-Service Systems	Adopt City Auditor's Recommendations for Call Processing and Dispatching of First Responders and Others Contained in Report, and Add 'Substance Use' to 911 Recommendations	These recommendations can provide 911 professionals with the basis for establishing systematic, consistent procedures and behavioral health call scripts that screen and divert mental health, substance use, and homelessness calls towards an alternative non-police response. In July 2022, 911 professionals will soon have the option to transfer mental health calls to a national hotline, so it is imperative to establish this process. These professionals can further avoid punitive measures resulting from policing, criminal legal, and incarcerations involvement whenever possible, particularly for diverse and marginalized groups of people who are extremely reluctant, avoid or do not use 911 for fear of a police response.		Request an update from BPD on the progress on implementing the Auditor's recommendations. Would like to better understand the steps required to add substance use to these recommendations
	Implement Specialized Care Unit (SCU): Alternative Non-Police Responder to Meet the Needs of People Experiencing Behavioral Health Challenges			
	Establish Crisis Stabilization Center to Meet the Needs of People Experiencing Behavioral Health Challenges and Further Implement A Comprehensive 24/7 Behavioral Health Crisis Response System	From Page 65 of task force report..."Crisis Stabilization Centers can serve as an alternative to using emergency departments and moreover, criminal legal and incarceration systems as a crisis response to individuals experiencing a behavioral health and/or substance use crisis in the community. They can receive referrals, walk-ins and first responder drop-offs. (SAMHSA, 2020; 22). SAMHSA has further defined minimum expectations to operate crisis receiving and stabilization services, including accepting all referrals, not requiring medical clearance, designing services for both mental health and substance use issues, being staffed (24/7/365) with multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis (SAMHSA, 2020; 22).		Yes, Staff should review this recommendation and provide their input as to the best approach to establishing crisis stabilization center(s) in Berkeley, as well as realistic timeframe for doing so.
	Implement A Behavioral Health General Order for the Berkeley Police Department That Emphasizes Diversion Away from Policing Whenever Possible	"...an overarching, comprehensive Berkeley Police Department Behavioral Health General Order would potentially provide for streamlining the current orders and diverting as many people as possible away from policing and towards well-being services in the community." Full rationale on pages 67-68 of Task Force report		See comment. Staff should provide feedback on this approach and a timeline that this could be implemented
Gender-Violence Non-Police Response recommendations	Increase the capacity of community based-organizations. Fund 3-4 organizations to provide services and resources mentioned on page 223 of NICJR Final Report Packet	Providers report that existing resources are insufficient to meet the needs of Berkeley community members, especially for those who require more care and resources including people who are unhoused and people with complex mental health issues. A person seeking to leave an abusive relationship will likely need a range of services, including advocacy/case management; legal services for child custody, restraining order or other family law issue; and other support services like housing and childcare. To provide effective intervention in domestic violence cases, the City should fund long-term solutions. Solutions should include legal services, intensive case management to individuals with high needs, advocacy services in languages other than English, restorative justice programs, healing practices, and job training.	\$500,000	Staff should connect with authors to understand their recommendation and build on their outreach to inform funding. Additionally, staff should work with county partners to clarify which services should be provided by county vs the city.

Reimagining Public Safety Initiative Topic	Specific Task Force Recommendation	Task Force Rationale*	Budget Estimate	Request Additional staff analysis?
	Training and technical assistance for faith-based leaders	Many people turn to faith-based leaders for help. These leaders, like others, need training to understand the complexities of domestic violence, identify effective tools to create safe spaces for those seeking help, learn about existing domestic violence resources to refer people to, and help change cultural norms that perpetuate domestic violence. In California, domestic violence agencies have partnered with faith-based leaders to address domestic violence in their communities. Examples include A Safe Place[1] in Oakland, and Korean Family Services in Los Angeles[2]. The latter has trained over 1700 faith leaders in the last 10 years.	\$50,000	Staff should connect with authors to understand their recommendation and build on their outreach to inform funding.
	Provide services for people who cause harm	While survivor-centered services are essential, services for the person causing harm are also crucial to stopping gender-based violence. The City should invest in programs that target people who cause harm, including men and boys, to provide services and prevention efforts.	\$150,000	
	Prevention education for K-12 to provide, and coordinate prevention work	Breaking the cycle of violence requires changing cultural norms and practices that perpetuate violence and gender inequities. In addition to the recommendations related to intervention listed above, this subcommittee recommends additional funding for education for K-12 and to create peer-based models, when appropriate. Providers report that more education is needed to teach on toxic masculinity, consent, healthy relationships, and sex education, including sexual pleasure.	\$125,000	
Gender-Violence Poifice Response recommendations	City Leadership to Host Regular Meetings and Coordinate Services	Having the City serve as lead will institutionalize these much-needed partnerships. These meetings would be especially important if a tiered response system is adopted by the City, as victims and survivors of crime will be captured in all tiers (e.g. domestic violence may be reported by a caller as a noise disturbance). During the first listening session, many of the providers noted that the listening session was the first time that they had been asked for their feedback. Establishing a forum would forge new and ongoing partnerships between the City and providers. For survivors of intimate partner violence, a coordinated community response serves as a protective factor against future violence.[1] Outreach should be done to ensure that BIPOC leaders are at the table.	In-kind from the City	Staff input on the resources required to lead these convenings
	Coordinate with Court and Other Law Enforcement to Implement New Firearm and Ammunition Surrender Laws	Local courts are required to notify law enforcement when the court has found that a person is in possession of a firearm or ammunition, in violation of a domestic violence restraining order. Law enforcement must take all necessary actions to obtain the identified firearms or ammunition	In-kind from the City	Request staff coordinate with the District Attorney as well as the courts
	Annually Update the Police Department's Domestic Violence Policies and Victim Resource Materials	California law frequently changes in the area of domestic violence. For example, during the 2021-2022 state legislative cycle, at least five bills passed that change the law for domestic violence restraining orders, including SB 320 noted above. Updating these procedures regularly and in coordination with providers, will ensure that policies reflect current laws and address community-based concerns.	in-kind from the City	
	Implement Regular Domestic Violence and Trauma-Informed Training for Officers, Dispatch, and Responders to 911 and Non-Emergency Calls	Providers report that victims and survivors seeking help from police often feel unheard and further traumatized by the experience with police. Examples include allowing other family members to speak or translate for the victim, when family members may be related to the abuser. This recommendation is consistent with NICJR's recommendation that the department increase its use of local community members to provide training.	\$5,000 for contracted speakers, in-kind from BPD	Staff input on budget and impacts to staffing
	Publish Victim Resources in Plain Language and Multiple Languages	Provides more access to people who have limited English proficiency, do not speak English, or have low literacy.	\$15,000 (one time investment with some funding needed to update resources)	
	Screen for Domestic Violence in All 911 and Non-Emergency Calls	This would lead to better data on the number of domestic violence cases the police and others respond to in the city. Noting the penal code or city ordinance section alone would not capture all domestic violence cases.	in-kind from all responding agencies	Staff input required to understand what screening protocols already exist and whether this would be a matter of training or program and curriculum development
	Assign A Female Officer to Interview, Examine, or Take Pictures of Alleged Victims at Victim's Request	This policy would acknowledge that some victims and survivors will feel uncomfortable with having a male officer examine or question them. This could result in the victim giving an incomplete statement (e.g. not disclosing sexual abuse or showing an injury) and further traumatize the victim.	In-kind from police department	How many female officers exist on the force? What policies or changes in staffing structure would be required to ensure a female officer is always available? Could this be handled by non-sworn personnel in a co-response model?
	Police Response to DV Calls Should be Accompanied by or Coordinated with DV Advocate	This practice is especially important in cases where there is a high risk of lethality, language or cultural barriers that could lead to miscommunication or further traumatization, and high needs cases where victim or family members require a number of services to achieve stability. Having a victim advocate present will help ensure that victims are heard and not further traumatized. Providers report that advocates sometimes must act as a safe middle person between the victim and police, to ensure that the victim is not mistreated or further traumatized by the interaction with police. This feedback is consistent with information gathered from the community engagement process where black residents spoke of the need for a safety ambassador to act as a bridge between the community and police (see page 40 of Summary of Findings report from Bright Research Group).	\$125,000 (two advocates at .5FTE)	Could this be accomplished by establishing an on-call contract with DV Advocates? Are there other places where this is done? What is staff's budget estimate for this? How can this be folded into a community responder CERN-type model?

Reimagining Public Safety Initiative Topic	Specific Task Force Recommendation	Task Force Rationale*	Budget Estimate	Request Additional staff analysis?
Disability & People with Behavioral Health Challenges (PEERS)	Include PEERS in Developing Behavioral Health Responses	PEERS indicated that the first and most important recommendation is outreach and inclusion of PEERS who have worked on behavioral health reforms since the 1990s, when this movement began. There are trained Peers who are invaluable to developing responses to behavioral health crises and supporting the transition to new systems of safety in Berkeley. PEERS are crucial for unpacking the scope and nature of behavioral health crises to provide a nuanced understanding, approach, and framework for responding with appropriate levels of care to people with behavioral health challenges in the community--particularly for a non-police crisis response like a Specialized Care Unit (SCU).		
	Sufficiently Fund Behavioral Health Respite Centers	Drop-in and wellness centers for people living with behavioral health challenges need sufficient funding and staff with full-time Peer Support Specialists where individuals experiencing non-threatening altered states and/or behavioral health crises can move through their crisis in a safe and supported state. It is further essential to have availability 24/7 and on holidays, and to involve PEERS in the transit from the behavioral health crisis to the Peer staffed drop-in/wellness center. Peer Navigators are also key to assisting people in navigating complex systems, including how to get appropriate services in the City of Berkeley and Alameda County.		Need to understand what sufficient funding entails to develop a clear budget request and explore outside funding to support this
	Have a Reconciliation Process with People with Behavioral Health Challenges and Police	There is a need for a reconciliation process with police, particularly as a response to traumatic experiences with police. A reconciliation process, as well as a restorative justice process, with people living with behavioral health challenges may help build trust and rapport with police officers in the future.		
	Clarify the Risk Assessment by Call Takers, Dispatchers, and Police for Behavioral Health	There is a need for clarification about how Public Dispatch Operators and the police use their discretion to make decisions about "public safety threats." It is not clear if the current protocol is designed to not only determine if someone is a "danger to themselves or others," or "gravely disabled" to meet the standard for a 5150 involuntary hold, and/or if the assessment offers a more nuanced evaluation for persons who do not meet this standard, particularly to assist with next steps in care if needed.		This feels directly tied to the SCU process, consider as part of implementation of SCU
	Improve De-Escalation Training for Police & Offer Public Education on Behavioral Health	There is a need for additional de-escalation training for law enforcement and public education about connecting with community members who interact with the world differently than they do—including using peers as part of training.		
	Account for Overlapping Systems of Care for People Living with Behavioral Health Challenges	There is a need to account for overlapping systems of care, including medical, behavioral health (mental health, substance use), social services, and other systems. Participants in the Peers Listening Session, who identify with homelessness, discussed how current systems are not set up in a way that enables long-term sustainable wellness of the behavioral health community.		Discuss with staff what this might entail.
	Further Research Recommendations (in report)			
LGBTQIA+ and Queer/Trans People	Develop Collaboration between LGBTQ+ Liaison for Berkeley Police Department and the Pacific Center for Human Growth	Currently, the LGBTQ+ liaison for the Berkeley Police Department has reviewed the LGBTQIA+ Listening Session Report and is working on a collaboration with the staff for the Pacific Center for Human Growth in order to address challenges in the community.		Confirm with staff what is already underway.
	Establish Partnership between the Division of Mental Health and the Pacific Center for Human Growth	There is a need for an established partnership between the Division of Mental Health for the City of Berkeley and the Pacific Center for Human Growth in order to ensure training and service delivery to LGBTQIA+ clients that are culturally safe and responsive. There is a need for collaboration among service providers to become more well-integrated with coordinated services tailored to meet client needs, including ones that are culturally safe and responsive.		Confirm with staff what is already underway.
	Increase Capacity for Behavioral Health Workers to Serve LGBTQIA+ Clients	There is a considerable need for behavioral health workers, such as clinicians, case managers, peer specialists, and peer navigators, who can directly guide LGBTQIA+ clients in navigating multiple systems—particularly given the shortage of case management services available from community-based organizations in Berkeley.		Confirm with staff what is already underway. Where could additional capacity be developed?
Addressing Underlying Causes of Inequity, Violence, and Crime	Develop a Training and Community Solutions Institute	This proposal from the RPSTF intends to build on the SCU/MACRO training foundations (once finalized – currently under development) and offer training appropriate for members of the general public, law enforcement, BerkDOT personnel, peers, students and those who need or want to respond constructively based on best practices. This proposal is suggested in place of the Progressive Police Academy in the NICJR final report. Training topics are listed in appendix 5 of the task force report on page 126.		Analyze at a future stage once SCU/MACRO is more developed.

Reimagining Public Safety Initiative Topic	Specific Task Force Recommendation	Task Force Rationale*	Budget Estimate	Request Additional staff analysis?
	Develop Community Violence Prevention Programs	Should the City of Berkeley decide to adopt or pilot a new Community Violence Prevention Program, we recommend it take the following steps to ensure its success: 1. Create opportunities for community members, leaders, youth and organizations to tap into this work with equitable compensation 2. Hiring of Credible & Trusted Responders 3. Transparency and Accountability 4. Allow Pilot Violence Prevention Programs to Grow		
	Support City Efforts to Establish the Office of Equity and Diversity 1. Develop the office in partnership with CBOs with listening sessions to inform office's direction/priorities 2. Integrate community oversight and community support body that works closely with the office in establishing community connections, evaluating the office's approach, and ensures ongoing success	The Re-Imagining Public Safety Task Force supports the City of Berkeley's efforts to establish an Office of Equity & Diversity. For too long, City Departments have had to independently monitor impact, disparities, and ongoing relationships with the community that have produced varying results. These inconsistencies can lead to severe impacts in services rendered, supports given to, and needs met of communities of color and additional diversity and marginalized groups. An adverse effect, especially in regard to language access, is that many Black, Immigrant, Latinx, and other voices of color will not view City Departments as a venue to air their concerns, lift up their needs, and much worse, as the valuable resource it aspires to be. This adverse impact is also true for additional diverse and vulnerable groups, including based on gender identity and expression, sexual orientation, physical and behavioral disabilities, and other diverse and marginalized groups. This proposed Office provides an opportunity to help centralize and embed equity and justice practices and frameworks into our City's infrastructure. The impacts of which would far extend beyond addressing disparities, forming partnerships with community organizations and leaders, among others. But perhaps the biggest impact will be seen as communities begin to trust and see City Departments as a resource for them – a Department that is accountable to them.		Support staff in generating a community advisory component to the development of the Office of Equity and Diversity
	Implement a Pilot Guaranteed Income Project	Ultimately, UBIs are not one-size-fits all. The City should review data available from similar programs in order to determine the size and scope of its program, e.g., target recipients, selection criteria and process, appropriate cash transfer size, project duration, and data tracking/ evaluation protocols.		
	Support the Police Accountability Board and Fair & Impartial Policing	We recommend that Council request PAB advice before making a policy decision to proceed toward surveillance technology acquisitions; mandate the BPD to collaborate with PAB on development of all significant General Orders or other policies; and support moves by the PAB to make it easier for people from historically marginalized communities to raise and pursue officer misconduct complaints.		
Addressing Community-Based Organizations' Capacity for Efficient Partnership in Reimagining Public Safety	Conduct Needs Assessment on CBO Capacity			
	Create Coordination and Communication Opportunities for CBO Staff	Specifically, provide opportunities and forums for CBO executive level staff to work more closely with each other. Coordination and common purpose help increase better use of resources. This will create opportunities to align outreach criteria, coordinate efforts, and centralize information obtained from the field.		
	Improve Referral Systems	The City and CBOS' should improve the system of referrals after intake and assessment with the intent to shepherd a consumer through the system and proactively assist in gathering all required documentation. This would lessen the load placed on the person seeking services and person of navigating through a complex and documentation-driven system while trying to survive one day at a time.		
	Remove City Funding System Inefficiencies and Duplication	Specific actions the City can take to decrease bureaucracy and increase efficiency include: a. More flexibility with funding contracts (e.g., higher threshold for requiring a contract amendment, providing administrative overhead that meets actual costs). b. Quarterly instead of monthly reporting. c. Increase baseline CBO salaries to improve their recruitment and retention.		

<i>Reimagining Public Safety Initiative Topic</i>	<i>Specific Task Force Recommendation</i>	<i>Task Force Rationale*</i>	<i>Budget Estimate</i>	<i>Request Additional staff analysis?</i>
	Develop Additional Metrics for Community-Based Organizations	The measure of success cannot be based just on the attainment of housing or jobs – multiple factors contribute to community stability and public safety, including social relationships, connection to resources, service participation/engagement, health/behavioral, health status, mindset, behaviors, and more. Additional metrics need to be developed that better evaluate the wellbeing of individuals, families, neighborhoods, and communities.		
	Help CBOS Enhance Their Funding	<ol style="list-style-type: none"> 1. Establish a small team led by the mayor, a council member, City Manager, service provider, homeless consumer, commission member, major donor, and community member to meet with all major foundations, corporations and other entities with significant resources. 2. Create an annual citywide fundraising campaign that would benefit all CBOS. 3. . Train staff. Areas identified by the CBOS include trauma informed care, motivational interviewing, cultural competence, and developing tools and skills so that our population is served with respect and staff have extensive knowledge about the availability of existing appropriate resources. Funding should be dedicated for training and require specific coursework around the aforementioned areas identified. 4. Gather feedback from Consumers 		
Notes	*Rationale was not consistently provided throughout the Task Force report. The language in the column reflects the Mayor's Office best effort to pull a descriptive paragraph for each recommendation from the report.			
	Sections highlighted in yellow did not make it into final task force report despite clear task force intention to include due to confusion in reconciling all documents and recommendations.			
	Sections highlighted in blue indicate the recommendation is a reiteration of a similar or existing recommendation that has already been made to City Council by staff, another comission or parallel process			

ALBUQUERQUE COMMUNITY SAFETY
CITY OF ALBUQUERQUE



ALBUQUERQUE COMMUNITY SAFETY DEPARTMENT
FY2022 ORGANIZATIONAL PLAN
DECEMBER 2021

Albuquerque Community Safety Department
City of Albuquerque, New Mexico

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ACKNOWLEDGEMENTS

This report is made possible by the countless contributions from a growing ACS staff, colleagues from across the City of Albuquerque, community members, community-based organizations, partners, and others. This is the first iteration of what will undoubtedly be an evolving journey for this new department, one we are grateful to travel alongside fellow first responders and the community we serve.

Contents

4	LETTER FROM MAYOR TIM KELLER
5	LETTER FROM THE DIRECTOR
6	OUR ROLE
7	Why does Albuquerque need ACS?
8	How was ACS created?
9	Where does ACS fit in the public safety system
10	OUR DEPARTMENT
11	What is the ACS vision for Albuquerque and the department's mission to get there?
12	What are ACS's values as a department?
13	How does ACS put community at the center of decision-making?
14	What is the FY2022 ACS Budget?
15	What is ACS's organizational structure?
16	OUR RESPONSE
17	Who are ACS responders?
22	How are we training ACS responders:
23	How is ACS dispatched?
24	What calls will ACS respond to?
25	How are we keeping our responders safe?
26	How will ACS collect data and track impact?
27	OUR GOALS
29	Goal Area 1: Respond
30	Goal Area 2: Build
31	Goal Area 3: Engage
32	Goal Area 4: Influence
33	GET CONNECTED
35	APPENDIX

Letter from Mayor Tim Keller

On September 1, 2021, the Albuquerque Community Safety (ACS) department began serving our community and making a transformative impact.

A day with ACS first responders can look like many things: safely de-escalating a behavioral health crisis, helping a family and a landlord navigate a housing dispute to avoid eviction, getting treatment to an individual wrestling with substance abuse, connecting an unhoused community member living in an arroyo with the shelter and resources they need, checking on an abandoned vehicle, or talking someone in distress down from self-harm or suicide.

With each call trained behavioral health and community responders take, we are strengthening our entire public safety system. We are relieving pressure on police and fire, allowing officers to focus on addressing violent crime calls, and freeing up our EMTs to quickly respond to urgent, life-threatening situations. With ACS as a third branch of 911, we are now better equipped than ever to provide the right response to those in need.

The origin of this department, the nation's first cabinet-level department of its kind, extends back to when our administration first walked into office. It starts with programs we began piloting in 2018 to send Albuquerque Fire Rescue responders to a segment of non-violent calls that police had been handling, and with our work to decriminalize symptoms of poverty, addiction, and behavioral health issues. But above all, we gained the political will to launch ACS because of the movement for racial justice that surged following the murder of George Floyd. That powerful call to do things differently changed everything. ACS is a new approach to how we respond to distress in communities and get folks the services that are needed in that moment and for the long term. It's a trauma-informed public health response built in partnership with our community. Through a real reimagining of public safety and a reckoning with legacies of trauma and institutionalized racism, we can begin making the history that will bring our communities closer together.

I am encouraged by the progress that ACS is making as I work with our inaugural Director Mariela Ruiz-Angel, Deputy Directors D'Albert Hall and Jasmine Desiderio, and with the new class of first responders. We are moving forward with humility, understanding that we are building this approach from the ground up. We look forward to ACS's evolution as we launch this effort to send the right response at the right time in our community.



Timothy Keller

Mayor Tim Keller



Letter from the Director

The City of Albuquerque's Community Safety Department (ACS) is proud to provide our first organizational plan as the City's next step toward reimagining public safety. We are a new component of the City's public safety response. When 911 dispatchers answer calls involving mental health, addiction, or other public health issues, they will send our mental health professionals along with or instead of paramedics, firefighters, and police officers. ACS will also respond to calls like reports of abandoned vehicles that do not require a police officer, firefighter or paramedic.

ACS is the first municipal agency in New Mexico created as a peer with the municipal police and fire departments. ACS first responders have the training and resources to step in when someone is experiencing a mental health, addiction or housing crisis to get the person connected with the right resources. Our work will alleviate pressure on police and fire units and maximize resources dedicated to public safety.

This plan reflects more than a year of research, discussion and planning with a wide range of experts and community members to understand the needs and gaps in public safety. A cornerstone of our effort to design ACS has been engaging with the community, including meetings with residents from Albuquerque neighborhoods hit hardest by violence and economic disparity and a communitywide survey.

We know the work has just begun. As our teams hit the streets, we are driven by a shared vision with our fellow first responders of a public safety system that ensures a purposeful, humane, and appropriate response. We also know there is so much more for us to learn. We are working hard to define our impact in, with, and for the community. Expect to hear more about that work over the next year. We are grateful for ongoing community engagement as we improve our approach with every call, every response, and every conversation.

We are grateful to the thousands of people who have already contributed their time, insights, and feedback you will see reflected in the pages to come. We invite you to explore this report and engage with us as we continue to work toward a safer Albuquerque for everyone.



Mariela Ruiz-Angel
September 2021





OUR ROLE

ISSUES BY THE NUMBERS

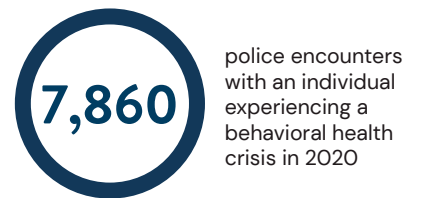
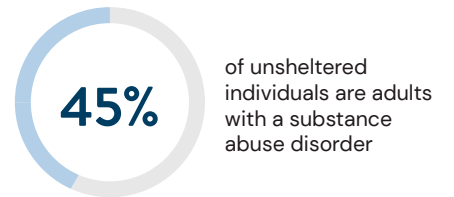
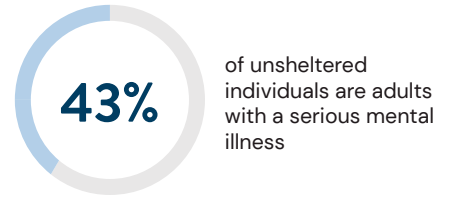
Why does Albuquerque need ACS?

Albuquerque faces serious public safety issues in addition to crime that include homelessness, mental health, and drug addiction challenges.

According to the federal Substance Abuse and Mental Health Services Administration (SAMHSA), nearly one in five people 12 years of age or older in the Albuquerque metro area report using any illicit drug in the past year, outpacing both state and national averages.¹ SAMHSA also reports that more than one in five adults aged 18 or older in Bernalillo County reported any mental illness in the past year based on annual survey averages from 2016–2018, and nearly 15 percent reported receiving mental health services in the past year.² The 2021 Point in Time Count showed that the number of people experiencing homelessness in Albuquerque has been steadily increasing since 2013, with 1,567 counted in this year’s report.³ Many unsheltered individuals are adults with a serious mental illness and/or substance use disorder.

Albuquerque Police Department (APD) officers and Albuquerque Fire Rescue (AFR) responders interact frequently with people experiencing these issues. Though not accounting for all mental health calls, APD officers recorded 8,510 encounters with an individual experiencing a behavioral health crisis in 2019 and 7,860 in 2020. Statewide, the New Mexico Sentencing Commission reports that one in five contacts in 2020 with law enforcement were with a homeless individual.⁴ Moreover, in fiscal year 2020 (FY2020), AFR and Metro Security responded to 9,514 “down and out” calls in which a person was unresponsive on the ground or seemingly intoxicated. Beyond mental health, in FY2021, there were 1,326 311 calls for needle pickups and 13,075 311 and 911 calls for abandoned vehicles, neither of which need police or fire response.

This demonstrates a need for trained and licensed professionals with experience or education in addressing these issues to take on these calls. An internal review found that of the nearly 200,000 annual APD calls for service involving these issues, nearly one in five may be appropriately handled through an alternative response. Redirecting these calls will reduce call volume for police and fire responders, allow police officers to spend more time tackling violent crime, free up fire units to immediately address life-threatening situations, and ensure a first responder can spend the necessary time to address the issue.



¹ Source: <https://www.samhsa.gov/data/sites/default/files/NSDUHMetroBriefReports/NSDUHMetroBriefReports/NSDUH-Metro-Albuquerque.pdf>

² Source: <https://www.samhsa.gov/data/report/2016-2018-nsduh-substate-region-estimates-tables>

³ Source: 2021 New Mexico Coalition to End Homelessness [Point-In-Time Count](#)

⁴ Source: 2020 Databook, 1/1/20–12/31/20, New Mexico Sentencing Commission.

How was ACS created?

Mayor Tim Keller’s administration convened a public safety group three years ago to discuss and research a myriad of issues, from interrupting cycles of violence through diversion programs to decriminalizing our response to mental health, homelessness, and addiction.

Community feedback reflected overwhelming support for an ACS-style model.

The group includes police, fire, social service departments, code enforcement, transit, solid waste, the Office of Civil Rights, and the Office of Equity and Inclusion. From the group’s work, the City has implemented pilots and programs, including the Safe Handling and Routing of Paraphernalia (SHARP) program that cleans up improperly disposed of needles and syringes around the City, and the dispatching of Metro Security officers to respond to “down and out” calls.

Building from that work and learning from early successes, Mayor Keller announced in summer 2020 plans to create ACS to serve as an additional branch of the City of Albuquerque’s public safety system alongside police and fire. ACS will offer the appropriate response to calls involving non-violent, non-medical mental behavioral health, substance use, homelessness issues, and other responses that do not require a paramedic or police officer. In the year between the announcement and ACS’s launch, the City developed a plan for launching this third branch of the public safety system by researching relevant models and running a community engagement campaign.

With the onset of COVID-19 in 2020, the City replaced in-person engagement with virtual meetings to educate, inform, and gather input on our strategic planning. The City hosted seven virtual sessions of 45 participants representing more than 25 key community stakeholder groups. The City also involved the Mental Health Response Advisory Committee (MHRAC) and presented policies and training plans to MHRAC, which has been working with APD for many years. The City also conducted a community survey and received 2,858 responses. Community feedback reflected overwhelming support for an ACS-style model. Community experts provided crucial input on the look and feel of ACS as well as specific policy and training recommendations. Community members were excited to be included in the solution. One said:

“As a community mental health provider, I look forward to seeing how this department shapes up and am hopeful that the City collaborates and integrates behavioral health care providers into the system at large.”

Following these sessions, the City has been in continual discussion with community leaders and experts as well as participated in national-level forums, sprints, and working groups involving municipalities engaging in similar work. You can read more about the community engagement process and the feedback the City collected in the [ACS Community Engagement Report](#) available on our website.



Where does ACS fit in the public safety system?

The Keller Administration made ACS a cabinet-level department, allowing it to operate independently from and in collaboration with APD and AFR.

What makes ACS different is our use of a public health model with a non-law enforcement-led response. ACS allows 911 dispatch to send trained professionals with backgrounds in behavioral and mental health and social services to non-violent and non-medical calls. The goal is to deliver the right response at the right time and to improve access to the broad range of social services from government and community-based organizations.

Albuquerque’s First Responder System



Law enforcement and violent/life-threatening situations



Non-violent, non-medical mental behavioral health, substance use, and homelessness issues, and other responses that do not require a paramedic or police officer



Fire and emergency medical needs

ACS responders will use motivational interviewing, crisis intervention, de-escalation, cultural healing, and other proven strategies to address needs. ACS will also address calls that do not require a behavioral health background, such as needle pickup and abandoned vehicles. ACS responders do not make arrests or issue citations, instead connecting individuals and families to services and resources in the community.



OUR DEPARTMENT

Through community feedback, partner input, and expert voices, ACS crafted an organizational design and culture focused on delivering the right response at the right time.



What is the ACS vision for Albuquerque and the department's mission to get there?

Mission: To make Albuquerque safer by providing a holistic, empathetic, and informed response to behavioral, mental health-related and other 911 calls that do not require a police officer, firefighter or paramedic, such as homelessness, minor injury and non-injury calls for service. Responses are personalized to the needs of the individual, family, and community so that ACS can bring the right response at the right time.

Vision: A safe and inclusive city in which any person can call for help and get a purposeful, humane, and appropriate response.



Creating a “new normal” for our community’s public safety response system.

What are ACS's values as a department?

Introducing our WE CARE model:

Our values guide the decisions we make as individuals and as a team. The inspiration for this value system came from two places. First, we asked the community during our engagement campaign what values our responders and our department should embody. Second, we reflected as a team on what core concepts should anchor us. From this, the WE CARE model was born. The fingerprints of these values will be found everywhere, from the goals we set for ourselves to the training we provide our staff to the interactions we have with the community.

W

Well-being and safety

Take every measure possible to ensure the safety and well-being of all residents of our city.

E

Empathy

Take the time to listen to others and recognize their unique experience.

C

Community at the center

Put community and partners at the center of all we do.

A

Accountability

Have the courage to learn from mistakes.

R

Respect and dignity

Meet people where they are, and treat them how they want to be treated

E

Equity

Lift the voices of all people in our community

How does ACS put community at the center of decision-making?

ACS began as a community-led initiative, and we are dedicated to keeping community voices at the forefront of our decision-making processes. Early on, we formed an ACS Planning Committee comprised of community leaders and experts to guide us through critical decisions, provide insight on challenges we face, and help us grow as we examine our progress. With ACS's launch, the ACS Planning Committee will expand to include additional members and transition into an ACS Steering Committee to provide long-term guidance. The table lists the members of our original committee.

PLANNING COMMITTEE

Sarita Nair

City of Albuquerque (COA)
Chief Administrative Officer,
Co-Chair

Chris Melendrez

COA Council Services
Director, Co-Chair

Matt Dietzel

Albuquerque Police Department
Lieutenant, Member

Emily Jaramillo

Albuquerque Fire & Rescue
Department
Deputy Chief of Emergency
Services, Member

Ellen Braden

COA Family & Community
Services
Division Manager, Member

Dave Mowery

COA, ADAPT Program
Deputy Fire Chief, Member

Mariela Ruiz-Angel

Albuquerque Community Safety
Department
Director, Member

Lawrence Davis

COA Budget Office
Budget Officer, Member

Charlie E. Verploegh, PhD

Bernalillo County Department
of Behavioral Health Services,
Assistant Director, Member

Jim Harvey

Peace and Justice Center
Member

Joshua Reeves

COA Performance & Innovation
Office
Process Transformation
Specialist, Member

Tonya Covington

Rapid Accountability Diversion
(RAD) Program
Program Manager

Nick Costales

State Juvenile Justice Services
Deputy Director, Member

KC Quirk

Highlands University
Instructor, Member

Dr. Christina Duran

Highlands University
Dean of Social Work, Member

Alexandria Taylor

NM Coalition of Sexual Assault
Programs
Deputy Director, Member

Erika Wilson

APD Emergency Comm. Center
Manager, Member

Maxwell Kauffman

LOPD Mental Health,
Mental Health Attorney, Member

Carlene Miller

LOPD
Mental Health Attorney, Member

Enrique Cardiel

BernCo Community Health
Council
Executive Director, Member

Isaiah Curtis

First Nations
Street Outreach

Mika Tari

National Association of Social
workers NMSU
Executive Director, Member

Jordan Vargas

City of Albuquerque
ADA Coordinator, Member

Rosa Gallegos-Samora

Therapist, Member

Kevin Sourisseau

Mayor's Office,
Associate CAO, Member

We are also developing an ongoing community engagement process and feedback system in order to keep community members informed, solicit ongoing feedback and questions, and provide answers and updates. ACS is launching in uncharted territory, and we will be looking to the community to tell us what is working and where we need to improve.

What is our FY2022 Budget?

FY2022 GENERAL FUND BUDGET:

\$7,730,00 FOR 61 POSITIONS

This is a \$4.4 million increase from FY2021 that includes \$3.2 million for 43 additional full-time equivalent positions consisting of behavioral health responders, community response team members, and administrative staff, as well as \$1.2 million for operational expenses. Other increases include an additional \$250,000 for contractual services, and \$40,000 for outreach communication. As a start-up department, a larger proportion of budget was needed for equipment than usual. As the department scales up in FY2023, we expect this to remain the case, with the share of budget going to personnel and operations normalizing in FY2024.

The following is a comparison of the FY2021 and FY2022 budgets:

FY/22 ALBUQUERQUE COMMUNITY SAFETY DEPARTMENT	
Wages: Funding for 61 Positions (43 New Positions added in FY/22)	5,128,973.00
Utilities: Telephone	17,985.00
Operating: Contractual, Outside Vehicle Maintenance, Training, Equipment, and Supplies	2,020,642.00
Capital: Vehicles and other Capital Items	570,000.00
Maintenance: City Provided Vehicle Maintenance	4,400.00
Grand Total	7,742,000.00
FY/21 ALBUQUERQUE COMMUNITY SAFETY DEPARTMENT	
Wages: Funding for 18 Positions	1,201,206.00
Utilities: Telephone	4,400.00
Operating: Contractual, Vehicle Maintenance, Training, Equipment, and Supplies	1,265,394.00
Grand Total	2,471,000.00

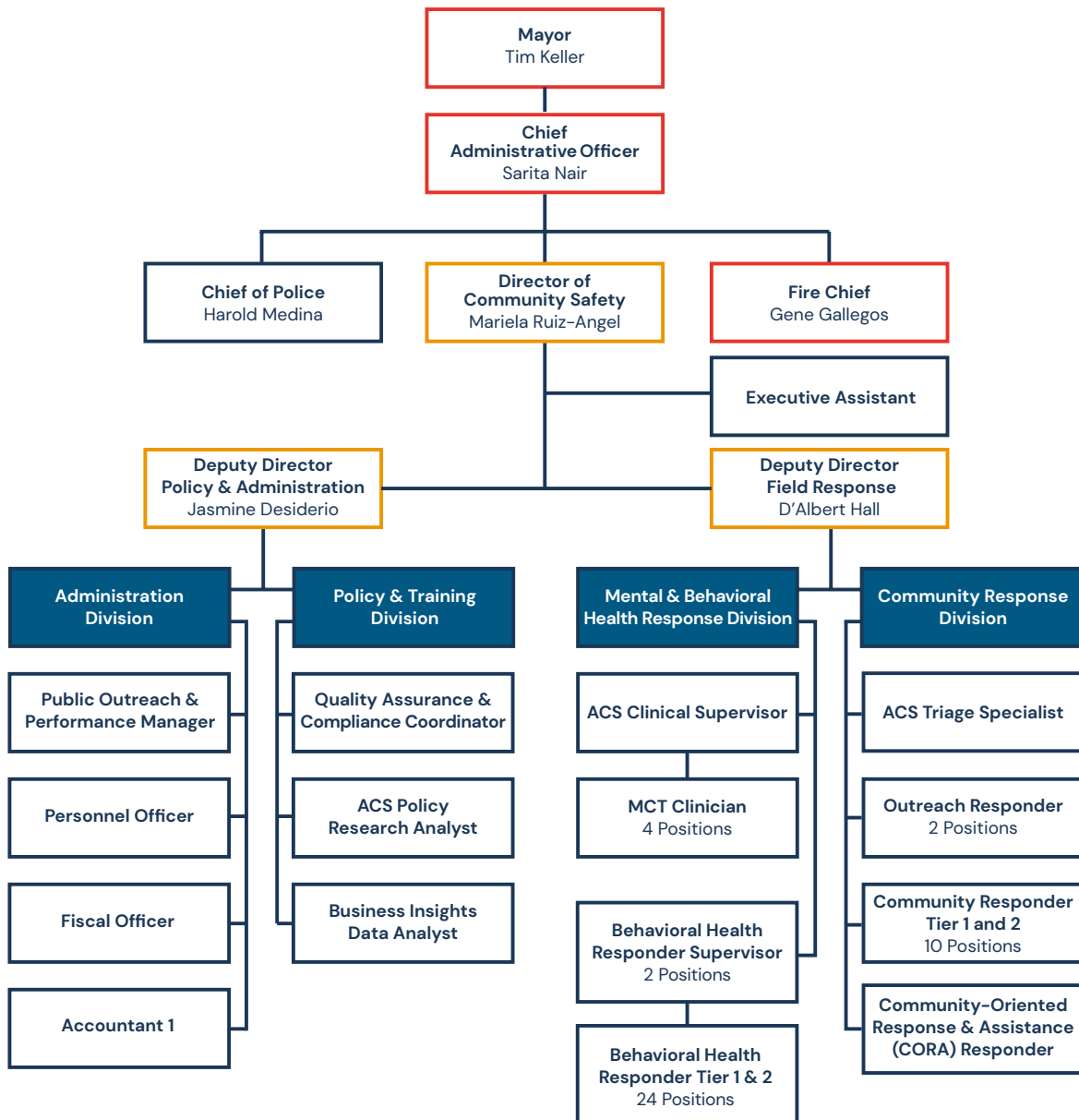


What is ACS's Organizational Structure?

The following organizational chart reflects our focus on field response with robust policy and administrative services to support our first responders. ACS reports directly to the City's Chief Administrative Officer.



ALBUQUERQUE COMMUNITY SAFETY | FY2022 ORGANIZATIONAL CHART





OUR RESPONSE

Who Are Our Responders?

Behavioral Health Response Division

Improving behavioral health outcomes for Albuquerque residents experiencing mental health issues is central to improving community safety. ACS's behavioral health response is designed to meet the needs of people across a spectrum of mental health needs, from crisis intervention to less urgent calls for support from people who need help accessing services. Having our responders in the field will further the City's effort to decriminalize mental health issues and ensure all calls for service can be addressed properly and quickly.

ACS's behavioral health response is designed to meet the needs of people across a spectrum of mental health needs.

Mobile Crisis Team (MCT) Clinicians

What they do: An MCT Clinician is an independently licensed mental health professional who works in a team with a uniformed law enforcement officer. MCTs co-respond to high-acuity mental and behavioral health emergencies. MCT clinicians provide professional behavioral health services to, de-escalate crises involving, and link individuals who are experiencing mental health emergencies to appropriate services in the community.

Why we created them: MCTs have been in the field since February 2018. Historically, MCT clinicians were employees of an agency that contracted with APD and the Bernalillo County Sheriff's Office (BCSO). APD and BCSO each had four teams. Between February 2018 and March 2020, MCTs were dispatched to almost 5,000 calls. Many of the people assisted had diagnosed mental health issues, including 13% with diagnosed schizophrenia spectrum disorder and 38% having



multiple diagnoses. Properly addressing these crises also takes time; an average MCT call lasts 75 minutes. MCTs are able to take the time and provide the necessary expertise to ensure the best possible outcome for these calls. To make this effort permanent, ACS hired the four clinicians working with APD as City employees. By bringing these clinicians in-house, ACS has created a more robust community of practice and tightened lines of communication and data sharing.

Profile: John

John was born and raised in Albuquerque and has a Master of Science in Mental Health Counseling. He is a Licensed Professional Clinical Counselor (LPCC) in the state of New Mexico and has counseling experience ranging from school-based therapy for children to substance abuse counseling and group therapy. John has also conducted suicide assessments for Albuquerque Public Schools and is a member of the New Mexico Counseling and Therapy Practice Board.



Behavioral Health Responders (BHRs)

What they do: BHRs respond in person, generally in pairs, or by phone to requests for assistance with individuals experiencing issues with mental and behavioral health, inebriation, homelessness, addiction, chronic mental illness as well as other issues that do not require police, fire or EMS response. These responders have education and experience in fields that include social work, counseling, social services, health, and peer support, often having extensive familiarity with the resources and services available in our community. They focus on addressing any immediate crisis then connecting individuals to the services they need.

Why we created them: APD officers frequently respond to calls involving mental and behavioral health, inebriation, homelessness, addiction, and chronic mental illness. In 2020 alone, there were 190,000 calls under these categories. Officers also recorded 3,661 transports to Presbyterian Kaseman Hospital or UNM Hospital for mental health services and 2,306 documented instances of individuals diagnosed

with schizophrenia or bipolar disorder. There is a clear need for first responders with the training and experience to take many of these calls off the shoulders of police officers. Of the roughly 16,000 calls per month in these categories, around 3,000 would be appropriate for BHR response. BHRs will respond to calls that often wait hours for officers so people can get the help they need, freeing up officers to focus on crime and violent or life-threatening situations.

Profile: Jenny

Jenny grew up in Zuni Pueblo and holds a Bachelor of Science in Healthcare Administration. She worked for five years as a Certified Nursing Assistant before spending over 10 years in healthcare administration, primarily at Presbyterian Hospital. Jenny comes to ACS from Ambercare Hospice where she was the We Honor Veterans Coordinator.



Community Response Division

ACS is a community-centered agency dedicated to improving the health and well-being of our fellow Albuquerque residents. Our community response focuses on homelessness, minor injury and non-injury calls for service, and community healing. We will also address needle pickup requests and abandoned vehicles as part of a comprehensive response to community health.

Street Outreach and Resource Responders

What they do: This team will provide street outreach in coordination with other City departments and community-based organizations to individuals experiencing homelessness in encampments; conduct in-person assessments; and assist with screening, organizing and prioritizing reports regarding homeless encampments. This team will focus on connecting individuals to long-term services.

Why we created them: The City's Family and Community Services (FCS) Department has employed an encampments team since March

2019 to provide street outreach and enforce City code regarding encampments. In FY2021 alone, there were more than 2,400 requests for assistance related to homelessness and encampments that were addressed by this team. By focusing on connecting to services, ACS's street outreach team will increase the City's capacity to respond to these situations and help people get the services they need before enforcement action is needed.

Profile: Deidre

Deidre has a Bachelor of Arts in Native American studies and worked for six years as a Keresan language curriculum developer for the Santa Ana Pueblo. She has dedicated her life to being a liaison and advocate for Native Americans in our community, including doing case management for Native American constituents under the City's Office of Equity & Inclusion.



Community Responders

What they do: Community responders will respond to minor injuries or incapacitation, abandoned vehicles, non-injury accidents, needle pickups, or other calls for service in the community.

Why we created them: The City has previously piloted ways to divert calls from police and fire and free up resources. One of those programs was the Wellness Check Program. Since December 2018, AFR has dispatched City Metro Security Division officers to wellness check or “down and out” calls that would normally go to AFR. These calls often involve a person who is laying on the ground in public view. These calls usually do not warrant the standard AFR response of a four-person engine and an ambulance, and having someone else triage the situation first is a more productive approach. Metro Security has responded to 3,648 calls since December 2018, saving the city approximately \$284,000. Expanding upon this success, ACS Community Responders will serve a similar function and respond to lower-priority calls, including wellness checks that do not indicate a potential for violence.

Community-Oriented Response Assistance (CORA) Responders

What they do: The CORA team is a multidisciplinary group of first responders and mental health professionals who organize outreach to communities affected by tragedy and violence in Albuquerque. ACS's CORA Responder coordinates the outreach effort, reaching out to community leaders and organizing meetings or finding alternative methods of connection. They provide education on grief and trauma, guide individuals through what they can expect while processing the event, and connect people to mental health providers and other resources.

Why we created them: Albuquerque communities have long been dealing with traumatic events, such as homicides, suicides, child deaths, and other incidents of violence. From January 2019 to July 2020 alone, there were nearly 1,300 suicides and suicide attempts in Albuquerque. The City recognized that responding to these events shouldn't just stop at the immediate crisis. These communities often need support and help figuring out how to heal and move forward. Modeling after similar efforts elsewhere in the country, the City's police, fire, and family and community services departments started organizing CORA responses in March 2019. By creating an ACS CORA Responder, we aim to centralize these organization efforts and further bolster the continuum of service we provide community members experiencing a broad range of mental and behavioral health issues.

Profile: Lynae

Lynae was born and raised in Albuquerque. She has over 10 years of experience in violence prevention and youth development and mentoring. Lynae comes to ACS from Youth Development, Inc., where she was the Violence Prevention Coordinator.



How Are We Training Our Responders?

In addition to the education and credentials ACS responders bring to the department, ACS will provide comprehensive training through partners to support responders in the field. The following are training areas and examples for each.



¹ More detailed information about the training curriculum is available on our [website](#)

How is ACS dispatched?

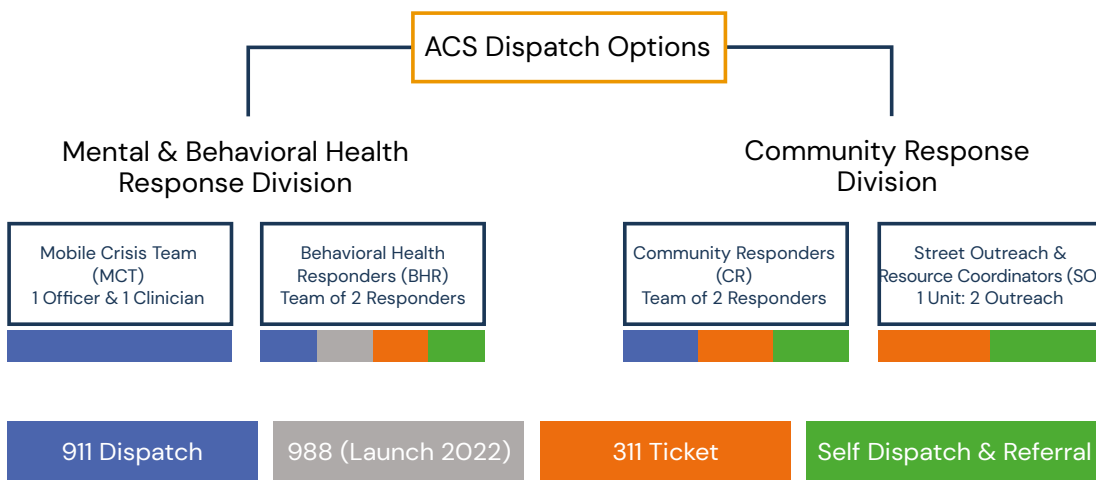
When calls are made, 911 operators gather critical information while keeping callers calm and safe. These operators determine if the call requires a police, fire, or community safety response and relay it to the corresponding dispatch system. ACS units will be dispatched via AFR's dispatch system



YOU CAN GET AN ACS RESPONSE

Monday through Sunday from 7 a.m. – 10 p.m. Call **911** for **non-violent, non-medical emergencies** or **311** for **non-emergencies**.

While responding to 911 calls is our primary focus, ACS responders will be dispatched through additional methods, including referrals, self-dispatch, and 311 tickets. ACS will also respond to calls from 988, the national behavioral health crisis hotline, when it launches in 2022. The figure below illustrates dispatch methods for each type of responder unit.



As of September 2021, ACS units are in the field and responding to 911 calls. As we continue to hire more responders, our aim to reach 24-hour/ seven-days-a-week coverage by early 2022.

What calls will ACS respond to?

911 operators prioritize calls for service on a 1–5 scale (A through E for AFR), 1 (or E for AFR) being the highest priority based on severity of a crime or level of acuity (intensity or urgency) of the emergency. APD, AFR, and ACS collaborated to determine the call types most appropriate for ACS responders. ACS will respond to lower-acuity calls within those call types. Calls that are routed to ACS responders will be assigned an ACS call type and an ACS priority level (1–3). For example, ACS might respond to a call that would be a Priority 3 for APD, but that call might be a Priority 1 for ACS.

The table below outlines the call types ACS will respond to, the associated APD or AFR code, how ACS will re-prioritize them, and provides a description.

ACS CALL DEFINITIONS

Call Description	Existing APD/AFR Call Type	Assigned ACS Call Type	Priority
BHR: Behavioral Health Responders			
Suicide	APD: 10–43–1	CSSUIC	1
Behavioral health issue	APD: 10–40	CSBH	1
Disturbance	APD: 10–39	CSD	1
Suspicious/intoxicated subject	APD: 10–31D/31S/31	CSSP	2
Wellness check	AFR: 32B	CSWELF	2
Panhandler	AFR: 10–39–5	CSPH	3
Welfare check	AFR: 10–10–0	CSWC	3
Message for delivery	AFR: 10–51	CSMD	3
CR: Community Responders (Dispatched by AFR Alarm Room; Triaged by 311)			
Wellness check	AFR: 32B	CSWELF	1
Abandoned vehicle	APD: 24	CSAV	2
Abandoned vehicle	311 Ticket	CSAV	3
Needles	311 Ticket	CSPU	3
SO: Street Outreach and Resource Coordinators (Triaged by FCS and 311; Not Dispatched by AFR Alarm Room)			
Unsheltered individual	311 Ticket	CSUI	1
Needles	311 Ticket	CSPU	1
Mobile Crisis Team (MCT): ACS call types do not apply to MCT clinicians. This team will respond to all high-acuity behavioral health related calls with a sworn officer. These units are dispatch by APD only.			
Community-Oriented Response and Assistance (CORA): ACS call types do not apply to CORA. These ACS responders will organize outreach to communicate affected by tragedy and violence in Albuquerque.			

How are we keeping our responders safe?

Our Responders' safety is our top priority, and we have taken several steps to engrain safety into our everyday practices.

ACS Responders are trained by APD and AFR on scene safety.

The right calls: The call types ACS Responders take were carefully selected to consider not only which situations called for their expertise but whether it was safe enough to respond without police presence. 911 operators are trained to properly screen calls for ACS, APD, and AFR. Our Responders are only dispatched if the call indicates no immediate threat or danger. Alternatively, APD officers have the ability to request ACS after they have secured the scene.

Safety in numbers: ACS Responders do not go to calls alone. Our Responders generally take calls in pairs, and our MCT clinicians who respond to potentially dangerous situations co-respond with uniformed Crisis Intervention Unit police officers.

Policy and training: Responders receive extensive de-escalation training, and, if an individual shows any sign of aggression or resistance, Responders are instructed to leave the scene. [ACS policies and procedures](#) lay out how Responders should react if they ever encounter potentially violent situations as well as how to prevent those situations. ACS Responders are also trained by APD and AFR on scene safety and how to identify other indicators that police backup is warranted.

Constant communication: ACS Responders have multiple means of communication available depending on the need. Primarily, they are tapped into the same radio dispatch system as other first responders and are able to request backup at any time. Their radios have an [emergency button](#) that will automatically request a rapid police response if they are unable to talk. Second, the dispatch system allows dispatchers and ACS administrative staff to see the location each unit is responding to and their status on that call. Third, each Responder is assigned a cell phone and is encouraged to call their supervisor for any assistance or guidance on a call. Fourth, Responders have a weekly debrief session where they address any challenges or concerns that may require an improvement to standard practices.

How will ACS collect data and track impact?

ACS is focused on developing a robust and respectful data-collection system. Information recorded for each call and each interaction will not only help ACS monitor progress against goals and outcomes, but it will also help us understand how we can have a positive impact in the community. ACS recognizes that the needs of those we serve are often complex, and we intend to document our work as much as possible.

ACS will follow an informed consent approach for data collection so anyone served by ACS understands what information is being collected, why it is being collected and where the information will go. The data will help highlight root causes of public safety issues and gaps in ACS services, enabling ACS to become a catalyst for larger change in the public safety and public health systems.

We heard from community that individuals' personal information collected by ACS should not be accessible to law enforcement. As such, while ACS will utilize APD's records management system for data security and call outcome tracking, ACS will have its own separate forms that restrict access to only ACS staff.

ACS is focused on developing a robust and respectful data-collection system.





OUR GOALS

ACS has a clear and critical focus as the newest branch of the City's 911 response – to respond, build, engage, and influence.

Our goal is to move with intention and urgency in service of a shared vision among all first responders to create a safe and inclusive city by providing a purposeful, humane, and appropriate response. As we launch our field work, we will be flexible and agile, making changes to this plan as needed with input from the community.



"I became a Behavioral Health Responder to help people who are often overlooked or forgotten, who don't have anyone they can count on or talk to for support; to guide someone through what may be the toughest day of their life. I want to bridge the gaps within a broken system; to support the community in whatever way possible."

Walter, Behavioral Health Responder

GOAL AREA 1: RESPOND

Goal statement: Increase public safety by providing a holistic and trauma-informed response to calls for service.

Objectives:

1. Employ a diverse, experienced, and community-centered cohort of responders.
2. Implement a robust person- and community-centered training plan that provides staff with essential skills, best practices, and resources with which to serve the public.
3. Respond effectively to all ACS calls for service.
4. Increase linkages to appropriate stabilization and recovery services as part of providing holistic responses to calls for service.

Strategies:

1. Collaborate with the community to create a diverse and equitable staff recruitment campaign.
2. Design a hiring process that removes barriers to entry and values lived experience.
3. Identify evidence-based and strengths-based training that is relevant to the needs of Albuquerque's diverse populations and specific challenges.
4. Integrate ACS into the 911 dispatch system.
5. Respond to calls for service that historically do not need a police or fire response.
6. Develop comprehensive standard operating procedures that ensure the safety of Responders and meets the needs of individuals served.
7. Build relationships and connections with community providers and organizations to create a streamlined referral process.

Key performance indicators:

1. ACS staff reflects the diversity of Albuquerque's citizens, including in language, culture, race/ethnicity, and lived experiences.
2. Efficacy related to service response metrics, including but not limited to:
 - a. Monthly call volume
 - b. Response time
 - c. Percentage of calls involving co-response
 - d. Number of needs addressed by category (e.g., unmet basic needs, mental health, drug or alcohol use)
 - e. Response outcomes
 - f. Percentage of calls involving a person experiencing homelessness
 - g. Number of referrals by category
 - h. Number of transports
 - i. Number of training certifications and continuing education units (CEU)
 - j. Number of trainings offered by community partners
 - k. Number of repeat calls for same individual or location

GOAL AREA 2: BUILD

Goal statement: Establish a sustainable and long-term presence that is woven into the community and the public safety ecosystem.

Objectives:

1. Increase accessibility between ACS and community members.
2. Create a performance-focused culture that develops the abilities and potential of employees.
3. Improve productivity with cross-functional teams, including other first responders, City departments, and external partners.
4. Employ a robust training operation that allows ACS to provide training to other departments and external partners.

Strategies:

1. Build a dedicated ACS headquarters in the heart of the International District, located at Kathryn and San Mateo.
2. Provide staff with opportunities for professional and educational development.
3. Contract and partner with organizations to help provide inter-connected services and training.
4. Streamline training process by insourcing training and using a train-the-trainer process.
5. Create a dedicated training center for ACS curricula.

Key performance indicators:

1. Positive engagement results from regularly administered community surveys (e.g., pulse surveys) indicating a strong degree of community awareness, understanding, and accessibility to ACS services.
2. Number of employees that utilize continuing education, tuition reimbursement, certification programs paid for by ACS.
3. Number of cross-departmental referrals.
4. Number of coordinated responses, events, and outreach with internal and external partners.
5. Number of internal and external users of trainings.

GOAL AREA 3: ENGAGE

Goal statement: Activate community partnerships and strengthen community engagement by enhancing relationships, trust, information sharing, and capacity building between the community and ACS.

Objectives:

1. Design effective programs that stimulate ongoing community interest and involvement in the work of the Department.
2. Establish authentic processes for continuous community feedback about ACS strategies, programs, and achievements.
3. Create opportunities for Albuquerque providers and organizations to expand services inside and outside of City government that support ACS responses.
4. Be a hub for thought partnering and collaboration on how to most effectively respond to calls for service across agencies, sectors, and communities.

Strategies:

1. Implement an educational campaign that promotes ACS as it pertains to public safety and public health.
2. Host interactive events and programs on community issues related to ACS's core mission for families and the community.
3. Expand ACS Key Communications list, email, and other modalities for sharing information with community stakeholders.
4. Develop a community-oriented website or portal for sharing information, soliciting feedback, and providing relevant resources.
5. Expand the current ACS Planning Committee to include additional community members and stakeholders.
6. Partner with the County and community on local, state, and federal grants.
7. Develop a micro grant program for relevant service providers and organizations that support ACS responses.

Key performance indicators:

1. The number of community forums and touchpoints provided by ACS (in person and online).
2. The number of the community members who join, visit, and return to ACS community forums (in person and online).
3. Development of the "first-generation" (version 1.0) dashboard of key community safety processes and outcome indicators, created with input from community stakeholders and relevant subject-matter experts.
4. Amount of funding to the community for relevant public health and safety missions.
5. Number of grants awarded within or on behalf of the community.
6. Amount of grants awarded within or on behalf of the community.
7. Number of contracts to relevant service providers and community agencies.
8. Number of services provided by ACS made possible through contracts and relationships with partnering providers and community agencies.

GOAL AREA 4: INFLUENCE

Goal statement: Leverage ACS’s position and knowledge to influence and inform the ongoing evolution of the larger (e.g., county, state, national) system of care and emergency response.

Objectives:

1. Be a catalyst and collaborator in changing and strengthening the role of first response in public health and criminal justice system.
2. Establish a career pathway for community safety responders.
3. Create a long-term plan for a City behavioral and mental health academy.
4. Promote non-law enforcement mobile crisis response as part of the public safety system.
5. Create a plan for sustainable funding.

Strategies:

1. Design community safety positions that are supported with professional development and career advancement as a model for a strong, sustainable workforce.
2. Connect with universities and colleges to develop an educational path that qualifies students for community safety positions.
3. Partner with cities across the state on the implementation of “988,” the national crisis line.
4. Utilize community voices to impact public health and criminal justice policies related to emergency response.
5. Support other local governments and entities that are interested in non-law enforcement mobile crisis response programs.
6. Conduct a staffing analysis to support additional City funding appropriation.
7. Leverage behavioral health funding to include Medicaid and the Behavioral Health Initiative.

Key performance indicators:

1. Percentage of ACS staff positions that are classified with defined career progression.
2. Number of knowledge products produced (e.g., evaluation reports, knowledge papers, media coverage and stories) stemming from ACS’s work.
3. Number of knowledge-sharing and policy-oriented presentations or forums contributed to by ACS.
4. Diversified funding received from public, private, and philanthropic sources as appropriate to support the ACS model and related initiatives and agencies across the state and the country.



GET
CONNECTED

Get Connected

Contact info:
acs@cabq.gov

Headquarters:
1 Civic Plaza, Room 1026, Albuquerque, NM 87102

Administration: 505.768.4227
More info: www.cabq.gov/acs

Be a part of the effort to transform how we approach public safety in Albuquerque. Reach out to us for trainings, listening sessions, or support for community events. ACS is here to serve you so get involved!

Be Part of the Change!
Apply [here](#) or by following the QR code



@cabqacs

APPENDIX

Data and Resources

[ACS Community Engagement Report](#)

[ACS Responder Training Plan](#)

[ACS Standard Operating Procedures](#)



"I want to help at least one person find within themselves the answer; to use this moment to grow and succeed at whatever goals they may have; to help them build a better version of themselves. I want to make them feel heard and help them know that they are worthy."

Chris, Behavioral Health Responder



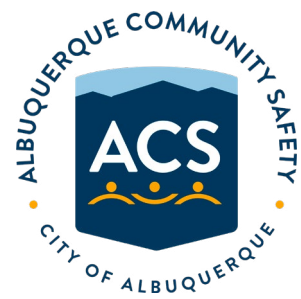
"I wanted to become a CORA Responder because I needed someone like that when I experienced traumatic events in my own life. People don't always know where to go to get help or how to deal with this type of trauma. I want to be that person for them, to help guide them through the healing process. I want to help people understand it's okay to work through trauma; you don't have to hide it. We can get through these things as a community."

Lynae, CORA Responder



"As our teams hit the streets, we are driven by a shared vision with our fellow first responders of a public safety system that ensures a purposeful, humane, and appropriate response"

Mariela Ruiz-Angel, Director of Community Safety



Albuquerque Community Safety
1 Civic Plaza, Room 1026
Albuquerque, NM 87102

IMPLEMENTING THE CITY OF ITHACA'S NEW PUBLIC SAFETY AGENCY

SUGGESTIONS FROM THE CITY OF ITHACA'S
REIMAGINING PUBLIC SAFETY WORKING GROUP



TABLE OF CONTENTS

2	Letter from Co-Leaders, <i>City of Ithaca Reimagining Public Safety Working Group</i>
6	Executive Summary & Suggestions
10	Background
12	Implementation Plan for the New Public Safety Agency
32	Budget
35	Conclusion
38	Appendix
	Appendix A: Working Group and Subcommittee Members
	Appendix B: Call Type Definitions
	Appendix C: Matrix Consulting Group Report on Patrol Staffing and Deployment
	Appendix D: New York State Basic Course for Police Officers Training Curriculum
	Appendix E: Ithaca Police Department Training Topics

Land Acknowledgement

The Reimagining Public Safety Working Group acknowledges that Ithaca and Tompkins County are located on the traditional homeland of the Gayogohó:nq' (Cayuga Nation). The Gayogohó:nq' are members of the Haudenosaunee Confederacy of sovereign Nations that currently reside on this land. The Gayogohó:nq' predate the formation of the City of Ithaca, Tompkins County, New York State, and the United States of America. The Working Group acknowledges the painful history of Gayogohó:nq', recognizes the dispossession of Gayogohó:nq' land, and honors the continued local presence of Gayogohó:nq' people and culture.

< Image Caption

Banner on the Downtown Ithaca Commons, Downtown Ithaca Alliance
Photograph by Sheryl Sinkow

TO THE MEMBERS OF COMMON COUNCIL,

February 23, 2022

On behalf of the City of Ithaca's Reimagining Public Safety Working Group, it is our honor, as the group's co-leads, to submit to Common Council the following suggestions for the implementation of the city's new public safety agency.

In April of 2021, Common Council unanimously approved the creation of a new public safety agency. This new agency would center the experiences of the city's marginalized and vulnerable populations; focus police resources on crime solving and prevention; and add a new unit of non-law enforcement first responders to address public safety issues better served through non-criminal justice interventions.

In June 2021, at the behest of Common Council, then-Mayor Svante Myrick created the Reimagining Public Safety Working Group, whose members represent the community, law enforcement, business, Common Council members, and students. As the selected co-leads of the Working Group, we had the privilege of shepherding the group to its suggestions for how the new public safety agency could be implemented. Four Subcommittees, which included additional community members, were also created to independently build implementation plans for specific areas of the new public safety agency's work.

Throughout the process, we were clear-eyed about both the importance and difficulty of our task. For too long, marginalized and vulnerable communities in the City of Ithaca have lived without the true sense of peace and safety we are all promised. Those same communities, along with allies from every facet of our community, have been asking and working for change to the city's overreliance on police to resolve non-criminal or non-violent public safety concerns. These asks and this work came many years before George Floyd's May 25, 2020 murder, the national event which sparked communities across the country to re-examine their approach to policing and public safety.

While we understood the need and mandate for change, we also understood the challenges of reimagining a new way of approaching public safety. What made Common Council's groundbreaking resolution exciting also made it daunting—very few communities have attempted what the City of Ithaca is undertaking with its new public safety agency. Even if the entire Working Group was in total agreement on all key facets of the new agency, the audacity of our task makes it a hard endeavor.

And to be frank, while the plan below has a majority of Working Group and Subcommittee support, the suggestions were not unanimous decisions. We had some very difficult conversations as a Working Group: some thought our pace too fast, others too slow; some hoped for more change, others wished for much of the current public safety structure to stay intact; some felt heard, others felt misunderstood. Through any disagreement or difficulty, our ethos remained the same: we would treat all Working Group members with respect and dignity; we would honor the lived experiences of all participants; and we would make informed decisions democratically and transparently.

The result of this work is the below plan for a new city agency for public safety. We believe this plan fulfills our Working Group responsibilities as elucidated in Common Council's resolution and then-Mayor Myrick's charge to the group. We know this is just one step in the reimagining public safety process, with other recommendations to follow suit in the coming months and years.

Everything about the plan—the suggested new public safety agency's name; the role of the agency leader;

"We care deeply about the City of Ithaca. We believe in all of its people. We put forward this plan with the conviction that, if approved, it will provide a more expansive, inclusive and effective public safety reality for every one of us."

the structure of its police and non-police functions; the resources to support training, equipment, technology, and research—is designed to stand-up an agency that will expand and enhance our city's public safety approach, and keep as its beating heart the best interests of those who call upon it in times of need.

We care deeply about the City of Ithaca. We believe in all of its people. We put forward this plan with the conviction that, if approved, it will provide a more expansive, inclusive and effective public safety reality for every one of us.

Sincerely,

Eric Rosario & Karen Yearwood



In June 2021, a Reimagining Public Safety Working Group was formed (“the Working Group”) to “facilitate the replacement of the City of Ithaca Police Department with a Department of Public Safety,” in accordance with the first recommendation of the Reimagining Public Safety Plan.



1000

Subscribers

As of February 2022 an email list the City of Ithaca and Tompkins County created to keep the community apprised on the process had just under 1,000 subscribers.

50+

Meetings

The Working Group met 16 times to advance an implementation plan for the new public safety agency. There were 4 subcommittee meetings, each Subcommittee met at least 9 times each.

35+

Members & Advisors

Former Mayor Myrick named the Working Group leaders from various stakeholder groups in Ithaca, including community members. The Working Group and Subcommittees have over 35 members and advisors.

Image Caption >

Mural at the Sciencenter by Tori Burdick
Photograph by Sheryl Sinkow



EXECUTIVE SUMMARY & SUGGESTIONS

This report details the implementation plan for the City of Ithaca’s new public safety agency. In accordance with Common Council’s April 2021 resolution, this implementation plan represents the city’s next step towards reimagining public safety.

This new agency would contain law enforcement officers as well as non-law enforcement first responders. Born out of a desire to center the city’s marginalized and vulnerable populations, the vision for the new agency is to direct police resources to the activities that require and merit law enforcement intervention, and to use the new unit of civilian first responders to address public safety issues that would be better served by a different expertise and approach. In so doing, the agency will provide a better public safety reality for all.

The suggestions contained within this report were determined by majority vote or consensus within the Working Group, and by consensus within the four specific Subcommittees. The Working Group and the Subcommittees were made up of leaders from the community, law enforcement, health and human services, business, and education. The Working Group and the Subcommittees considered several inputs in crafting these suggestions, including: their own lived experience and expertise; perspectives gathered from the community (especially from Black, Brown, and other vulnerable community members); research evaluating evidence-based practices in other jurisdictions; and analysis of City of Ithaca data. In discussing and debating these suggestions, the Working Group and the Subcommittees sought a process that was inclusive of all stakeholders, that centered the experiences of Black and Brown and other vulnerable communities in Ithaca, and that reflected the best available evidence on innovative approaches to reimagining public safety.

The suggestions of the Working Group and the Subcommittees to the Common Council are summarized as follows, and are detailed in the body of this report:

- **Naming a new umbrella city agency for public safety:**
 - The new city agency for public safety should be named the Department of Community Safety.
- **Leadership of the new Department of Community Safety:**
 - The title of the leader of the Department of Community Safety should be “Commissioner of Community Safety”.
 - The Commissioner of Community Safety position should be filled by a civilian leader, who brings a background in racial justice, social work, public health, public or business administration, and demonstrates in-depth knowledge of the intersections of race, public health, and public safety.
- **Names and leadership structures of the two Department of Community Safety units:**
 - The two units of first responders within the Department of Community Safety should be titled the Division of Police (staffed by police officers) and the Division of Community Solutions (staffed by civilian first responders).

- The Commissioner of Community Safety should oversee both divisions.
- Reporting to the Commissioner of Community Safety, the head of the Division of Police should be called the Director of Police (who may also be referred to as the Police Chief, where necessitated by state law). Initially, this division will consist of all existing staff of the current Ithaca Police Department (IPD).
- Reporting to the Commissioner of Community Safety, the head of the Division of Community Solutions should be called the Director of Community Solutions. This division should consist of unarmed civilian first responders.

- **Key responsibilities of the two Department of Community Safety units:**

- The Division of Police should retain key law enforcement responsibilities, in particular those calls that represent a serious threat to public safety and/or that state law requires be conducted by a police officer.
- The Division of Community Solutions should respond to quality of life and other incidents (including those involving referrals to mental health or other social service providers), and may also include law enforcement duties that can be carried out by non-police (i.e. the administration of certain kinds of fines and penalties).

- **Call delineation:**

- The Working Group voted to delineate the following call types between “armed” and “unarmed” responses, but recognizes that these decisions will need to be refined and adjusted under the leadership of the Commissioner for Community Safety, and based on factors including staff capacity, departmental policies, and further analysis of call types:
 - The new Division of Police should respond to the following calls for service (in alphabetical order):
 - Assault; Bomb Threat; Burglary; Criminal Mischief; Dead Body; House Alarm Triggers Police; Intoxication; Robbery; Shots Fired; Stabbing; Warrant; Weapons; 911 Call Hangup.
 - The following call types should be handled by unarmed responders, from the Division of Community Solutions and other departments (in alphabetical order):
 - Animal Bites; Animal Problem; Bad Check; Child Abuse; Civil Complaint; Escort; Fire Outside; Fireworks; Fraud; Hazmat; Information; Local Law; Noise Complaint; Parking Problem; Personal Injury Collision; Property Check; Property Complaint; Repossessed Vehicle; Service Call; Special Detail; Theft of Mail/Packages; Traffic Collision; Unclassified; Vehicle Fire; Welfare Check.
 - The following call types were categorized as “it depends.” These call types should be further analyzed to determine if they need to be broken down into smaller categories (new call types) in order to effectively delineate a response, if they need an in-person response at all, or if they merit a co-response between armed and unarmed responders (in alphabetical order):
 - Assisting Another Government Resource; Disorderly Conduct; Dispute; Domestic; Drugs; Harassment; Missing Person; Overdose; Psychiatric; Sex Offense; Suspicious; Traffic Complaint; Traffic Offense; Transport; Trespassing; Unsecured Premise; 911 Call with No One Talking.
 - A joint response between the Division of Police and the Division of Community Solutions

Born out of a desire to center the city’s marginalized and vulnerable populations, the vision for the new agency is to direct police resources to the activities that require and merit law enforcement intervention, and to use the new unit of civilian first responders to address public safety issues that would be better served by a different expertise and approach.

should be considered in cases which merit it (for example, trespassing incidents where there is a potential threat to public safety). A co-response model will be determined under the leadership of the new Commissioner of Community Safety.

- **Staffing level, beat design, and shift assignments for the Department of Community Safety divisions:**

- For the new Division of Community Solutions:
 - The City of Ithaca should initially hire five unarmed responders for the Division of Community Solutions under the Department of Community Safety, with the Commissioner of Community Safety to determine additional staffing needs.
 - Unarmed responders should have the title of “Community Responders,” and be responsible for addressing calls that do not require law enforcement expertise. These unarmed responders should bring skills in community engagement, de-escalation, crisis intervention, and referral to mental health and social service providers.
 - The Division of Community Solutions may be assigned beat assignments, but only as

appropriate to increase community engagement, and to be concentrated within beats in which their services are most needed.

- For the Division of Police:
 - The Division of Police should restructure its beat design with the priorities of creating an even distribution of 911 calls between beats and incorporating walking beats, while maintaining neighborhood integrity.
 - By the next collective bargaining process, the City of Ithaca and its Police Department/ Division of Police should adopt the Pitman shift assignment configuration¹ in order to meet community needs, and maximize officer sustainability, efficiency, and equity.
- For both divisions:
 - The Division of Community Solutions and the Division of Police should work in tandem to improve intra-departmental efficiency and communications.
 - Responders from both the Division of Community Solutions and the Division of Police should provide ten hours of paid service per month to predetermined community service sites; for patrol officers, the sites they serve should be located within the geographic boundaries of their beats.
 - Common Council should create a committee or task force to further investigate details regarding implementation of these recommendations, particularly the questions identified by this Subcommittee as relevant but meriting more consideration.

- **Training for the Department of Community Safety:**

- Training for staff of the Department of Community Safety (including the Division of Police and the Division of Community Solutions) should emphasize a community-centered model which prioritizes community protection through de-escalation tactics, alternatives to use of

force, trauma-informed approaches, mental health awareness, holistic responses, and data collection practices;

- Training resources should focus on trainings that are shown to have a positive impact on officer engagement with the community.
- To better assess the impact of the recommended training, the Department of Community Safety should establish an evaluation process for its training program.
- Information on the Department of Community Safety’s annual training offerings and mandates should be publicly listed.

- **Equipment and technology needs for the Department of Community Safety:**

- In addition to the existing equipment and technology of the Division of Police and the start-up equipment and technology necessary for the new Division of Community Solutions, the new Department of Community Safety should provide the following:
 - Improvements to the online records management system (RMS);
 - Speech recognition technology to make report writing more efficient and accurate;
 - A mechanism for reporting lower-priority occurrences online.

- **Research and data needs for the Department of Community Safety:**

- The Department of Community Safety should collect and publicly report the following data:
 - The type, number, and share of 911 calls by response;
 - Certain outcomes of Division of Community Solutions activities, disaggregated by race and other demographics;

- Certain outcomes of Division of Police activities, disaggregated by race and other demographics;

- Complaints filed against responders from either the Division of Community Solutions or the Division of Police.

- The Department of Community Safety should standardize data entry practices to align with other city and county services, and consistently and proactively input data into the city-county data dashboard, as defined in the Reimagining Public Safety Collaborative resolutions.
- The Department of Community Safety should establish partnerships with the Community Justice Center and with academic institutions in the Ithaca area to explore more complex research questions.
- The Department of Community Safety should dedicate staff resources within the Department of Community Safety to continue this work (including leading the work in the above suggestions, and contributing to the other data-related recommendations contained in the “Public Safety, Reimagined” report), including the hiring of a data analyst for the new department.

BACKGROUND

In June 2020, following the murder of George Floyd by Minneapolis police officer Derek Chauvin and citing “a long and painful history in New York State of discrimination and mistreatment of Black and African-American citizens,” then-New York Governor Andrew Cuomo issued Executive Order 203.

Executive order 203, the New York State Police Reform and Reinvention Collaborative, compelled all jurisdictions with a “police agency” to develop a plan to improve public safety policies and practices to better serve the community, including addressing “any racial bias and disproportionate policing of communities of color.” Local legislative bodies were directed to vote on their plan and report to the Governor’s Office by April 1, 2021.²

In response to Executive Order 203, then-Tompkins County Administrator Jason Molino and then-City of Ithaca Mayor Svante Myrick convened a joint city and county collaborative to assess the state of policing in their jurisdictions.³ This 40-person group, made up of individuals appointed for their expertise, role, and ability to implement solutions, convened in September 2020.⁴ The collaborative, which also included the Center for Policing Equity (a national nonprofit focused on racial justice in law enforcement practices) sought to center its approach within the safety needs and perceptions of the community, and with an eye towards reimagining (rather than reforming) what policing could mean for public safety, equity, and justice for all. The collaborative committed to recommending the kinds of systems and structures necessary to achieve sustainable and meaningful community well-being.

In February 2021, the collaborative released a report for public comment, “Public Safety, Reimagined.” The final report, based on the collaborative’s deliberations, as well as extensive additional community input, included an

in-depth analysis of the policing functions of the county and city as well as 19 recommendations for reimagining public safety in Tompkins County and the City of Ithaca.⁵ On March 31, 2021, the Tompkins County Legislature accepted and the City of Ithaca Common Council unanimously voted to accept the “Public Safety Reimagined” report, and to adopt the recommendations contained within it.⁶ The report was then submitted to the New York State Division of Budget and the Governor’s Office.⁷

The first recommendation within the “Public Safety, Reimagined” report forms the center of the City of Ithaca’s public safety restructuring. As approved by the City of Ithaca Common Council, this recommendation calls for the City of Ithaca to: “Create a new department, tentatively named the Department of Public Safety (DPS), which may be led by a civilian to manage various public safety functions in the City.” At the direction of Common Council, the new department is to include two units: one of “unarmed first responders” who will be tasked with responding to “certain non-violent call types,” and a unit “whose members will qualify in all respects under New York State law as police officers...led by someone who shall qualify in all respects under New York State law as a Chief of Police.”⁸ In the resolution, the City of Ithaca Common Council members noted the goal of advancing “positive changes in policing practices.”⁹ The resolution also called for the formation of a working group, consisting of various city stakeholders and technical experts, to produce implementation recommendations for Common Council to vote upon.

RPS TIMELINE

2020

JUNE

Executive Order 203

SEPTEMBER

Joint City of Ithaca and Tompkins County collaborative is convened

2021

FEBRUARY

Collaborative releases “Public Safety Reimagined” report

MARCH

City and County legislative bodies vote to adopt recommendations contained within “Public Safety Reimagined”

APRIL

“Public Safety Reimagined” report submitted to Governor’s office in compliance with Executive Order 203

JULY

City of Ithaca forms Working Group for the implementation of Recommendation #1; first Working Group meeting is held

SEPTEMBER

First Subcommittee meetings are held

OCTOBER

Reimagining Public Safety website is launched to solicit community input

2022

MARCH

Recommendation #1 implementation report is submitted to common council

IMPLEMENTATION PLANNING PROCESS

The Reimagining Public Safety Working Group

In June 2021, then-Mayor Myrick, working closely with City of Ithaca Director of Human Resources Schelley Mitchell-Nunn, formed the Reimagining Public Safety Working Group (“the Working Group”) to “facilitate the replacement of the City of Ithaca Police Department with a Department of Public Safety,” in accordance with the first recommendation of the Reimagining Public Safety Plan.¹⁰ The Working Group was tasked with delivering specific plans for the new public safety agency: the new department’s title; “naming conventions” for the new department’s staff and units; job descriptions for key leadership positions; delineated call type responsibility between the two units; training of department members; and an operating budget. As outlined in the Common Council resolution, the Working Group was to include “some combination of IPD staff, other City staff, Alderpersons, interested City residents, and outside experts or consultants.”¹¹

Then-Mayor Myrick named Eric Rosario, a community leader and former member of the City of Ithaca Common Council, as project lead for the Working Group. The Mayor named the Working Group leaders from various stakeholder groups in Ithaca, including community members.¹² Rosario then selected Karen Yearwood, an administrator with Cornell Cooperative Extension and a former Executive Director of the Village at Ithaca, to serve as co-project lead with him. The Center for Policing Equity would serve as facilitators for the Subcommittees and as content advisors for both the Subcommittees and the Working Group. Technical advisors would be brought into Working Group meetings and discussions according to the expertise and support needed for any given meeting or planning process. The Working Group and its technical advisors participated in a two-day orientation, which introduced them to one another’s working and decision-making preferences and provided background and context for the history of policing in Ithaca, the reimagining public safety work to-date, and the Working Group’s role in making suggestions for the implementation of the first recommendation of the public safety redesign.

Working Group subcommittees and technical advisors

In order to inform Working Group decisions on the first recommendation, the collaborative created four Subcommittees consisting of Working Group members and additional community members. These Subcommittees were tasked with addressing key aspects of the new department: Subcommittee A on Staffing Levels, Shift Assignments, and Beat Designs; Subcommittee B on Training, Equipment, and Technology; Subcommittee C on Research and Data; and Subcommittee D on Proposed Operating Budget for the New Public Safety Model. The Subcommittee to address Call Type Responsibility (which units would respond to which types of calls) was of such central importance to the new department that it was subsumed into the Working Group as a whole. (For a full list of Working Group and Subcommittee members, and technical advisors, please see Appendix A).

Community input

Community input was a cornerstone of the decision making process. In order to solicit community input and to keep the community updated on the Working Group’s progress, the City of Ithaca and Tompkins County created a website: www.publicsafetyreimagined.org. The website contains: a list of all resolutions and plans passed by the City of Ithaca Common Council and Tompkins County Legislature related to reimagining public safety; news releases and other updates on the process; and tools for the community to provide their input on key Working Group decisions. Through the website, community members also have the opportunity to sign up for email updates on the Working Group’s progress. The city and county held in-person and virtual information sessions for community members to learn more about the website, and how to use the website to provide input on the public safety reimagining process. The website will contain information on all current and future reimagining plans, and serve as both an archive for past plans and tool for future plans.

For the new public safety agency, there were two key decisions for which community input was solicited: the name for the new department, and the delineation of responsibility for various call types. Community members were encouraged to submit their own ideas for each of these decisions. Community members could also comment on ideas posted by others, including those submitted by the Working Group, generating conversation within the community, and helping the Working Group assess the level of community consensus or conflict around various ideas. In order to post or comment on the website, community members had to create an account confirming their residency in the City of Ithaca or Tompkins County.

The City of Ithaca and Tompkins County held in-person and virtual community forums where community members could share ideas. The in-person forums were designed for those who did not have easy access to participate virtually. Weekly half-page ads were placed in the free Tompkins Weekly newspaper from September 2021 and will run for one calendar year featuring process updates and a cut-out section for community members to write and mail-in ideas. And at libraries in Tompkins County, reference librarians received communications on how to use the website, and how to help community members access it via library computers.

Throughout the process, the City of Ithaca and Tompkins County kept the community apprised on updates through the website, in-person and virtual forums, and an email list (members of the public can continue to sign up using [this link](#)).¹³ The goal was maximum transparency, allowing the community to track the process from the origination of an idea to its implementation. The collaborative's email list had just under 1,000 subscribers as of February 2022.

Decision-making process

The Working Group held its first meeting on July 21, 2021, and met 16 times to advance an implementation plan for the new public safety agency. In order to aid in the group's decision-making process, the full group received briefings on public safety information to help inform decision making.

Community input was a cornerstone of the decision making process... the City of Ithaca and Tompkins County kept the community apprised on updates... The goal was maximum transparency, allowing the community to track the process from the origination of an idea to its implementation.

Subcommittees held their first meetings in late September, and each met between 9 and 13 times to advance their work. Subcommittees also received briefings specific to their committee assignment. At the end of their deliberation process, each Subcommittee shared suggestions on which they had reached consensus to the larger Working Group for inclusion in this report.

The Working Group's decisions on a department name and call type delineation were informed by the community input collected on those decisions. Working Group co-leads Eric Rosario and Karen Yearwood assessed the community ideas collected on these issues, and incorporated finalists into a list from which Working Group members voted. Each suggestion considered by the Working Group was presented to the full Working Group for a vote. Suggestions with majority support were included in this report plan.



For too long, marginalized and vulnerable communities in the City of Ithaca have lived without the true sense of peace and safety we all are promised. Those same communities, along with allies from every facet of our community, have been asking and working for change to the city's overreliance on police to resolve non-criminal or non-violent public safety.

< Image Caption

Mural of Toni Morrison by Maryam Adib, Corner of Plain and Clinton Street, Ithaca

Photograph by Sheryl Sinkow

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY

Naming a new umbrella city agency for public safety

SUGGESTION

The Working Group suggests to the Common Council that the new city agency for public safety be named the Department of Community Safety.

CONTEXT

In its April 1, 2021 legislative mandate, Common Council charged the Reimagining Public Safety Working Group with recommending a name for the new public safety agency.¹⁴ Working Group members submitted name suggestions to the Working Group co-leads. Members of the public submitted name suggestions through the City of Ithaca and Tompkins County website for this project (www.publicsafetyreimagined.org), as well as through online and in-person community forums.¹⁵

Submissions from both the Working Group and the public were then reviewed by the co-leads of the Working Group, and assessed using four criteria:

- **Whether the name reflects the charge for a new department.**
 - Does the name effectively communicate an agency that will adopt and implement alternative response models to calls for service?
- **Whether the name allows for future responsibilities of the new department.**
 - Does the name allow for a broader scope of “public safety” that may include other units in the future?
- **Whether the name is intuitive, meaning that it will help people understand what the department does.**
 - Will people who hear or see the name understand that it is responsible for multiple public safety activities?
- **Whether the name is inclusive and innovative.**
 - Does the name capture the goal of reimagining public safety?
 - Is it responsive to the needs of Black, Brown, and other vulnerable communities in Ithaca?

The Working Group co-leads presented a list of finalist names to the entire Working Group, which the Working Group voted on in accordance with the same criteria articulated above. The majority of voting Working Group members selected the “Department of Community Safety” as the new name. The name underscores the vision for the new department as an umbrella agency that will grow to become the hub for community safety in Ithaca, and may eventually come to include some of the City’s other safety-related units.

Leadership of the new Department of Community Safety

SUGGESTIONS

The Working Group suggests to Common Council that:

- **The title of the leader of the Department of Community Safety should be “Commissioner of Community Safety”;**
- **The position of Commissioner of Community Safety should be filled by a civilian leader;**

- **The Commissioner of Community Safety should bring a background in racial justice and social work, public health, public or business administration, and demonstrates in-depth knowledge of the intersections of race, public health, and public safety.**

CONTEXT

This position represents the first time that the City of Ithaca will have a leader whose sole job is to oversee multiple facets of the city's public safety system. The title of this position, "Commissioner of Community Safety," was chosen to reflect the breadth of the department's charge and the seniority of this leadership position within the city's organizational structure.

In its April 1, 2021 resolution, Common Council articulated that the new public safety agency "may be led by a civilian to manage various public safety functions in the City."¹⁶ Given the impetus for reform, the Working Group felt it was important to have the Commissioner be a civilian, and not a current law enforcement officer. The Working Group believes that a civilian leader with full-time oversight of public safety will give the Department of Community Safety its best chance to develop a culture of service and transparency that centers the community experience and will define the department's values. The Commissioner would report directly to the Mayor.

In terms of the Commissioner's qualifications, the Working Group agrees that the position will require a strong leader with a passion for racial and social equity. As the Commissioner of Community Safety will be responsible for developing and implementing the newly formed Department of Community Safety, this position will also require extensive project management and interdisciplinary leadership experience.

Names and leadership structures of the two Department of Community Safety units

SUGGESTIONS

The Working Group suggests to Common Council that:

- **The two units of first responders within the Department of Community Safety should be titled the Division of Police (staffed by police officers) and the Division of Community Solutions (staffed by civilian first responders).**
- **The Commissioner of Community Safety should oversee both divisions.**
- **Reporting to the Commissioner of Community Safety, the head of the Division of Police should be called the Director of Police (who may also be referred to as the Police Chief, where necessitated by state law). Initially, this division will consist of all existing staff of the current Ithaca Police Department.**
- **Reporting to the Commissioner of Community Safety, the head of the Division of Community Solutions should be called the Director of Community Solutions. This division should consist of unarmed civilian first responders.**

CONTEXT

In its April 1, 2021 resolution, Common Council mandated that the new public safety agency include two units: one of "unarmed first responders" who will be tasked with responding to "certain non-violent call types," and a unit "whose members will qualify in all respects under New York State law as police officers...led by someone who shall

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

qualify in all respects under New York State law as a Chief of Police.”¹⁷

When a 911 call for service comes in, dispatch must “hand-off” the call to a unit of first responders. Currently, in the City of Ithaca, there are only three units of first responders: the fire department, emergency medical services (EMS) and the police department. This means that for all calls not related to a fire or medical emergency, dispatch hands off the call to the police department, even in cases that do not require law enforcement authority or expertise. A new division of unarmed civilian responders, the Division of Community Solutions, provides the ability to deploy first responders who are better suited to address certain call types (more detail on this in the call delineation suggestion below). The division will be led by the Director of Community Solutions.

Recognizing that law enforcement will continue to play an important role in public safety, the Department of Community Safety will also house the Division of Police. This division will contain the staff of the Ithaca Police Department, and will continue to be bound by the labor contract agreed to by the City of Ithaca and the Ithaca Police Benevolent Association (unanimously passed by Common Council in December 2021). State law requires that if a jurisdiction has a staff of more than four police officers it must have a police chief.¹⁸ Thus, the head of the Division of Police will have two formal titles: the Director of Police and Police Chief (where required by state law). Unless certain protocols require otherwise, the primary title for this position will be Director of Police, designed to align with the title of Director of Community Solutions.

Key responsibilities of the two Department of Community Safety units

SUGGESTIONS

The Working Group suggests to Common Council that:

- **The Division of Police should retain key law enforcement responsibilities, in particular those calls that represent a serious threat to public safety and/or that state law requires be conducted by a police officer.**
- **The Division of Community Solutions should respond to quality of life and other incidents (including those involving referrals to mental health or other social service providers), and may also include law enforcement duties that can be carried out by non-police (i.e. the administration of certain kinds of fines and penalties).**

CONTEXT

Currently in the City of Ithaca, the Tompkins County Emergency Response System (911) can dispatch calls to three response units: the fire department, the police department, and emergency medical services. All 911 calls received by dispatch must be routed to one or more of these three options. By establishing a new Department of Community Safety, including a Division of Community Solutions staffed by civilian first responders, the City of Ithaca would create an alternative to the three existing dispatch options.

This is in line with models established in jurisdictions across the country, where public safety systems are adopting and evaluating alternative responses to 911 calls. In particular, public safety systems are assigning responsibility for quality-of-life and other non-violent incidents to civilian responders, rather than armed police officers. As stated in the Center for American Progress report “The Community Responder Model”: “dispatching armed officers to calls where their presence is unnecessary is more than just an ineffective use of safety resources; it can also create substantially adverse outcomes for communities of color, individuals with behavioral health disorders and disabilities, and other groups who have been disproportionately affected by the American criminal justice system.”¹⁹

The Working Group recognizes the importance of and, in some cases, the legal requirement of having police engage in and respond to public safety threats. For example, certain kinds of crime reports require the response of police officers based on state law, insurance requirements, or other parameters. The Working Group suggests that the core responsibilities of the Division of Police remain similar to those of the current Ithaca Police Department.

Regardless of any change in the responsibilities of the Division of Police, the Working Group emphasizes that it is particularly important to change the culture of policing in Ithaca. Over the course of the process, the Working Group gathered community input from particularly vulnerable community members, some of whom noted experiencing physical and/or verbal abuse from IPD, and voiced a strong desire that their public safety system inflict no mental or physical harm on the civilians it interacts with. As such, the Division of Police should create a culture that prioritizes the needs and safety concerns of Black, Brown, and other marginalized communities in Ithaca. By building a culture that is respectful of community needs and protective of all community members, the Division of Police can begin to repair the mistrust that continues to exist between vulnerable communities and the police. The work starts with division leadership and accountability. It can be enhanced by giving police the time and training they need to build better community relations in purposeful and meaningful ways.

The Working Group recognizes that certain public safety functions that are currently handled by the police would be better served by unarmed civilian first responders within the Division of Community Solutions or in coordination with the County Mobile Crisis Unit (for example, certain incidents related to mental health or homelessness). The Working Group considered alternative response models from other jurisdictions in the US. For example, for over thirty years, the CAHOOTS (Crisis Assistance Helping Out On The Streets) program in Eugene, OR has been rerouting 911 calls related to addiction, disorientation, mental health crises, and

homelessness to teams of first responders (including a medic and a crisis worker) from a local mental health clinic.²⁰ The calls diverted to CAHOOTS exclude those in which there is a danger posed to others (for example, incidents involving a weapon). Similarly, in Denver, CO, the STAR (Support Team Assistance Response) program deploys Emergency Medical Technicians and Behavioral Health Clinicians to non-violent calls involving mental health issues, poverty, substance abuse, and homelessness.²¹ The new Division of Community Solutions in Ithaca could have similar responsibilities. A co-response by the Division of Police and the Division of Community Solutions might further address both public safety threats and holistic community needs. The responsibilities of the Division of Community Solutions will continue to be refined as part of the implementation of Recommendation #2 of the “Public Safety, Reimagined” report (“Evaluate existing models and implement an alternative to law enforcement response system for crisis intervention and wraparound health and human services delivery”).

Call delineation

SUGGESTIONS:

The Working Group offers the following suggestions on call delineation, meant to serve as high-level guidance for which types of calls should be handled by law enforcement and which types of calls should be handled by unarmed first responders. There were certain call types that contained a wide range of possible circumstances, and thus could not be clearly delineated between units. These call types may need to be refined (broken into more specific subcategories) in order to be delineated in an effective, responsible way. There were other call types which may necessitate a co-response between law enforcement and unarmed responders. Co-responses may be varied, and could include units on standby in case a co-response need emerges, telephonic responses to calls, or other forms of alternative responses. As such, the Working Group did not come to a delineation decision on all call types, and grouped these into an “it depends” category

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

for further analysis. These remaining details of call delineation would come under the leadership of the new Commissioner of Community Safety.

The Working Group suggests to Common Council that:

- **The Working Group voted to delineate the following call types between “armed” and “unarmed” responses, but recognizes that these decisions will need to be refined and adjusted under the leadership of the Commissioner for Community Safety, and based on factors including staff capacity, departmental policies, and further analysis of call types:**

- The new Division of Police should respond to the following calls for service (in alphabetical order):
 - Assault; Bomb Threat; Burglary; Criminal Mischief; Dead Body; House Alarm Triggers Police; Intoxication; Robbery; Shots Fired; Stabbing; Warrant; Weapons; 911 Call Hangup.
- The following call types should be handled by unarmed responders from the Division of Community Solutions and other departments (in alphabetical order):
 - Animal Bites; Animal Problem; Bad Check; Child Abuse; Civil Complaint; Escort; Fire Outside; Fireworks; Fraud; Hazmat; Information; Local Law; Noise Complaint; Parking Problem; Personal Injury Collision; Property Check; Property Complaint; Repossessed Vehicle; Service Call; Special Detail; Theft of Mail/Packages; Traffic Collision; Unclassified; Vehicle Fire; Welfare Check.
- The following call types were categorized as “it depends.” These call types should be further analyzed to determine if they need to be broken

down into smaller categories (new call types) in order to effectively delineate a response, if they need an in-person response at all, or if they merit a co-response between armed and unarmed responders (in alphabetical order):

- Assisting Another Government Resource; Disorderly Conduct; Dispute; Domestic; Drugs; Harassment; Missing Person; Overdose; Psychiatric; Sex Offense; Suspicious; Traffic Complaint; Traffic Offense; Transport; Trespassing; Unsecured Premise; 911 Call with No One Talking.
- A joint response between the Division of Police and the Division of Community Solutions should be considered in cases which merit it (for example, trespassing incidents where there is a potential threat to public safety). A co-response model will be determined under the leadership of the new Commissioner of Community Safety.

CONTEXT:

In the context of this report, call delineation refers to the assignment of 911 calls for service to either the Division of Police or to unarmed responders, including from the Division of Community Solutions. The Working Group analyzed approximately 60 call types, selected from a list of all call types provided by the Tompkins County Emergency Response (911) dispatch system. (For a complete list of considered call types and their definitions, please see Appendix B.)

Several call types reflect broad categories, within which a range of incidents could be included and necessitate different types of response. For example, one call type is “Domestic,” which includes calls involving abuse in progress (requiring a Division of Police response), and calls without an immediate threat to personal safety (which may be better served by a Division of Community Solutions response).

Other calls may be better served by a co-response, for example “psychiatric”, which includes incidents where the person in crisis poses a threat to others (requiring a Division of Police response) and is in need of social services assistance (which may be better served by a Division of Community Solutions response). In order to implement call delineation on the remaining call types, the call types may have to be segmented into smaller categories (creating new call types). These new call types should be crafted for ease of clear delineation between an armed response, unarmed response, a co-response, or perhaps an administrative response that does not require a responder being sent to the scene at all. Over the course of COVID-19, the Ithaca Police Department was handling an increasing number of lower-priority calls telephonically (for example, a call related to bike theft). This practice could potentially be expanded to ensure that response resources are being deployed to the incidents that most require in-person support.

The Working Group considered several factors in making its suggestions on call delineation: community input, analysis of 911 call data, consultation with 911 dispatch experts, research on the value of alternative responses, and model practices from alternative response programs in other US cities. The principle applied was to route call types requiring law enforcement expertise to the Division of Police, and diverting call types better served by a non-law enforcement response to unarmed first responders. In making determinations about call delineation, the Working Group adopted the following criteria:

- **Decisions should be inclusive and innovative;**
- **Decisions should capture the intent of reimagining public safety;**
- **Decisions should be responsive to the need of Black, Brown, and other vulnerable communities in Ithaca;**
- **Decisions should include input from experts, Common Council, and the surrounding community.**

Taking into account all of these inputs, the Working Group then held a series of facilitated discussions culminating in a vote. The suggestions for call delineation listed above reflect decisions on which either a majority of Working Group members were in favor or, in case of a tie, the Working Group co-leads decided with the counsel of the Director of Department of Emergency Response (DoER).

The City of Ithaca and Tompkins County will continue this process as they work to implement Recommendation #3 of the “Public Safety, Redesigned” report: “Better align available resources with emergency response needs by establishing a pilot program for non-emergency calls.” This pilot program will include responses by the new Division of Community Solutions within the City of Ithaca, and also may include collaboration with and responses by the County’s Mobile Crisis Team.

Staffing level, beat design, and shift assignment suggestions for the Department of Community Safety divisions

SUGGESTIONS

The Subcommittee on Staffing Levels, Shift Assignments, and Beat Designs suggests to Common Council that:

- **For the new Division of Community Solutions:**
 - The City of Ithaca should initially hire five unarmed responders for the Division of Community Solutions under the Department of Community Safety, with the Commissioner of Community Safety to determine additional staffing needs.
 - Unarmed responders should have the title of “Community Responders”, and be responsible for addressing calls that do not require law enforcement expertise. These unarmed

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

responders should bring skills in community engagement, de-escalation, crisis intervention, and referrals to mental health and social service providers.

- The Division of Community Solutions may be assigned beat assignments, but only as appropriate to increase community engagement, and to be concentrated within beats in which their services are most needed.

- **For the Division of Police:**

- The Division of Police should restructure its beat design with the priorities of creating an even distribution of 911 calls between beats and incorporating walking beats, while maintaining neighborhood integrity.
- By the next collective bargaining process, the City of Ithaca and its police department/ Division of Police should adopt the Pitman shift assignment configuration²² in order to meet community needs, and maximize officer sustainability, efficiency, and equity.

- **For both divisions:**

- The Division of Community Solutions and the Division of Police should work in tandem to improve intra-departmental efficiency and communications.
- Responders from both the the Division of Community Solutions and Division of Police should provide ten hours of paid service per month to predetermined community service sites; for patrol officers, the sites they serve should be located within the geographic boundaries of their beats.
- Common Council should create a committee or task force to further investigate details regarding implementation of these

recommendations, particularly the questions identified by this Subcommittee as relevant but meriting more consideration.

CONTEXT

Guiding principles

The Subcommittee considered several guiding principles in making these suggestions, intended to capture the spirit of reimagining public safety in a community-centered way:

- **The Department of Community Safety and all of its employees should show respect and kindness to all members of the community, regardless of race, class, sexual orientation, occupation, etc.**
- **The staffing and beat design of the Department of Community Safety should pay particular attention to the experiences of disproportionately impacted Black and Brown communities in Ithaca.**
- **The staffing and beat design of the Department of Community Safety should serve the holistic needs of community members, and enable genuine and empathic community engagement.**

The Department of Community Safety should be aware of and integrated with existing infrastructure and wraparound services in Ithaca.

Staffing Levels

To determine potential staffing levels for the Division of Police and the Division of Community Solutions, the Subcommittee analyzed existing Ithaca Police Department (IPD) workload by call type, identifying which calls could involve an unarmed response. The subcommittee noted that about one-third of the community-generated 911 calls IPD responds to could potentially be handled by unarmed officers or with some kind of co-response. This number is only intended to be a rough approximation, especially since the Division of Community Solutions will be expected to provide additional services that IPD is not currently responsible for.

For a more precise breakdown of suggested call diversion to the Division of Community Solutions, please see the section titled “Call delineation” within this report. The implications of this analysis inform the Subcommittee’s subsequent suggestions on the roles and responsibilities of unarmed responders.

This Subcommittee suggests that the City of Ithaca initially hire five full-time responders for the Division of Community Solutions, with potential staffing expansion based on an evaluation of initial outcomes after one year. Unarmed officers are intended to 1) provide the Ithaca community with services and skill sets that would improve public safety outcomes, particularly those of Black, Brown, and other vulnerable communities; and 2) supplement IPD’s capacity by reducing workload that can appropriately be handled by unarmed officers. The subcommittee recommends that hired unarmed officers represent the diversity of Ithaca, and be hired from within the local Ithaca community.

Roles of unarmed responders

Drawing inspiration from other call diversion models across the country, the Subcommittee has outlined the proposed role of “Community Responder”: a civilian responder position that works collaboratively as part of the Division of Community Solutions within the Department of Community Safety. Community Responders would respond to calls related to quality-of-life concerns, some community conflicts, and some mental health issues that do not require an armed intervention. This could include 911 call types like “Welfare Checks”, “Noise Complaint”, “Property Complaint”, “Traffic Collision”, “Civil Complaint”, and “Animal Problem”.

The Community Responder’s primary duties involve:

- **Responding to non-hazardous, non-emergency and other calls for service in lieu of or in tandem with an armed officer.**
- **Performing a variety of specialized and technical duties in the areas of patrol, community services, training, and other areas as assigned.**

- **Conducting active patrol of public spaces to promote community safety and engagement.**
- **Writing reports documenting incidents and calls for service and preparing other written correspondence as needed.**
- **Supporting a variety of administrative functions for the department and assisting with projects as needed.**
- **In the event of emergencies, requesting emergency services assistance, including providing key information to other responders and evacuating persons.**
- **Accompanying armed responders on patrol as allowed by the officer in charge.**
- **Working in collaboration with other community resources—including but not limited to armed responders, unarmed responders, Downtown Community Outreach Workers, and Law Enforcement Assisted Diversion (LEAD)—to make appropriate referrals to mental health and other social services.**

For more information on the proposed training for Division of Community Solutions responders, please see the section “Training protocols for the Department of Community Safety.”

The Subcommittee recognizes that the precise roles, responsibilities, and configurations of unarmed responders will require further inquiry once operational, and that their job descriptions will be refined under the leadership of the new Department of Community Safety and as part of the Common Council recommendation to: “Evaluate existing models and implement an alternative to law enforcement response system for crisis intervention and wraparound health and human services delivery.” Of specific importance will be determining responses to mental health crisis calls, which may involve collaboration with the Tompkins County Mobile Crisis Unit.

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

The Subcommittee also recognizes that staffing structure and responsibilities for the Division of Police will be governed by the current and next collective bargaining agreement. Out of deference to that process, and recognizing the expertise behind IPD's current staffing configurations, the Subcommittee does not make recommendations on staffing levels for armed responders.

Beat design

Given the addition of a new Division of Community Solutions, the Department of Community Safety has an opportunity to restructure its beat design. A "beat" is the assigned territory and times in which a police officer patrols within the community. These patrols can happen by car, bicycle, on foot, or a combination of all three.

While recognizing that any formal re-drawing of beats will require additional review and approval, the Subcommittee does suggest that beats be restructured, with the following priorities in mind:

- **Equalizing call volume and workload between the beats.**
- **Keeping neighborhoods together in order to facilitate community engagement.**
- **Accounting for the unique and diverse geography of Ithaca, including the ways its six square miles are shaped by waterways that create transportation barriers.**
- **Responding to community input on where walking beats would be most useful.**

A report by Matrix Consulting Group (Appendix C) represents a useful starting point for this restructuring of beats. It suggests an alternative beat configuration that equalizes workloads between beats to within a 20% variance, and proposes areas for walking beats. To account for fluctuations in the volume of community-generated call activity and variations in the types of call activity, the Subcommittee also raised the

possibility of having different beat schedules depending on time of day, days of the week, and seasonality. The subcommittee also raised the question of whether officers should rotate in and out of patrol beats based on a predetermined schedule or be assigned to patrolling the same beat for an extended duration. The subcommittee flags both questions as important for future stakeholders to consider before finalizing beat redesign for the department.

Where appropriate, the new beat design and patrol schedule should encourage collaboration and co-responses between the two units. Research shows that, in cases involving a behavioral health crisis, a co-response by police officers and mental health professionals reduced the likelihood that the individual in crisis would be arrested, compared to a police-only response.²³

Furthermore, to promote sustained and generative interaction between the community and public safety officers, and to orient the culture of armed officers towards community engagement, both armed and unarmed officers should provide at least ten hours of paid service per month to predetermined community service sites. For patrolling officers, the sites they serve should be located within the jurisdiction of their beats.

Shift assignments

Because of the current contract between the Police Benevolent Association and the City of Ithaca, the shift schedules for responders within the Division of Police cannot be adjusted until the collective bargaining process is engaged again in 2023. As part of the new collective bargaining process, the subcommittee suggests that the Division of Police adopt the 12-Hour Schedule, also known as the Pitman Configuration, to improve department efficiency, workload equalization, and officers' work-life balance.

Currently, the IPD operates with 8.25 hour shifts, with officers working in a pattern of 4 days on followed by 2 days off (equating to 38.6 hours per week). Because the current cycle repeats every 6 days, officers do not have fixed workdays.

According to Matrix Consulting Group: “A constantly changing set of workdays can, for some, misalign and isolate officers from life outside of work that generally follows a regular weekly pattern.”

Under the proposed Pitman Configuration, officers would have 12-hour shifts, with a regularly repeating set of fixed workdays over a 2-week cycle. In this schedule, over 14 days, officers would work: 2-on, 2-off, 3-on, 2-off, 2-on, and 3-off. This cycle translates to 84 hours biweekly, with consistent days on and off, allowing for more predictable work-life balance.

For more details on the proposed Pitman Configuration and other shift schedules, please see the full Matrix Consulting Group report in Appendix C.

Training protocols for the Department of Community Safety

SUGGESTIONS

The Subcommittee on Training, Equipment, and Technology suggests to Common Council that:

- **Training for staff of the Department of Community Safety (including the Division of Police and Division of Community Solutions) emphasizes a community-centered model which prioritizes community protection through de-escalation tactics, alternatives to use of force, trauma-informed approaches, mental health awareness, holistic responses, and data collection practices.**²⁴
- **Training resources should focus on trainings that are shown to have a positive impact on officer engagement with the community.**
- **To better assess the impact of the recommended training, the Department of Community Safety should establish an evaluation process for its training program.**

- **Information on the Department of Community Safety’s annual training offerings and mandates should be publicly listed.**

CONTEXT

The Subcommittee on Training, Equipment, and Technology received detailed briefings on the current training requirements, offerings, and protocols for the Ithaca Police Department, as well as information on promising training programs for police and other first responders.

Responders within the Division of Police are police officers under New York State, serving the City of Ithaca. As such, they are mandated by state law to complete the state’s Basic Course for Police Officers (BCPO). Training suggestions in this section for these officers are in addition to the state’s basic training program for new officers.

In its work, the Subcommittee on Training, Technology, and Equipment evaluated: the BCPO training schedule offered by the Broome County Sheriff’s Law Enforcement Academy; a list of the Ithaca Police Department’s annual training offerings; and heard from Ithaca Police Department Acting Chief John Joly and Sgt. Dave Amaro, who runs the department’s training, about the department’s approach to its training program.

The BCPO training curriculum, which includes around 700 hours of training, is set by the state, not the city.²⁵ The BCPO requirements cover a wide range of issues, including crisis intervention, use of force, ethics & professionalism, and cultural diversity. For a complete list of the BCPO training curriculum, please see Appendix D. While New York State’s BCPO training is widely-regarded, it’s training curriculum has received criticism, including from law enforcement officers. For example, in a Times Union opinion piece, Tim Dymond, President of the New York State Investigators Association, noted, “The New York State Police...offers some of the best police training available. However, the amount of training we receive in mental health, crisis negotiation and de-escalation is woefully inadequate compared with the amount of time spent on vehicle operation, firearms,

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

defensive tactics, penal law, criminal procedure law and investigation techniques.”²⁶

Apart from an officer’s initial BCPO training, New York State does not set any additional minimum training requirements for police officers. While not required by the state, the Ithaca Police Department has offered various annual training opportunities for its officers, on a wide range of topics. (For the IPD curriculum please see Appendix E.) The IPD has expressed a goal of having its own police academy-like structure to deliver comprehensive training for its officers, but currently lacks the resources to institute such a service.

The basic training program for the Division of Community Solutions is still to be determined. But, For the Department of Community Safety, the Subcommittee suggests all responders (including the Division of Police and the Division of Community Solutions) have access to the following training (above and beyond the training included in BCPO, existing IPD training, and any additional basic training required for the Division of Community Solutions). These suggested trainings are designed to improve the full scope of interactions between responders and the community, shifting focus towards the most common, everyday ways that first responders and community members are likely to interact. The suite of suggested trainings is intended to ensure everyone in the Department of Community Safety is able to effectively engage with the community, making the community feel valued and protected.

- **Crisis intervention training**²⁷
 - With a focus on mental health crises, crisis intervention training teaches responders about mental illness, connects them to local mental health professionals, and emphasizes non-violent tactics.
- **Procedural justice training**²⁸
 - This training covers the four pillars of procedural justice as they relate to public safety:

- Voice: To provide people with the opportunity to share their side of the story, and to take their story into consideration before a decision is made;
- Neutrality: To make decisions without bias and with transparent reasoning;
- Dignity and respect: To treat all people with dignity and respect;
- Community trust: To establish the authenticity and sincerity of the officer’s motives and approach to justice.

- **Implicit bias training**²⁹
 - This training teaches responders about recognizing their implicit bias (the unconscious and differential treatment of a person based on a set of discriminatory factors including race, sex, religion, sexuality, disability, age, nationality, and others) and the impact it has on their community interactions.
- **Enhanced communication techniques, including training in “verbal judo”**³⁰
 - Verbal judo trains responders to diffuse conflict through advanced verbal communication techniques; it can help ameliorate a common civilian complaint of police: how the officer communicates with them during an interaction.
- **Trauma informed training**³¹
 - Trauma is a response to physical and emotional harm, and can have a significant impact on one’s physical, psychological, emotional, and social health. Trauma-informed training provides responders with an understanding of trauma and how to recognize its effects in victims, suspects, and the larger community. Through a trauma-lens,

responders learn how to: navigate victim's needs; connect with early intervention programs to disrupt cycles of violence; and identify appropriate community services for traumatized individuals.

- **Brain development training**³²
 - Research shows that the human brain is not fully developed until our mid-20s. Understanding the brain development of adolescents and young adults can help responders navigate interactions with teens and early adults, resulting in better communication, trust, and outcomes for both young civilians and responders.
- **Conflict resolution training**³³
 - Responders are often present to manage conflict between individuals, and conflict resolution training provides officers with practical verbal and non-verbal techniques to manage conflict towards a safe and peaceful resolution for all parties.
- **Critical thinking/problem-solving training**³⁴
 - Critical thinking or problem solving training teaches responders to identify and implement solutions to advance the holistic needs of community members.
- **Collaborative public safety training**³⁵
 - Collaborative public safety models approach public safety as a shared responsibility of law enforcement, community groups, government health and social service agencies, and individuals. Training can provide responders with concrete tools to coordinate across different public safety functions and engage community members.

- **Data collection training**

- High-quality data collection is essential to understanding the impact of Department of Community Safety activities, including any disproportionate impacts on racial or ethnic minorities. Training on the value of data and how to input data into RMS would help ensure that the Department's data is as consistent and useful as possible.

- **Training on the history of policing and public safety in Ithaca**

- By understanding the dynamics of the Ithaca community and the history of policing in Ithaca, responders will be informed on the relationship between public safety systems and various communities, providing context to the present day work of implementing a reimagined public safety system.

The City of Ithaca will continue to refine this training plan as it works to implement Recommendation #5 of the "Public Safety, Reimagined" report: "Identify new curriculum, redesign and implement a culturally-responsive training program that incorporates de-escalation and mental health components into a comprehensive response for law enforcement."

Equipment and technology needs for the Department of Community Safety

SUGGESTIONS

The Subcommittee on Training, Equipment, and Technology suggests to the Common Council the following equipment and technology investments for the Department of Community Safety:

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

- **Improvements to the online records management system (RMS);**
- **Speech recognition technology to make report writing more efficient and accurate;**
- **A mechanism for reporting lower-priority occurrences online.**

These technology investments would be in addition to the existing equipment and technology of the Division of Police and the start-up equipment and technology necessary for the new Division of Community Solutions.

CONTEXT

The Subcommittee's equipment and technology suggestions are meant to apply to both units of responders within the new Department of Community Safety. The suggested improvements are in addition to the existing equipment and technology being used by various public safety agencies in Ithaca (for example, police body cameras, a 211 helpline for community resource inquiries, traffic cameras), and the start-up equipment and technology necessary for the new Division of Community Solutions.

Improvements to the online records management system (RMS)

An RMS³⁶ is an automated tool that allows a department to store, retrieve, retain, and view reports, records, files, or any other information documenting a department's work. Such a tool can save a department time, and enhance internal and external data collection and data sharing opportunities.

The Department of Community Safety needs access to a records management system (RMS) that allows for efficient and consistent data entry, and easy extraction of public safety data. The RMS should capture and produce key statistics including but not limited to: the number and outcome of pedestrian stops, the number and outcome of vehicle stops, and the number and outcome of use of force incidents. All statistics captured and produced via the RMS should allow

for disaggregation by race and other demographic attributes.

There exists a county-level RMS system currently used by IPD and other public safety agencies. This system should be evaluated to identify whether and how it can meet the Department of Community Safety's RMS needs.

The lack of an effective RMS system will impede the Department of Community Safety's ability to assess department-generated information, and would make it difficult for policymakers, police oversight entities, and members of the public to effectively assess the operations of the department.

The RMS system would be useful to and used by all responders within the Department of Community Safety.

Speech recognition technology for report writing

When a police officer responds to a call, that officer completes paperwork that describes the nature of the call, the actions of the citizens involved in the call, the actions of the responding officers, and other relevant information. Thus, paperwork can represent a significant portion of an officer's job. Speech recognition technology allows officers to dictate rather than write reports, offering the possibility of increased efficiency and of capturing a fuller extent of any given incident call.³⁷ The increased efficiency provided by speech recognition technology will give responders within the Department of Community Safety more time for critical thinking and community engagement. The suggested speech recognition technology would be provided to all responders within the Department of Community Safety.

A mechanism for reporting lower-priority occurrences online

This would provide a way for community members to report lower-priority incidents from their phone or computer. Online reporting of non-emergency incidents is convenient for community members, allowing them to report at any time of

day, without needing to wait for an officer to respond. It also reduces face-to-face interaction, which may reduce disproportionate minority contact with the criminal justice system and help mitigate the spread of COVID-19 for as long as the pandemic continues. For the responding agencies, it allows the department to reallocate its resources to higher-priority activities. While there are models for online reporting systems in other jurisdictions, the concept will need to be tested and refined within the context of the Ithaca community, including specifics on which incidents would qualify for various responses, and how the response outcomes will be tracked.

Research and data needs of the Department of Community Safety

SUGGESTIONS

The Subcommittee on Data Analysis and Recommendations suggests to the Common Council the following data collection and research practices for the Department of Community Safety:

- **Collect and publicly report data on the type, number, and share of 911 calls by response:**
 - Division of Community Solutions only response;
 - Division of Police only response;
 - Division of Community Solutions and Division of Police co-response.
- **Collect and publicly report data on the following outcomes of Division of Community Solutions activities, disaggregated by race and other demographics:**
 - The number of individuals experiencing mental health crisis served by the Division of Community Solutions, and the nature of service provided;
 - The number and share of Division of Community Solutions responses that ended in an arrest.
- **Collect and publicly report data on the following outcomes of Division of Police activities, disaggregated by race and other demographics:**
 - The number and rate of community members stopped by the Division of Police;
 - The number and rate of community members arrested by the Division of Police;
 - The number and rate of community members who experience use of force by responders from the Division of Police (as documented by the Division of Police or as reported by community members).
- **Collect and publicly report data on complaints filed against responders from either the Division of Community Solutions or the Division of Police:**
 - Number of complaints;
 - Number of investigations;
 - Outcomes of investigations.
- **Standardize data entry practices to align with other city and county services, and consistently and proactively input data into the city-county data dashboard as defined in the Reimagining Public Safety Collaborative resolutions.**
- **The Department of Community Safety should establish partnerships with the Community Justice Center and with academic institutions in the Ithaca area to explore more complex research questions.:**

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued*

- Partner with researchers at Ithaca College, Cornell University, and Tompkins Cortland Community College to explore complex research questions (e.g. changes in community perception of public safety, community reactions to new alternative response models, etc.)
- **The Department of Community Safety should dedicate staff resources within the Department to continue this work (including leading the work above suggestions, and contributing to the other data-related recommendations contained in the “Public Safety, Reimagined” report), including the hiring of a data analyst for the new department.**

CONTEXT

As the Department of Community Safety is established, it is important to measure its impact in real time, to publicly report that data to the community, and to use that data to identify and implement improvements in service.

One major piece of this research would be to measure the usage of the new Division of Community Solutions. As a unit designed to divert some call types away from law enforcement, one metric of success would be the type, number, and share of 911 calls handled by the Division of Community Solutions. This would allow the community to clearly understand the role of the new Division of Community Solutions (i.e. what call types they actually responded to), and the extent to which they served as an alternative to law enforcement (i.e. what share of those call types they responded to).

It is also important to measure the outcomes of Division of Community Solutions activities. For example, did the presence of the Division of Community Solutions reduce the likelihood of negative outcomes, like arrest or use of force? To what extent did the activities of the Division of Community Solutions drive positive outcomes, like referral to mental health services or substance abuse treatment? In order for

this data to be useful and available, Division of Community Solutions officers will need to be trained in data entry into the shared service system managed by the county (including RMS), as outlined in the training section above.

When it comes to the Division of Police, this plan represents an opportunity to fill key gaps in existing data collection and reporting. Currently, IPD reports very little data on the nature and outcomes of its activities. For example, IPD doesn't track the racial breakdown of traffic stops, and also does not report what share of calls result in arrest. Part of this is due to inconsistent data entry on the part of IPD, and part is due to limitations in the shared services RMS system managed by the county. The county-managed RMS system is capable of collecting this data and should be optimized to require standardized data inputs, including clearly capturing the race of all community members stopped and arrested as a mandatory field. These changes may require collaboration with other agencies that use the RMS system as changes would potentially affect all users. In addition, the new Division of Police should also train officers on the value of data collection, and how to input data into the county-managed RMS in a consistent and high-quality manner. In particular, Division of Police officers should collect and publicly report data that clearly connects police activities to outcomes, and disaggregates this data by race, ethnicity, geography, and other key demographics. For example, the community should know the number and rate of police stops by race. These data points would be an essential component in identifying and measuring the disproportionate racial impact of policing in Ithaca.

A unique strength of the Ithaca community is its proximity to leading research institutions like Cornell University, Ithaca College, and Tompkins Cortland Community College. The Department of Community Safety should leverage these relationships, forming partnerships with local researchers to study the impact of the Department in greater depth. For example, social science researchers could explore questions beyond the scope of RMS data collection, measuring

changes in community perception of public safety, and layering additional variables into analysis (e.g. poverty, educational attainment, etc.)

Finally, the Department of Community Safety should dedicate staff resources to continue to improve research and data practices, which includes the hiring of a data analyst for the new department. The Department of Community Safety will continue the work outlined above, and contribute to implementing the remaining data-related recommendations in the “Public Safety, Reimagined” report: including a recommendation to “Collect and evaluate the results of officer-initiated traffic stop enforcement”; a recommendation to “Standardize data entry and review existing data sets for more actionable insights and allocation of public safety resources”; and a recommendation to “Develop a real-time public safety community dashboard”.

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued***Budget****SUGGESTIONS**

The Subcommittee on Proposed Operating Budget for the New Public Safety Model (Budget Subcommittee) suggests to Common Council that the new Department of Community Safety be initially provided with \$1,150,000.00 in additional budget (which may be spent over multiple years, depending on the pace of hiring new staff and purchasing other improvements). This budget would be in addition to the existing budget of IPD (whose staff will continue to work within the Department of Community Safety), and is broken down as follows:

Item	Budget
DEPARTMENT OF COMMUNITY SAFETY LEADERSHIP	
New Commissioner of Community Safety salary	\$139,000.00
New Director of Community Solutions salary ³⁸	\$105,000.00
Benefits for the above positions ³⁹	\$117,000.00
DIVISION OF COMMUNITY SOLUTIONS STAFF AND START-UP COSTS	
New Community Responders (5)	\$285,000.00
Benefits for new Community Responders (5)	\$136,000.00
Vehicles with radio equipment (2)	\$100,000.00
Uniforms, computers, other tech costs, and office supplies for Community Responders	\$66,000.00

Item	Budget
RESEARCH AND DATA STAFF	
New Data Analyst position (1)	\$57,000.00
Benefits for new Data Analyst position (1)	\$27,000.00
TRAINING	
Additional training for all responders within the Department of Community Safety ⁴⁰	\$90,000.00
EQUIPMENT AND TECHNOLOGY IMPROVEMENTS⁴¹	
Speech recognition technology	\$28,000.00
TOTAL	\$1,150,000

IMPLEMENTATION PLAN FOR THE NEW PUBLIC SAFETY AGENCY *continued***CONTEXT**

The intent of this proposed budget is to represent the initial financial commitment necessary to fully implement the proposed Department of Community Solutions, and to reflect the goals and principles of the Reimagining Public Safety efforts. The proposed budget is based on the suggestions of the Working Group and the three RPS Subcommittees (detailed above in this report). The Working Group and each Subcommittee worked independently to develop suggestions for policy, programs, and personnel. Additionally, the Working Group and Subcommittees provided recommendations and budget implications. Where possible, they provided cost estimates, which the Budget Subcommittee supplemented with its own research.

The Working Group suggests two new leadership positions for the Department of Community Safety: the Commissioner of Community Safety, and the Director of Community Solutions. For the Commissioner of Community Safety, the Budget Subcommittee suggests an annual salary of approximately \$139,000.00; and for the Director of Community Solutions, the Budget Subcommittee suggests an annual salary of approximately \$105,000.00 (both commensurate with experience). These suggestions are based on benchmarking of similar positions within Ithaca and beyond. A salary for the Director of Police position is not reflected here because that line item is already contained within IPD's budget (as the Chief of Police position). For all new positions, the Budget Subcommittee suggests the City calculate benefits at approximately 48% of salary (a standard ratio).

For the new Division of Community Solutions, the Subcommittee on Staffing Levels, Shift Assignments, and Beat Designs suggests that five civilian responders (called "Community Responders") should be initially hired. The Budget Subcommittee suggests an annual salary of approximately \$57,000.00 for these Community Responder positions, based on benchmarking of similar positions. The Community Responders will require two new vehicles with radio equipment, computers, uniforms, and other office supplies;

the Budget Subcommittee suggests that \$140,000.00 be allocated to these start-up costs.

The Subcommittee on Training, Equipment, and Technology suggests several new trainings that should be made available to responders from both the Division of Police and the Division of Community Solutions. The Budget Subcommittee suggests that \$90,000.00 be initially allocated to these additional trainings, with a focus on crisis intervention, implicit bias, de-escalation, and verbal judo training. Some of these training sessions could be provided in Ithaca by the RITE Academy and the Verbal Judo Institute. With Ithaca acting as the host for the RITE Academy trainings, there may also be an opportunity to subsidize Ithaca's costs by selling seats to other jurisdictions.

The Subcommittee on Training, Equipment, and Technology also suggested investment in speech recognition technology. The Budget Subcommittee suggests purchasing 28 licenses for Dragon Law Enforcement reporting software, to be used by all responders within the Department of Community Safety. This investment in speech recognition technology would cost approximately \$28,000.00.

The Budget Subcommittee recognizes that additions or adjustments to this proposed budget will be necessary once the Department of Community Safety is operational and its impact can be evaluated. The Budget Subcommittee suggests that this proposed budget continue to be refined under the leadership of the Commissioner of Community Safety.

The Budget Subcommittee also recognizes the importance of impact evaluation, and tying future budgeting, policy, and management decisions to departmental performance. Public-facing performance measures and results build trust and support from the community. (For more detail on suggested performance metrics for the Department of Community Safety, see the Research and Data section of this report.) In making future budget decisions, the City of Ithaca should

adjust funding based on which aspects of the Department of Community Safety are driving positive outcomes.

Conclusion

The above plan for implementing a new public safety agency represents the first step in reimagining public safety in the City of Ithaca: a shared vision and commitment to look at public safety through an equity lens, and create a system that serves all community members. Beyond the establishment of a new public safety agency, the resolutions passed by the City of Ithaca and Tompkins County contains 18 more recommendations (covering topics such as officer recruitment, data dissemination, and creating a public safety review board), which will be implemented over the coming months and years. As with the creation of this plan, implementing the remaining recommendations will require extensive collaboration between city leaders, public safety agencies, and community members. The City of Ithaca and Tompkins County have begun planning for the implementation of the remaining recommendations.



“What we’ve learned is that when we improve public safety for People of Color, we improve public safety for everyone. This process looked through a new lens, studying the problems facing our community and the people in it. We see clearly how the city can respond differently to increase access to meaningful solutions and decrease interactions with the criminal justice system and disproportionate negative outcomes for Black and Brown people in Ithaca.

In this report’s suggestions I see better outcomes for People of Color, I see increasing trust in local government, and I see our most vulnerable neighbors feeling more safe and less afraid. We’re on a path of using our people and resources in the City of Ithaca to meet the needs of our community better and more equitably. This represents long-term, structural change that is needed to truly have community safety for all.”



— **Schelley Michell-Nunn**

*Director of Human Resources, City of Ithaca
Project Management Team Member,
Reimagining Public Safety, City of Ithaca*

< Image Caption

Detail from Black Girl Alchemy Mosaics, Southside Community Center
Photograph by Sheryl Sinkow

ENDNOTES

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- 4 City of Ithaca Common Council, “A Resolution Adopting and Authorizing Mayor to Submit the Reimagining Public Safety Plan Pursuant to New York State Executive Order 203,” March 21, 2021, <https://www2.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf>.
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- 6 Id.
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- 14 “A Resolution Adopting and Authorizing Mayor to Submit the Reimagining Public Safety Plan Pursuant to New York State Executive Order 203,” City of Ithaca Common Council, March 21, 2021, <https://www2.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf>.
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- 17 “A Resolution Adopting and Authorizing Mayor to Submit the Reimagining Public Safety Plan Pursuant to New York State Executive Order 203,” City of Ithaca Common Council, March 21, 2021, <https://www2.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf>.
- 18 Civil Service (CVS) Chapter 7, Article 4, Title A, Section 58, 1-c.: “Notwithstanding the provisions of any other section of law, general, special or local, any political subdivision maintaining a police department serving a population of one hundred fifty thousand or less and with positions for more than four full-time police officers, shall maintain the office of chief of police.”
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- ³⁰ Richard R. Johnson. *Citizen expectations of police traffic stop behavior*. Policing, March 2004, <https://verbaljudo.com/wp-content/uploads/2020/08/Traffic-Stops-and-Verbal-Judo.pdf>.
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- ³⁸ A salary for the Director of Police is excluded because it is already reflected in IPD’s budget as the Chief of Police position.
- ³⁹ All benefit numbers were calculated at approximately 48% of salary.
- ⁴⁰ This would cover training for members of both the Division of Police and the Division of Community Solutions.
- ⁴¹ These equipment and technology improvements are meant to be used by both the Division of Police and the Division of Community Solutions.

APPENDIX

Appendix A: Working Group and Subcommittee Members

Appendix B: Call Type Definitions

Appendix C: Matrix Consulting Group Report on Patrol Staffing and Deployment

Appendix D: New York State Basic Course for Police Officers Training Curriculum

Appendix E: Ithaca Police Department Training Topics

APPENDIX A:

WORKING GROUP AND SUBCOMMITTEE MEMBERS

Ithaca RPS Working Group Members:

1. Amir Tazi
2. Amos Malone
3. Ducson Nguyen
4. Eric Rosario
5. George McGonigal
6. John Guttridge
7. Karen Yearwood
8. Laura Lewis
9. Luca Maurer
10. Mar’Quon Frederick
11. Mary Orsaio
12. Scott Garin
13. Tom Condzella
14. Travis Brooks
15. Yasmin Rashid

Technical Advisors to the Working Group:

1. Schelley Michell-Nunn
2. Michael Stitley
3. Greg Thomas & Jewel Kinch-Thomas
4. Faith Vavra
5. Derek Osborne
6. Melody Faraday
7. Jessica Verfuss
8. John Halaychik
9. John Joly

Subcommittee A: Staffing Levels, Shift Assignment, Beat Design

1. Travis Brooks
2. Mary Orsaio
3. Laura Lewis
4. George McGonigal
5. Rob Gearhart

Subcommittee B: Training, Technology, and Equipment Needs

1. Amir Tazi
2. Eric Rosario
3. Tom Condzella
4. Yasmin Rashid
5. Richard Onyejuruwa
6. Camille Tischler
7. Tierra LaBrada
8. Ben Ortiz
9. Norma Gutierrez

Technical Advisors to Subcommittee B:

1. David Amaro
2. John Joly

Subcommittee C: Data Analysis and Recommendations

1. Luca Maurer
2. Ducson Nguyen
3. John Guttridge
4. Scott Garin
5. Karl Lewis

Technical Advisors to Subcommittee C:

1. Michael Stitley
2. Kim Moore
3. Alan Karasin
4. Greg Potter

Subcommittee D: Proposed Operating Budget

1. Amos Malone
2. Mar’Quon Frederick
3. Karen Yearwood

Technical Advisors to Subcommittee D:

1. Schelley Michell-Nunn

APPENDIX B: CALL TYPE DEFINITIONS

Delineated Call Types: Example Sheet

Call Type	Example
<p>Traffic Offense</p>	<p>Calls related to violation of the motor vehicle code.</p> <p>Not coming to a full stop at a stop sign. Going through a red light. Suspicion of DUI or DUID</p>
<p>Property Check</p>	<p>Calls to check a property for signs of break in while the owners are not present.</p> <p>Calls to check a property for signs of break in while the owners are not present.</p> <p>Checking to make sure a business' doors and windows are locked and secure on night shift.</p> <p>Vacation property checks to make sure an unoccupied house has not been broken into.</p>
<p>Traffic Accident</p>	<p>Calls to investigate a motor vehicle collision</p> <p>Collision with no injuries and under \$1000 property damage.</p> <p>Collision with no injuries and over \$1000 property damage</p> <p>Collision with injuries.</p>
<p>Assisting another Gov. Resource</p>	<p>Calls relating to assisting another agency or resource.</p> <p>NYSP is serving a warrant in Ithaca.</p> <p>US Marshalls are looking for a fugitive.</p> <p>Health inspector is doing a restaurant inspection.</p>
<p>Traffic Complaint</p>	<p>Calls related to problem intersections or speeding.</p>

	<p>Reported speeding in school zone.</p> <p>Calls concerning safety at specific intersections</p>
Welfare Check	<p>Calls related to requests to check on the health or safety of a subject.</p> <p>Someone is sleeping on a bench in the Commons.</p> <p>An adult child hasn't heard from an elderly parent in several days.</p>
Parking Problem	<p>Calls related to illegal or hazardous parking.</p> <p>No parking zone.</p> <p>Too close to a fire hydrant</p>
House Alarm Triggers Police	<p>Calls relating to home alarms auto-triggering police.</p> <p>Audible alarm called in by a neighbor.</p> <p>Silent alarm called in by an alarm company.</p>
Theft	<p>Calls related to the unlawful taking of property from the possession of another entity.</p> <p>A theft in which both parties are still present.</p> <p>A theft in which there are no suspects and the value of the item stolen is less than \$1000</p>
Suspicious	<p>Calls related to reports of suspicious persons, vehicles, or circumstances.</p> <p>A call concerning a person acting strangely</p> <p>A call concerning a vehicle that doesn't belong in the neighborhood parked for an extended period of time.</p>
Harassment	<p>Calls related to reports of being the subject</p>

	<p>of ongoing unwanted contacts.</p> <p>A call in which both parties are still there.</p> <p>A call in which only the victim is on scene and the suspect is unknown.</p> <p>A call in which the victim is on scene and the suspect is known.</p>
Dispute	<p>Calls to investigate a dispute between individuals.</p> <p>A call in which the suspect is still on scene.</p> <p>A call in which the suspect is no longer on scene.</p>
Noise Complaint	<p>Calls relating to excessive or bothersome noise.</p> <p>A call concerning a neighbor's loud muffler</p> <p>A call concerning a loud late night party</p>
Property Complaint	<p>Calls relating to complaints regarding private property.</p> <p>A dispute between neighbors concerning a property line.</p>
Domestic	<p>Calls related to disturbances or assaults involving adult members of a domestic relationship.</p> <p>A call concerning a physical assault by a family member.</p> <p>A call concerning an argument by a family member.</p>
Animal Problem	<p>Calls related to animals that are either in danger or pose an immediate threat to the public.</p> <p>A call concerning a possible rabid fox</p> <p>A call concerning a family of geese in the road</p>

<p>Special Detail</p>	<p>Calls relating to special events and investigations, etc.</p> <p>Assigning officers to a community event such as a basketball game.</p> <p>A call concerning safely getting event attendees across a main street.</p>
<p>Trespassing</p>	<p>Calls to investigate a person unlawfully on another's property</p>
<p>911 Call Hangup</p>	<p>Calls relating to 9-1-1 calls that are terminated by the caller before they are answered, and 9-1-1 calls that are terminated by the caller after they are answered by a dispatcher.</p> <p>A person calls 911 and hangs up because they are being abused by a spouse and are afraid to be heard speaking to the police.</p> <p>A child is playing with the phone and accidentally calls 911</p>
<p>Criminal Mischief</p>	<p>Calls related to the destruction of property</p> <p>A call in which the suspect is still on scene.</p> <p>A call in which the suspect is not on scene.</p>
<p>Fraud</p>	<p>Calls related to the use of deceit to induce an entity to part with something of value or to surrender a legal right.</p> <p>A call in which a shopkeeper discovered a counterfeit bill when closing out the register.</p> <p>A call in which a customer is attempting to use a stolen credit card and is still in the store.</p>
<p>Disorderly Conduct</p>	<p>Calls relating to public activity or behavior that's offensive or disruptive, and interrupts other people's ability to enjoy a public space.</p> <p>A call concerning loud patrons of a bar in the street at closing time.</p>

	A group of children playing basketball in the street
Warrant	<p>Calls related to court issued warrants.</p> <p>A call to check an address to see if a wanted person is there.</p>
Local Law	Calls relating to municipal code violations (e.g skateboarding on a city street, etc.)
Unclassified	<p>Calls that do not fit in any predetermined category</p> <p>A call in which a resident wants to speak to an officer concerning a topic that does not fit any of the predetermined categories.</p>
Civil Complaint	<p>Calls that relate to complaints not criminal in nature</p> <p>A call concerning money owed to an ex spouse.</p>
Burglary	<p>Calls related to the unlawful entry into a building or other structure with the intent to commit a theft. Includes residential and commercial burglaries.</p> <p>A call in which it is unknown if the suspect is still in the building.</p> <p>A call in which the suspect is not still on scene but is known to the victim.</p> <p>A call in which entry was gained however nothing is missing.</p>
Transport	<p>Calls related to police car needs for transport (e.g., scene of incident, transport suspects, etc.)</p> <p>A call in which a suspect in a crime needs to be transported to jail.</p>
Drugs	Calls related to illegal narcotics.

	<p>A call of a suspected house in which someone is selling narcotics</p> <p>A call in which someone is believed to be holding narcotics in their pocket.</p>
Escort	<p>Calls relating to police escorts.</p> <p>A call in which a funeral home wants an escort to the cemetery.</p>
Missing Person	<p>Calls relating to missing person reports.</p> <p>A call in which a person is missing under suspicious or questionable circumstances.</p>
Shots Fired	<p>Calls related to reports of hearing gunshots with no indication of a victim.</p>
Information	<p>Calls related to general inquiries</p>
Repossessed Vehicle	<p>Calls related to vehicles being repossessed</p>
Intoxication	<p>Calls related to intoxicated individual(s)</p>
Sex Offense	<p>Calls related to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or reports of unlawful, non-forcible sexual intercourse.</p> <p>Calls in which the suspect is known to the victim but not present.</p> <p>Calls in which the suspect is unknown to the victim and present.</p>
Unsecured Premise	<p>Calls related to investigating a premise with an unsecured door or window</p> <p>A call in which a neighbor reports the neighbors door is ajar and the neighbors are at work.</p> <p>A call in which an officer finds a closed business has an unlocked door and it is unknown if entry has been gained.</p>

Assault	Calls related to the unlawful attack by one person upon another. Includes stabbings, shootings, and other types of assault.
Fireworks	Calls related to illegal, hazardous, or noisy fireworks. A call concerning children playing with fireworks in the Commons.
Weapons	Calls related to weapons, people being in the possession of or a found weapon.
Public Health Complaint	Calls related to a public health related event A call to provide public notifications or provide educational information (COVID-19 - Social Distancing complaints)
Child Abuse	Calls related to the act of willful harm to a child. Includes abandonment and neglect. A call in which a child is reportedly in a house with no heat in the winter. A call in which a child has been disciplined by spanking with a belt.
Robbery	Calls related to the taking or attempt to take anything of value from the control, custody, or care of another person by force or intimidation. A call of a bank robbery. A call in which a person's cell phone was taken by force.
Injured Person	Calls related to medical conditions or injuries which may or may not be the result of a crime or accident. A call in which a person has reportedly twisted an ankle. A call in which a person is having difficulty

	breathing.
Psychiatric	<p>Calls related to mental health</p> <p>A call in which a person is reportedly talking to themselves while walking through the Commons</p> <p>A call in which a person with a diagnosed mental health disease is calling for assistance.</p>
Bad Check	<p>Calls related to a person attempting to use a check with insufficient funds to cover the check.</p>
Recovered Vehicle	<p>Calls to investigate a vehicle reported stolen.</p> <p>A call in which a person finds their car that has previously been reported stolen.</p> <p>A call in which an officer through an investigation discovers a car previously reported stolen</p>
Animal Bites	<p>Calls related to an animal biting a person.</p> <p>A call in which a stray dog has reportedly bitten a PERSON.</p>
Personal Injury Accident	<p>Calls related to a vehicle collision in which someone is injured as a result</p>
Stabbing	<p>Calls related to a person being stabbed with an object. NOTE: Dispatch also uses the stabbing code for a shooting victim.</p>
911 Call with No One Talking	<p>Calls related to a 911 call and the line is open with no one speaking.</p> <p>A call in which a person in need of help calls 911 but can't talk because they are in fear of the person with them.</p> <p>A call in which a child accidentally calls 911</p>

	and walks away from their parents cell phone without hanging up or saying anything.
Bomb Threat	Calls related to a threat to bomb
Dead Body	<p>Calls relating to the scene of death; differs depending on whether medical attention or CSI (crime scene investigation) is needed.</p> <p>A call of a person who appears dead in a private or public place other than a medical facility or nursing home (unless suspicious circumstances are reported)</p> <p>A call in which a family member reports an expected death due to an illness.</p>
Overdose	Calls related to overdoses
EMS	<p>Calls related to assisting EMS units</p> <p>A call for a person having difficulty breathing in a neighborhood known to have had past violent crime.</p>
Unconscious	<p>Calls related to investigating the report of an unconscious person</p> <p>A call in which a person appears to be unconscious on a bench</p> <p>A person laying on the sidewalk with no signs of movement</p>
Service Call	Calls related to needs for police service.
Breathing Problem	Calls related to a person experiencing breathing problems.
Cardiac Arrest	Calls related to a person experiencing reported cardiac arrest.
Chest Pain	Calls related to a person experiencing chest pains.
Headache	Calls related to a person experiencing a headache.
Sick Person	Calls related to a person feeling sick.

Traumatic Injury	Calls related to reported injured person A call in which a forklift has driven off a loading dock and the driver is injured
Fire Outside	Calls related to a fire outdoors.
Hazmat	Calls related to Hazardous Materials
Vehicle Fire	Calls related to a fire involving a vehicle.

APPENDIX C:

MATRIX CONSULTING GROUP REPORT ON PATROL STAFFING AND DEPLOYMENT



Report on Patrol Staffing and Deployment

ITHACA, NEW YORK

FINAL

January 27, 2022

Table of Contents

Introduction and Executive Summary

.....

Patrol Workload Analysis

.....

Analysis of Patrol Resource Needs

.....

Self-Initiated Activity

.....

Shift Schedule Optimization Analysis

.....

Redesign of the Patrol Beat Structure

.....

1. Introduction

(1) Project Overview

Matrix Consulting Group was retained by Center for Policing Equity to conduct analysis of field services and staffing needs for the Ithaca Police Department. Our scope of work includes:

- **Comprehensive analysis of patrol workload**, examining service needs and workload throughout Ithaca.
- **Analysis of patrol staffing needs and call diversion opportunities**, focusing on the capacity of patrol units to both handle incoming workloads and be proactive in the field.
- **Study alternative deployment configurations**, including new shift schedules and allocations of personnel, as well as redesigning the patrol beat structure.

This draft document presents the analysis of these scope areas, including findings and recommendations. Further analysis in the study will examine alternative call response and other alternative service delivery alternatives.

(2) Key Findings

The comprehensive analysis of call data presents a clear picture of workload in 2019, the year focused on to examine patrol staffing and capacity, as well as over the entire five-year period for which data was received. This enabled us to accurately measure patrol workload in terms of both the number of incidents that patrol units responded to, as well as how much time was spent handling these calls.

Similarly, department personnel data provides a measure of the capacity to handle these workloads by examining how many hours staff are on duty after accounting for factors such as time spent on leave, training, and other categories that take officers out of the field.

In measuring patrol workload and comparing that workload against staff capacity to handle it, several findings are evident:

- Patrol handled 12,217 community-generated calls for service in 2019.

- The workload that community-generated calls for service create take up 41% of officers' net available time, leaving the remaining 59% for proactive use.
- A proactive (uncommitted) time level of 59% indicates that there is not only sufficient staffing to handle workloads, but also to have exceptional proactive capabilities.
- Based on this analysis, current staffing is sufficient to handle community-generated workloads and provide a high level of service.
- Over the past five years, there has not been consistent or meaningful growth in call for service workloads.
- Self-initiated activity, however, has diminished rapidly since 2018.
 - Officers are using less of their proactive (uncommitted) time to generate activity such as traffic stops and other proactive policing efforts.
 - Given the lack of significant increase in workload during that time period, it does not explain the decline in how officers use proactive time.
- The current beat structural is effective overall; however two of four beats have moderately unequal workload levels that can create different experiences for officers day-to-day in terms of their ability to be proactive and not be overloaded by call workloads.
- The current shift schedule is problematic from perspectives of both officer quality of life and efficiency in deploying staff against when workload is greatest:
 - A variable schedule of four-on, two-off does not give officers fixed workdays.
 - This configuration also only gives officers an average of about 2.3 days off per week, in contrast with 10 and 12-hour alternatives.
 - The schedule results in only 2,008 work hours per year, as opposed to 2,080 hours in a normal 40-hour workweek pattern.
 - Equal allocations of staff by shift result in a highly inefficient distribution of personnel against workload.

(3) Recommendations

The following recommendations are made in this report to address the issues identified through the analysis:

- **Maintain the current staffing level in patrol.**
- **As part of the collective bargaining process, implement either the 10-hour fixed workday schedule or the 12-hour Pitman schedule, allocating and deploying officers as outlined in the analysis.**
- **After a process of review and revision in consultation with the Ithaca Police Department and the community, adopt the alternative patrol beat structure in order to equalize workload and better facilitate community policing.**

2. Patrol Workload Analysis

The following sections provide analysis of patrol workload and other issues relating to the effectiveness of field services.

(1) CAD Analysis Methodology

Our project team has calculated the community-generated workload of the department by analyzing incident records in the computer aided dispatch (CAD) database, covering the entirety of calendar years 2016 through the end of 2020. Although the entire five-year span is used to analyze trends and examine comparability, the staffing analysis focuses on workload in 2019, due to the irregularity of 2020 data stemming from the impacts of the COVID-19 pandemic.

For incidents to be identified as community-generated calls for service and included in our analysis of patrol staffing and capacity to handle workload, each of the following conditions needed to be met:

- The incident must have been unique.
- The incident must have been first created in calendar year 2019.
- The incident must have involved at least one officer assigned to patrol, whether designated as car patrol or foot patrol, as identified by the individual unit codes of each response to the call.
- The incident must have been originally initiated by the community, as identified using the following methods:
 - The source of the call must correspond to a community-generated event. Thus, if the call source value is listed as either “Radio” or “Officer Report”, it is not counted as a community-generated event.
 - Additionally, the incident type of the event must have sufficiently corresponded to a community-generated event. Call types that could be identified with a high level of certainty as being self-initiated (e.g., “special detail”) are not counted as community-generated calls for service.
- There must have been no major irregularities or issues with the data recorded for the incident that would prevent sufficient analysis, such as having no unit code or lack of any time stamps.

After filtering through the data using the methodology outlined above, the remaining incidents represent the community-generated calls for service handled by IPD patrol units.

(2) Calls for Service by Hour and Weekday

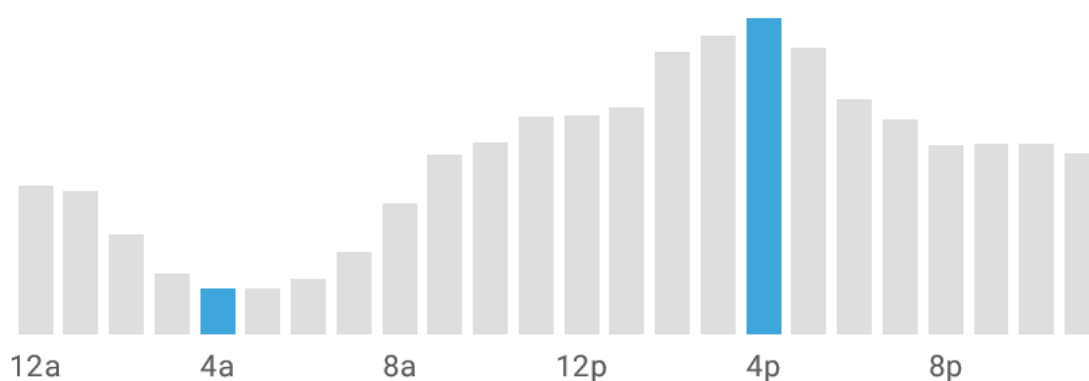
The following table displays the total number of calls for service handled by patrol units by each hour and day of the week:

Calls for Service by Hour and Weekday

Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
12a	99	42	41	42	40	69	95	428
1am	91	40	42	45	40	61	93	412
2am	67	24	26	35	31	37	67	287
3am	36	17	19	23	25	29	28	177
4am	24	18	16	20	16	23	16	133
5am	20	16	17	21	19	24	18	135
6am	22	25	23	22	22	26	22	162
7am	25	30	25	43	34	44	36	237
8am	42	56	46	61	60	65	50	380
9am	69	86	70	83	64	69	79	520
10am	63	103	73	91	79	85	58	552
11am	72	98	83	97	79	95	102	626
12pm	90	97	80	76	91	108	91	633
1pm	83	91	94	101	80	110	96	655
2pm	85	115	120	119	121	148	105	813
3pm	88	122	116	127	151	126	130	860
4pm	104	143	146	133	143	130	113	912
5pm	84	125	123	156	113	130	94	825
6pm	76	109	102	98	94	109	91	679
7pm	80	99	89	78	74	107	94	621
8pm	63	84	97	76	71	78	78	547
9pm	75	68	70	74	75	87	99	548
10pm	67	80	66	67	85	92	94	551
11pm	55	55	66	56	81	101	110	524
Total	1,580	1,743	1,650	1,744	1,688	1,953	1,859	12,217

The chart demonstrates that, across all days of the week, call activity during the late night and early morning hours is minimal compared to the busier hours of the day – generally during the afternoon and early evening. This is particularly notable given the deployment schedule of the department, which assigns equal numbers of officers to all three shifts (days, swings, and nights) despite vastly different workload levels. The following chart summarizes call for service activity on an hourly basis across all days of the week:

Call for Service Activity by Hour



Call activity has a relatively even buildup and decline up to and trailing from the peak of 4:00PM. This is somewhat more pronounced than in other agencies, where there is often a longer-lasting ‘plateau’ of higher levels of call activity.

(3) Calls for Service by Month

The following table displays calls for service totals by month, showing seasonal variation as a percentage difference from the quarterly average:

Calls for Service by Month

Month	# of CFS	Seasonal +/-
Jan	783	
Feb	777	-17.8%
Mar	950	
Apr	974	
May	1,055	+0.9%
Jun	1,052	
Jul	1,076	
Aug	1,183	+14.2%

Sep	1,230	
Oct	1,143	
Nov	1,039	+2.7%
Dec	955	
Total	12,217	

Seasonal variation is significant in Ithaca, likely owing to influence of the cold winters experienced in Upstate New York. The variation in call generation due to this factor does not appear to be significantly moderated by the additional population in Ithaca during Fall through Spring as a result of Cornell University and Ithaca College being in regular session.

(4) Most Common Types of Calls for Service

The following table provides the ten most common incident categories of calls for service handled by patrol units over the last year, as well as the average call handling time (HT)¹ for each:

Most Common Call for Service Categories

Incident Type	# CFS	HT	12a	4a	8a	12p	4p	8p
ASSIST	1,224	29.7	[Heatmap visualization]					
WELFARE CHECK	1,015	29.5	[Heatmap visualization]					
PD ACCIDENT	919	37.5	[Heatmap visualization]					
THEFT	760	45.6	[Heatmap visualization]					
ALARM POLICE	732	12.8	[Heatmap visualization]					
NOISE CMLPNT	665	16.6	[Heatmap visualization]					
SUSPICIOUS	637	25.8	[Heatmap visualization]					
DISPUTE	633	36.4	[Heatmap visualization]					
PARKING PROBLEM	596	19.5	[Heatmap visualization]					
TRAFFIC CMLPNT	532	18.6	[Heatmap visualization]					

¹ Handling time is defined as the total time in which a patrol unit was assigned to an incident. It is calculated as the difference between the recorded time stamps the unit being dispatched and cleared from the incident.

All Other Types	4,504	39.6
Total	12,217	32.4

IPD uses relatively broad categories for CAD incident types, with the generic “ASSIST” category comprising 10% of all calls for service handled by the department.

It is worth noting that “PD ACCIDENT” refers to accidents that the department responds to, not accidents *involving* the police department.

Even so, there is a noticeable clustering of the top four incident categories – which together account for just under one third of all calls for service – in terms of when they are most likely to occur. Each peaks around the late afternoon and early evening hours, with their frequency rising and declining over the several hours preceding and following that period. Most of the other leading call categories, by contrast, peak in the evening and nighttime hours.






The department’s demand profile of high-volume, low-priority incidences is typical, with most police forces having similar trends. The significant workload incurred from some of these incident categories, which involve lower-priority, non-violent offenses, indicates that there is opportunity to divert some of these calls for service to alternative response. The next phase of the study will examine the feasibility of such options further, such as non-armed professionals, in addition to non-response report options (e.g., online reports and telephone reporting).

(5) Call for Service Response Time by Year

The following table displays call for service statistics priority level, showing the median (middle value) response time² and distribution of calls by response time for each category:

² Response time is defined in this report as the duration between the call creation timestamp and the arrival time stamp for the first patrol officer on the scene.

Call for Service Response Time by Priority Level

Priority Level	# CFS	% of CFS	Median RT	RT Distribution
				20 40 60
2016	12,460	21%	10.0	
2017	12,493	21%	9.8	
2018	11,717	19%	10.2	
2019	12,217	20%	10.5	
2020	11,789	19%	12.0	

In 2019, response time performance was exceptional, with 85% of all calls for service – regardless of severity – answered within 30 minutes. 97% of all calls were answered within an hour. It is important to stress that the computer-aided dispatch data received by the project team did not contain priority level information. Thus, this analysis is not able to break response times down by priority, which generally works as a proxy for call severity.

Nonetheless, a median response time of 10.5 minutes for *all* calls for service is extraordinarily low, and could indicate – but does not necessarily prove – that current staffing allows for the capacity to handle community-generated workloads.

3. Analysis of Patrol Resource Needs

Analysis of the community-generated workload handled by patrol units is at the core of analyzing field staffing needs. Developing an understanding of where, when, and what types of calls are received provides a detailed account of the service needs of the community, and by measuring the time used in responding and handling these calls, the staffing requirements for meeting the community's service needs can then be determined.

To provide a high level of service, it is not enough for patrol units to function as call responders. Instead, officers must have sufficient time outside of community-driven workload to proactively address community issues, conduct problem-oriented policing, and perform other self-directed engagement activities within the community. As a result, patrol staffing needs are calculated not only from a standpoint of the capacity of current resources to handle workloads, but also their ability to provide a certain level of service beyond responding to calls.

With this focus in mind, the following sections examine process used by the project team to determine the patrol resource needs of the Ithaca Police Department based on current workloads, staff availability, and service level objectives.

(1) Overview of the Resource Needs Analysis

An objective and accurate assessment of patrol staffing requires analysis of the following three factors:

- i. The number of community-generated workload hours handled by patrol.
- ii. The total number of hours that patrol is on-duty and able to handle those workloads, based on current staffing numbers and net availability factors (e.g., leave, administrative time, etc.).
- iii. The remaining amount of time that patrol has to be proactive, which can also be referred to as "uncommitted" time.

This study defines the result of this process as, **patrol proactivity**, or the percentage of patrol officers' time in which they are *available and on-duty* that is *not* spent responding to community-generated calls for service. This calculation can also be expressed visually as an equation:

$$\frac{\text{Total Net Available Hours} - \text{Total CFS Workload Hours}}{\text{Total Net Available Hours}} = \% \text{ Proactivity}$$

The result of this equation is the overall level of proactivity in patrol, which in turn provides a model for the ability of patrol units to be proactive given current resources and community-generated workloads. There are some qualifications to this, which include the following:

- Optimal proactivity levels are a generalized target, and a single percentage should be applied to every agency. The actual needs of an individual department vary based on a number of factors, including:
 - Other resources the department has to proactively engage with the community and address issues, such as a dedicated proactive unit.
 - Community expectations and ability to support a certain level of service.
 - Whether fluctuations in the workload levels throughout the day require additional or fewer resources to be staffed to provide adequate coverage.
- Sufficient proactivity at an overall level does not guarantee, based on workload patterns, and deployment schedules, that resources are sufficient throughout all times of the day and week.

Overall, to provide effective patrol services and handle community-generated workload, IPD should generally target an overall proactivity level of at least 40-45% as an effective benchmark of patrol coverage. Agencies below this number typically lack the resources to avoid issues caused by resource shortages, such as frequently experiencing queues of calls that lead to longer response times, particularly for lower-priority calls for service. An important qualifier is that even agencies above this number can have inefficient deployment schedules that do not staff high-activity periods of the day with sufficient resources, thus resulting in the same effects on response times as if staffing as a whole is adequate. Thus, **the overall proactivity target of 40-45% should be thought of as a benchmark for the potential to provide effective levels of service** – to avoid both longer response times to lower-priority calls for service, as well as to be able to have the time available to be proactive outside of responding to calls.

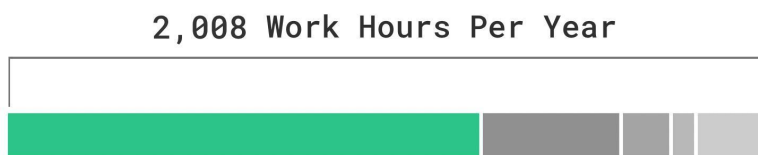
(2) Patrol Unit Staffing and Net Availability

The Ithaca Police Department follows an 8.25-hour shift configuration that assigns personnel to workday sets of 4 days on, followed by 2 days off. As a 6-day rotation, the workdays are not fixed to days of week, and are instead constantly rotating forward.

The 24³ officers in patrol and their supervisors are assigned to one of three shifts: Day (2245–0700), Swing (1500–2315), or night (0700–1515). Officers on a platoon are assigned to a specific sergeant who is responsible for direct field supervision on shared workdays and for completing regular performance evaluations.

Given patrol staffing allocations, net availability calculations can provide a realistic picture of how staffing translates to active on-duty hours. Out of the 2,008 hours per year that officers are scheduled to work in a year (excluding overtime), a large percentage is not actually spent on-duty and available in the field.

As a result, it is critical to understand the amount of time that officers are on leave – including vacation, sick, injury, military, or any other type of leave – as well as any hours dedicated to on-duty court or training time, and all time spent on administrative tasks such as attending shift briefings. The impact of each of these factors is determined through a combination of calculations made from IPD data and estimates based on the experience of the project team, which are then subtracted from the base number of annual work hours per position. The result represents the total **net available hours** of patrol officers, or the time in which they are on-duty and available to complete workloads and other activities in the field:



The table below outlines this process in detail, outlining how each contributing factor is calculated:

Factors Used to Calculate Patrol Net Availability

³ Filled positions only. Numbers do not include trainees, those in the academy, or officers on long-term disability leave.

Work Hours Per Year

The total number of scheduled work hours for patrol officers, without factoring in leave, training, or anything else that takes officers away from normal on-duty work. This factor forms the base number from which other availability factors are subtracted from.

Base number: 2,008 scheduled work hours per year

Total Leave Hours (subtracted from total work hours per year)

Includes all types of leave, as well as injuries and military leave – anything that would cause officers that are normally scheduled to work on a specific day to instead not be on duty. As a result, this category excludes on-duty training, administrative time, and on-duty court time.

Calculated from IPD data: 391 hours of leave per year

On-Duty Court Time (subtracted from total work hours per year)

The total number of hours that each officer spends per year attending court while on duty, including transit time. Court attendance while on overtime is not included in the figure.

Without any data recording on-duty court time specifically for patrol officers, the number of hours is estimated based on the experience of the project team.

Estimated: 20 hours of on-duty court time per year

On-Duty Training Time (subtracted from total work hours per year)

The total number of hours spent per year in training that are completed while on-duty and not on overtime. This number based using watch sheet data for 2019 to estimate the training hours that would have been conducted on regular time, as opposed to overtime. If training is completed on overtime, it does not necessarily take away from the number of regular work hours an officer works in a pay period, and thus is not relevant to this analysis. However, data systems rarely designate which training is conducted on regular time versus overtime.

Estimated/calculated from IPD data: 139 hours of on-duty training time per year

Administrative Time (subtracted from total work hours per year)

The total number of hours per year spent completing administrative tasks while on-duty, including briefing, meal breaks, and various other activities.

The number is calculated as an estimate by multiplying 60⁴ minutes of time per shift times the number of shifts actually worked by officers in a year after factoring out the shifts that are not worked as a result of leave being taken.

Estimated: 196 hours of administrative time per year

Total Net Available Hours

After subtracting the previous factors from the total work hours per year, the remaining hours comprise the total *net available hours* for officers – the time in which they are available to work after accounting for all leave, on-duty training, court, and administrative time. Net availability can also be expressed as a percentage of the base number of work hours per year.

Calculated by subtracting the previously listed factors from the base number:

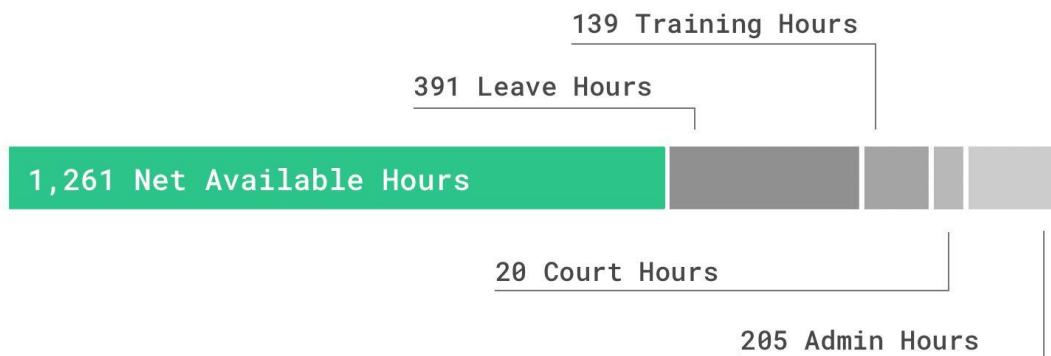
⁴ Typically, 60 minutes are assumed for shifts from 8-9 hours in length, and 90 minutes per shift for longer patrol shifts.

1,261 net available hours per officer

The following table and chart summarize this calculation process, displaying how each net availability factor contributes to the overall net availability of patrol officers:

Calculation of Patrol Unit Net Availability

Base Annual Work Hours	2,008	
Total Leave Hours	-	391
On-Duty Training Hours	-	139
On-Duty Court Time Hours	-	20
Administrative Hours	-	196
Net Available Hours Per Officer	=	1,261
<i>Number of Officer Positions</i>	×	24
Total Net Available Hours	=	30,274



Overall, the 24 filled officer positions combine for 30,274 net available hours per year, representing the total time in which they are on duty and able to respond to community-generated incidents and be proactive.

(3) Overview of Call for Service Workload Factors

The previous chapter of the report examined various trends in patrol workload, including variations by time of day and of week, common incident types, as well as a number of

other methods. This section advances this analysis, detailing the full extent of the resource demands that these incidents create for responding patrol personnel.

Each call for service represents a certain amount of workload, much of which is not captured within the handling time of the primary unit. Some of these factors can be calculated directly from data provided by the department, while others must be estimated due to limitations in their measurability.

The following table outlines the factors that must be considered in order to capture the full scope of community-generated workload, and provides an explanation of the process used to calculate each factor:

Factors Used to Calculate Total Patrol Workload

Number of Community-Generated Calls for Service

Data obtained from an export of CAD data covering a period of an entire year that has been analyzed and filtered in order to determine the number and characteristics of all community-generated activity handled by patrol officers.

The calculation process used to develop this number has been summarized in previous sections.

*Calculated from IPD data: **12,217 community-generated calls for service***

Primary Unit Handling Time

The time used by the primary unit to handle a community-generated call for service, including time spent traveling to the scene of the incident and the duration of on-scene time. For each incident, this number is calculated as the difference between 'call cleared' time stamp and the 'unit dispatched' time stamp.

In the experience of the project team, the average handling time is typically between 30 and 42 minutes in agencies where time spent writing reports and transporting/booking prisoners is *not* included within the recorded CAD data time stamps. At 32.3 minutes per call, IPD is somewhat on the lower end of most agencies, although not an outlier by any means.

*Calculated from IPD data: **32.3 minutes of handling time per call for service***

Number of Backup Unit Responses

The total number of backup unit responses to community-generated calls for service. This number often varies based on the severity of the call, as well as the geographical density of the area being served.

This number can also be expressed as the *rate* of backup unit responses to calls for service, and is inclusive of any additional backup units beyond the first.

*Calculated from IPD data: **0.55 backup units per call for service***

Backup Unit Handling Time (multiplied by the rate)

The handling time for backup units responding to calls for service is calculated using the same process that was used for primary units, representing the time from the unit being dispatched to the unit clearing the call.

*Calculated from IPD data: **24.7 minutes of handling time per backup unit***

Number of Reports Written

The total number of reports and other assignments relating to calls for service that have been completed by patrol units, estimated at one report written for every three calls for service. This includes any supporting work completed by backup units. *In this case, the number has been estimated based on the experience of the project team. This was done for several reasons, as explained below:*

The project team requested a dataset showing written reports and their incident numbers; however, this dataset was not available or possible to produce with IPD resources.

As a backup methodology, the CAD/RMS data provided by the department includes a call clear field with a disposition added, which can in some cases be used to estimate report writing. There are four options, each of which repeating for all backup units on the call:

- BLANK CLEARANCE CODE (3)
- NO REPORT NEEDED (2,381)
- REPORT TO FOLLOW (9,540)
- TRANSFERRED TO OTHER AGENCY (1)

9,540 out of 12,217 community-generated calls for service had the disposition value of “REPORT TO FOLLOW” listed in that field. At 0.78 reports per call for service, this would represent an unrealistically high report writing rate. The degree to which it is an outlier is also relevant – the vast majority of agencies fall within a report writing rate of 0.25 to 0.35. At 0.78, IPD would be more than double. Consequently, it must be assumed that the disposition values for “REPORT TO FOLLOW” correspond with some type of reporting required in CAD/RMS upon clearing, given the type of incident it corresponds to. For instance, 81% of calls under the category 911 Hang Up are listed with the “REPORT TO FOLLOW” disposition code. In reality, reporting requirements for such a call type would not likely be significant.

Given these considerations, a normative estimate was used that is at the conservative (higher) end for communities the size of Ithaca, at 1 report for every 3 community-generated calls for service.

Estimated: 0.33 reports written per call for service

Report Writing Time (multiplied by the report writing rate)

The average amount of time it takes to complete a report or other assignment in relation to a call for service. Without any data detailing this specifically, report writing time must be estimated based on the experience of the project team. It is assumed that 45 minutes are spent per written report, including the time spent by backup units on supporting work assignments.

Estimated: 45 minutes per report

Total Workload Per Call for Service

The total time involved in handling a community-generated call for service, including the factors calculated for primary and backup unit handling time, reporting writing time, and jail transport/booking time.

The product of multiplying this value by the calls for service total at each hour and day of the week is the number of hours of community-generated workload handled by patrol units – equating to approximately 12,398 total hours in 2019.

Calculated from previously listed factors: 60.9 total minutes of workload per call for service

Each of the factors summarized in this section contribute to the overall picture of patrol workload – the total number of hours required for patrol units to handle community-generated calls for service, including primary and backup unit handling times, report writing time, and jail transport time.

These factors are summarized in the following table:

Summary of CFS Workload Factors

Total Calls for Service	12,217	53%
Avg. Primary Unit Handling Time	32.3 min.	
Backup Units Per CFS	0.55	22%
Avg. Backup Unit Handling Time	24.7 min.	

Reports Written Per CFS	0.33	} 25%
Time Per Report	45.0 min.	
<hr/>		
Avg. Workload Per Call	60.9 min.	
Total Workload	12,398 hrs.	

Overall, each call represents an average workload of 60.9 minutes, including all time spent by the primary unit handling the call, the time spent by any backup units attached to the call, as well as any reports or other assignments completed in relation to the incident.

(4) Calculation of Overall Patrol Proactivity

Using the results of the analysis of both patrol workloads and staff availability, it is now possible to determine the remaining time in which patrol units can function proactively. The result can then function as a barometer from which to gauge the capacity of current resources to handle call workload demands, given objectives for meeting a certain service level.

The following table shows the calculation process used by the project team to determine overall proactivity levels, representing the percentage of time that patrol officers have available outside of handling community-generated workloads:

Calculation of Overall Patrol Proactivity

Total Patrol Net Available Hours		30,274
Total Patrol Workload Hours	-	12,398
<hr/>		
Resulting # of Uncommitted Hours	=	17,876
Divided by Total Net Available Hours	÷	30,274
<hr/>		
Overall Proactive Time Level	=	59.0%

Overall, 59.0% of on-duty time is available to be proactive – well above the targeted threshold of 40-45% as a base. This indicated that IPD has not only sufficient capacity to handle community-generated workloads, but also to provide exceptional proactive policing.

The following chart shows this analysis at a more detailed level, providing proactivity levels in four-hour blocks throughout the week:

Proactivity by Hour and Weekday

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am–6am	76%	78%	85%	74%	79%	81%	73%	78%
6am–10am	81%	75%	79%	73%	70%	73%	71%	75%
10am–2pm	49%	50%	48%	41%	52%	39%	51%	47%
2pm–6pm	55%	36%	38%	34%	35%	38%	44%	40%
6pm–10pm	60%	48%	57%	58%	56%	46%	47%	53%
10pm–2am	56%	60%	68%	68%	66%	60%	56%	62%
Overall	63%	57%	62%	58%	60%	56%	57%	59%

The consistency in proactive time capabilities is highly evident. The chart’s color scale ranges from white to gray to green, fully reaching the end of the scale at 40% – indicating that proactive time is not only sufficient to handle workload on a consistent basis, but to provide exceptional levels of proactive service as well. In IPD’s case, virtually every four-hour block reaches this threshold, even during the daytime hours when workload is highest. A few blocks narrowly reach this level, falling just short at 38-39%, which remains a high level of proactive policing for peak activity hours.

Consequently, it can be strongly concluded from the results of this analysis that current staffing in patrol meets the demands of workload and provides for ample time to be proactive.

(5) Patrol Staffing Levels Required to Meet Service Level Objectives

Given the results of the workload and availability analysis, staffing levels can be determined based on achieving a certain target for proactive time. Prior to this, however, there are several considerations that must be made that provide context to staffing requirements.

(5.1) Adjusting for the Impact of Turnover

For staffing targets to be grounded in the long-term reality of a workforce, is important to consider the number of vacancies that currently exist, as well as the rate of turnover. An agency will never be fully staffed, as there will always be vacancies occurring as a result of retirement, termination, and other factors. When these events occur, it takes a significant amount of time to recruit a new position, complete the hiring process, run an academy, and complete the FTO program before the individual becomes an on-duty officer. Given this consideration, agencies must always hire above the number needed to provide a targeted level of service.

The amount of 'buffer' that an agency requires should be based on the historical rate of attrition within patrol. Attrition can take many forms – if it is assumed that the majority of vacancies are carried in patrol staffing, a vacancy at the officer level in any other area of the organization would consequently remove one officer from regular patrol duties. Likewise, promotions would have the same effect, in that they create an open position slot in patrol. Not included, however, are positions that become vacant while the individual is still in the academy or FTO program, and they are not counted in our analysis as being part of 'actual' patrol staffing.

Given these considerations, **an additional 5% *authorized* (budgeted) positions should be added on top of the actual number currently filled (actual) positions in order to account for turnover** while maintaining the ability to meet the targeted proactivity level. The resulting figure can then be rounded to the nearest whole number, assuming that positions cannot be added fractionally. It is worth noting that the number of officers needed without turnover is fractional, as it is an intermediate step in the calculation process.

(5.2) Additional Considerations

The overall patrol proactivity level should function as a barometer of potential resource capacity to handle workloads and be proactive, and different levels have varying implications for the effectiveness of an agency in being proactive at addressing public safety issues and engaging with the community. These considerations can be summarized as follows:

- In agencies that are severely understaffed in patrol functions, and consequently have very little proactive time (**under 35% overall**), calls will frequently be held in queues as resources cannot handle the incoming workload. Proactivity also falls behind, as officers in such agencies would have little to no time to be proactive.

When gaps do occur, the high rate of workload relative to available time can have a limiting factor on self-initiated generation, as officers avoid being tied up on a proactive activity such as a traffic stop in case priority calls for service occur.

- As proactivity increases (**around 35-45% overall**), the generation of self-initiated activity rapidly increases, as officers are able to deal with already-identified opportunities to proactively address issues in the community, some of which are prioritized and project-oriented engagements.
- Beyond those levels (**at least 45-50% overall**, depending on scheduling and deployment efficiency), the time available for proactive policing increases further, and opportunities to engage in self-initiated activity expand. However, the number of priority needs for self-initiated activity (e.g., addressing narcotics activity) also decrease. Despite this, no limitations exist on the time that can be spent on activities such as saturation/directed patrols and community engagement activities.

(5.3) Calculation of Staffing Needs

Staffing calculations provide the culmination of the proactive time analysis, using the proactive time target to determine how much time must be staffed for relative to workload such that the proactive time target equals the target on an overall basis. Based on number of net available hours per officer, the number of authorized positions needed to achieve the requisite number of hours staffed can be calculated, with a buffer for turnover added thereafter.

It is important to note that the calculations do not take into account the effect of cumulative vacancies that are not able to be replaced and filled over a *multi-year* period. This is intended, as budgeting for additional staff does not fix recruiting, hiring, or training issues. Instead, the turnover factor is designed to provide a balance against the rate of attrition, assuming new recruits can complete the academy and FTO program each year.

Nonetheless, the following table presents these calculations, showing the number of officers needed to maintain the current level of proactive time, at 59% overall:

Staffing Needs @ 59% Proactive Time Target

Total Workload Hours	12,398
Proactivity Target	59%

<i>Staffed Hours Needed</i>	=	30,239
Net Available Hours Per Officer	÷	1,261
Turnover Factor	+	5%
<hr/>		
Patrol Officer FTEs Needed	=	26

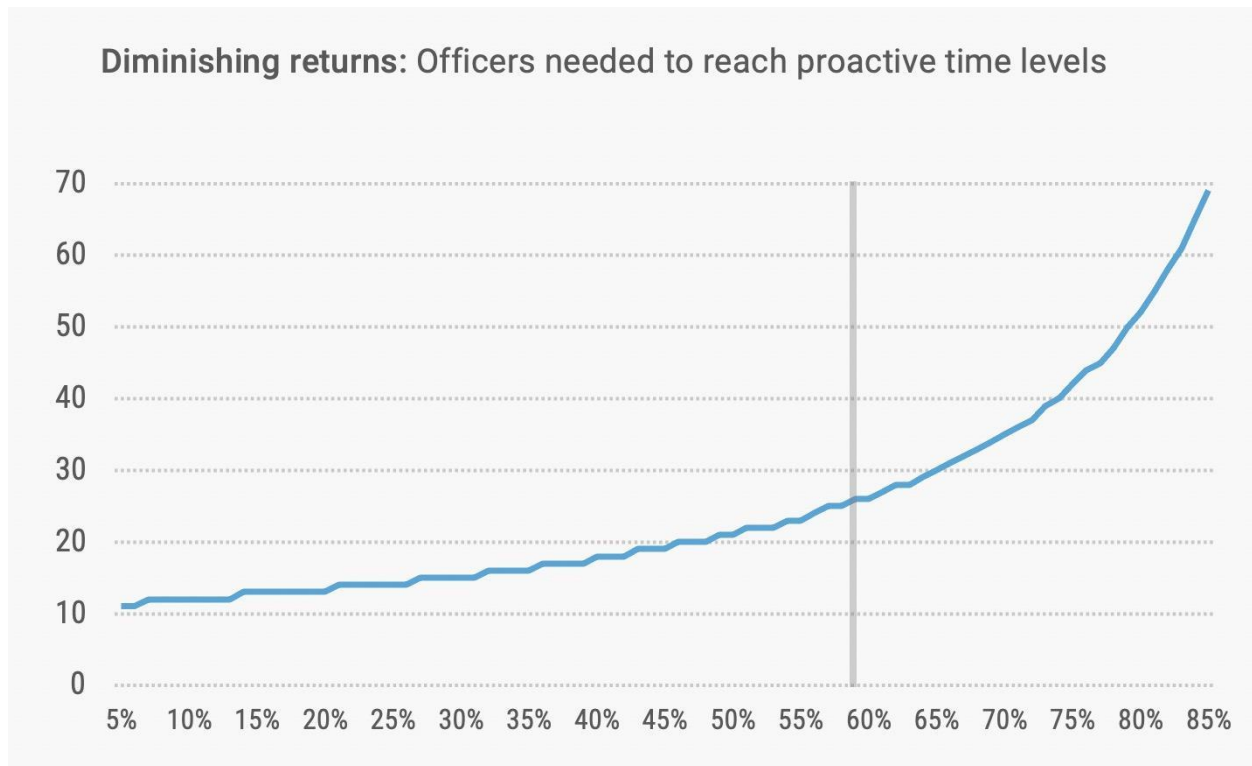
This process can be repeated for any proactive time target, as shown in the next table:

Officers Needed by Proactive Time Level

% Proac. Time	# of Ofc.	# to Raise +1%
55%	23	
56%	24	+1
57%	25	+1
58%	25	+0
59%	26	+1
60%	26	+0
61%	27	+1
62%	28	+1
63%	28	+0
64%	29	+1
65%	30	+1
66%	31	+1
67%	32	+1
68%	33	+1
69%	34	+1
70%	35	+1

The findings from this analysis are particularly notable given that as the proactivity level increases, the number of officers needed to raise it further grows exponentially. Whereas at low proactivity levels, adding several more officers would have a significant effect on overall proactivity, doing so at high proactivity levels (>60%) would have very little effect if the proactivity level was around 60 or 60%.

The following chart provides a visualization of this issue, showing the diminishing returns of adding additional officers on patrol proactivity and service levels:



The gray vertical bar indicates the current level of patrol proactivity.

The steeper the curve, the less returns are gained from investing additional resources in patrol. This chart demonstrates that, generally, 40-50% represents the level that should be aimed for, and that improvements to service level experience diminishing returns beyond that point. Below 40%, however, adding staff to patrol achieves significant effects on proactive time with comparatively minimal financial expenditures.

Recommendation:

Maintain the current staffing level in patrol.

4. Self-Initiated Activity

The analysis to this point has focused exclusively on the reactive portion of patrol workload, consisting of community-generated calls for service and related work. In the remaining available time, which is referred to in this report as proactive time, officers are able to proactively address public safety issues through targeted enforcement, saturation patrol, community engagement, problem-oriented policing projects, and other activity. Equally critical to the question of how much proactive time is available is how and whether it is used in this manner.

There are some limitations on how the use of proactive time is measured, however. Not all proactive policing efforts are tracked in CAD data, such as some informal area checks, saturation patrol, miscellaneous field contacts, and other types of activity. However, many categories of officer-initiated activity are nonetheless recorded, such as traffic stops, predictive policing efforts, and follow-up investigations.

Nonetheless, CAD data does provide for a significant portion of officer-initiated activity to be analyzed to examine how uncommitted time is for proactive policing.

(4.1) Self-Initiated Activity by Hour and Weekday

Self-initiated activity displays different hourly trends compared to community-generated calls for service, as illustrated in the following table:

Self-Initiated Incidents by Hour and Weekday

Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
12am	66	66	45	72	66	79	82	476
1am	31	37	44	48	43	42	61	306
2am	52	27	28	28	23	39	33	230
3am	21	13	23	19	17	29	18	140
4am	17	9	9	16	11	14	20	96
5am	8	9	9	7	10	15	8	66
6am	10	7	7	9	11	5	4	53
7am	6	9	3	6	3	8	9	44
8am	13	12	19	14	9	28	16	111
9am	23	25	20	28	15	20	23	154
10am	20	34	23	25	19	26	29	176
11am	32	18	24	18	18	17	30	157

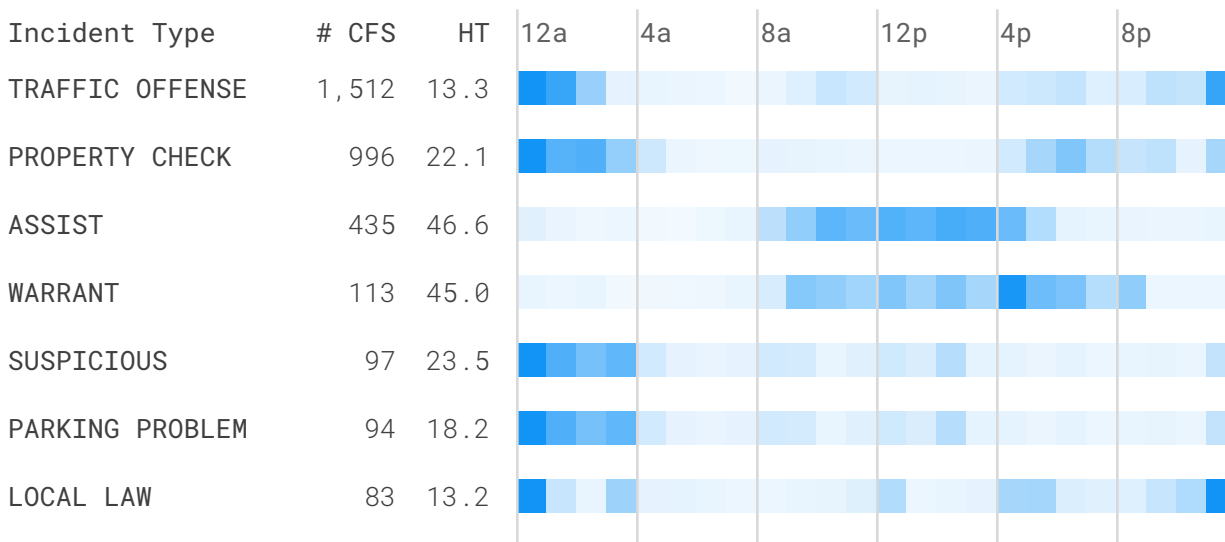
12pm	25	23	23	14	16	31	12	144
1pm	15	13	18	17	19	31	26	139
2pm	31	27	23	18	14	14	19	146
3pm	11	16	19	11	13	13	25	108
4pm	31	32	29	25	29	41	26	213
5pm	36	23	18	23	25	29	28	182
6pm	35	31	27	28	24	25	29	199
7pm	28	18	15	15	19	20	23	138
8pm	14	10	27	23	20	16	24	134
9pm	12	26	14	19	24	26	29	150
10pm	13	18	13	15	15	20	12	106
11pm	45	35	28	34	33	43	38	256
Total	595	538	508	532	496	631	624	3,924

Interestingly, self-initiated activity peaks sharply from around 12:00AM to 1:00AM, with an hour or so on either side having comparable levels of activity. At these times, vastly more proactive policing is conducted than during other hours. Possible explanations could include it being immediately after shift change, as well as the high levels of proactive time that exist during those hours.

(4.2) Self-Initiated Activity by Category

Unlike community-generated calls for service, self-initiated activity is typically more concentrated over a few call types:

Most Common Categories of Self-Initiated Activity



PROPERTY CMLPNT	76	13.7	
TRAFFIC CMLPNT	59	35.9	
WELFARE CHECK	54	19.8	
All Other Types	405	19.6	
Total	3,924	21.6	

“Traffic Offense” incidents (i.e., traffic stops) account for about 39% of all self-initiated incidents, averaging just over 13 minutes per event. Beyond the top three or four categories, activity is relatively sparse. Proactive ‘suspicious’ events (e.g., suspicious vehicle, person, etc. – common categories of police self-initiated activity in most agencies) occur only 97 times over the course of calendar year 2019.

(4.3) Total Utilization

Overall, the rate at which self-initiated activity is conducted is not high relative to the amount of proactive time available. This can be shown by examining total utilization – the percentage of officers’ net available time that is spent handling both community-generated calls for service and self-initiated activity:

Total Utilization of Patrol Officers on Calls for Service and Self-Initiated Activity

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am–6am	30%	24%	20%	28%	24%	21%	36%	26%
6am–10am	23%	28%	21%	30%	31%	34%	31%	28%
10am–2pm	54%	52%	53%	61%	50%	64%	49%	55%
2pm–6pm	53%	67%	66%	69%	67%	66%	58%	63%
6pm–10pm	44%	53%	46%	44%	47%	57%	57%	50%
10pm–2am	29%	47%	41%	36%	40%	38%	40%	45%
Overall	42%	45%	41%	45%	43%	48%	47%	45%

Outside of the mid-afternoon to early evening hours, net available time is not highly utilized on either calls for service or officer-initiated activity. Of course, it could be argued that there are only so many opportunities to be proactive. Certain services, such as security checks, however, are highly repeatable in comparison to other types of activity.

Moreover, any proactive policing efforts should be balanced with their potential effects on community trust, a principle echoed in the report on the President’s Task Force on 21st Century Policing. Too many vehicle stops in certain areas, for instance, can create long-lasting effects on relationships with those communities, creating perceptions that may not be aligned with the original intentions of the activity. Thus, it is not necessarily the goal for officers to be completely utilized, or for a certain threshold of self-initiated activity to be met.

(4.3) Historical Self-Initiated Activity Trends

To investigate this further, the CAD analysis can be extended for the entire five-year period for which data was received in order to gauge trends in activity levels, as was provided earlier in the analysis for community-generated calls for service.

The following table presents the findings of this analysis:

Five-Year Self-Initiated Incident Trends

Year	# Self-Initiated Incidents	+/- Change
2016	5,184	N/A
2017	5,723	+10%
2018	5,610	-2%
2019	3,924	-30%
2020	3,163	-19%

There is a clear drop-off in activity after 2018, with 2019 – the last pre-pandemic year – having significantly less activity than the year before. The chart below puts this into context, showing the year-by-year changes in both community-generated calls for service and officer-initiated activity:

Declining Self-Initiated Incidents Versus Community-Generated Workload



The decline in officer-initiated activity does not correlate with an increase in workload, and consequently does not appear to be indicative of a lack of staffing capacity to be proactive.

5. Shift Schedule Optimization Analysis

The following analysis examines the effectiveness of the current shift schedule and analyzes the feasibility and effects of implementing alternative schedules. This analysis is both quantitative and qualitative, balancing the objective of optimizing resource deployment with the need to have this schedule be broadly popular with officers and provide for quality of life concerns to be addressed.

The latter point is critical in part because work hours, shift length, and workday patterns are set by the collectively bargained labor agreement made with the Ithaca Police Benevolent Association (PBA), which covers all sworn personnel. **Changes to work hours or any schedule characteristics must be made through the collective bargaining process**, and cannot be made unilaterally by the department's management.

This analysis is intended to provide the analytical framework for any discussion on shift schedules, outlining a number of alternatives that most effectively deploy officers to achieve high levels of service, as well as to provide for officer quality of life considerations to be facilitated.

1. Current Shift Configuration: 8.25-Hour Schedule (Rotating Workdays)

(1.1) Overview

The current shift schedule, which has been in place since 2005, is an 8.25-hour shift, with officers working in a pattern of 4 days on, followed by 2 days off. Because this cycle repeats every 6 days, it is forward-rotating – officers do not have fixed workdays. If an officer worked Monday to Thursday in one calendar week, the next would be Sunday to Wednesday. Start times are schedule to provide for slight overlaps between shifts, as shown below:

Current 8.25-Hour Shift Configuration

Team	Start	End	# Officers
Night	2245	0700	8
Day	0700	1515	8
Swing	1500	2315	8

Working 8.25 hours in a 4 on, 2 off pattern equates to 38.6 work hours per calendar week, or approximately 2,008 scheduled work hours over an entire year. **This is a highly**

unusual configuration, with the vast majority of departments following a 40-hour workweek that equates to 2,080 hours annually. The weekly average of 38.6 hours results in fewer hours worked per officer while also likely not reducing costs overall.

An advantage of the forward-rotating workday schedule is that it gives all officers some weekend days off. This typically a leading consideration for officers, particularly among newer or younger officers that value an active social life and that lack the seniority to bid for workday sets that provide for weekend days off.

However, on balance with other concerns, the 4-on, 2 off pattern does not necessarily provide for ideal officer quality of life. Forward-rotating workday patterns such as this can often be unpopular due to their disruption on domestic and social life. It can be more difficult to schedule child care and align life outside of work with a domestic partner. Organized activities such as sports or clubs generally have fixed days when they occur, making regular attendance impossible in a rotating workday pattern. Off-duty work is also much more difficult to schedule in a rotating workday pattern – a critical issue for officers in many departments, particularly those that work 10 or 12-hour shifts and have more consecutive off days. In essence, a constantly changing set of workdays can, for some, misalign and isolate officers from life outside of work that generally follows a regular weekly pattern.

Consequently, despite this being a schedule that was and is collectively bargained for – and one that has been in place for more than 15 years – **the lack of fixed workdays must be considered a key weakness of the current schedule.**

(1.2) Performance and Efficiency of the Current Schedule

The following chart provides the proactive time levels, a measure of capacity and service level, achieved by the current shift schedule in four-hour blocks. As values drop below 40%, the color of the cell shifts closer to gray:

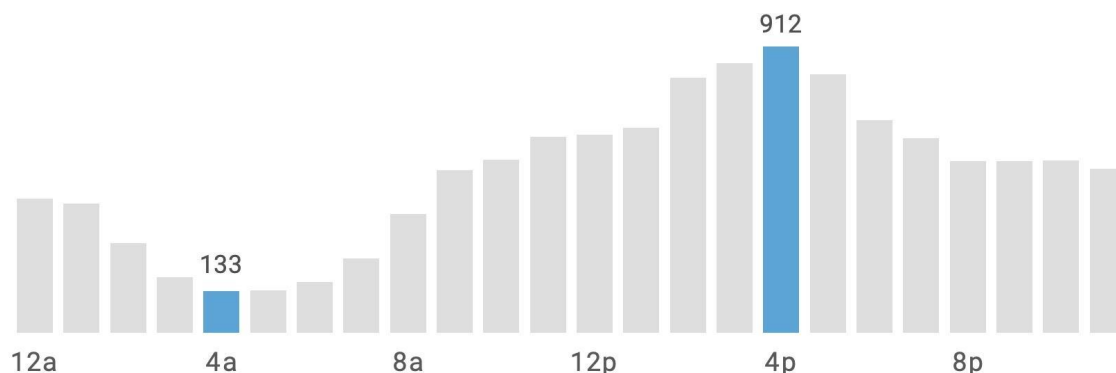
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am–6am	76%	78%	85%	74%	79%	81%	73%	78%
6am–10am	81%	75%	79%	73%	70%	73%	71%	75%
10am–2pm	49%	50%	48%	41%	52%	39%	51%	47%
2pm–6pm	55%	36%	38%	34%	35%	38%	44%	40%
6pm–10pm	60%	48%	57%	58%	56%	46%	47%	53%
10pm–2am	56%	60%	68%	68%	66%	60%	56%	62%
Overall	63%	57%	62%	58%	60%	56%	57%	59%

Overall, the schedule clearly is able to accomplish high levels of proactive time throughout the day, dropping below 40% only during the afternoon and early evening, without decreasing below 34%.

The high proactive time levels do necessarily mean, however, that the schedule is achieving the results efficiently. At 59% proactive time on an overall basis, staffing is at such a high level relative to workload that even moderately inefficient schedules still accomplish deployment objectives.

While not the only aim of developing an optimized shift schedule, schedules should efficiently match staff deployments against periods when workload is greatest. In Ithaca, as explored in the patrol staffing analysis, the difference in workload levels between day and nighttime hours is exceptional. To this point, 7 times more calls for service are generated during the busiest daytime hour and the least busy nighttime hour:

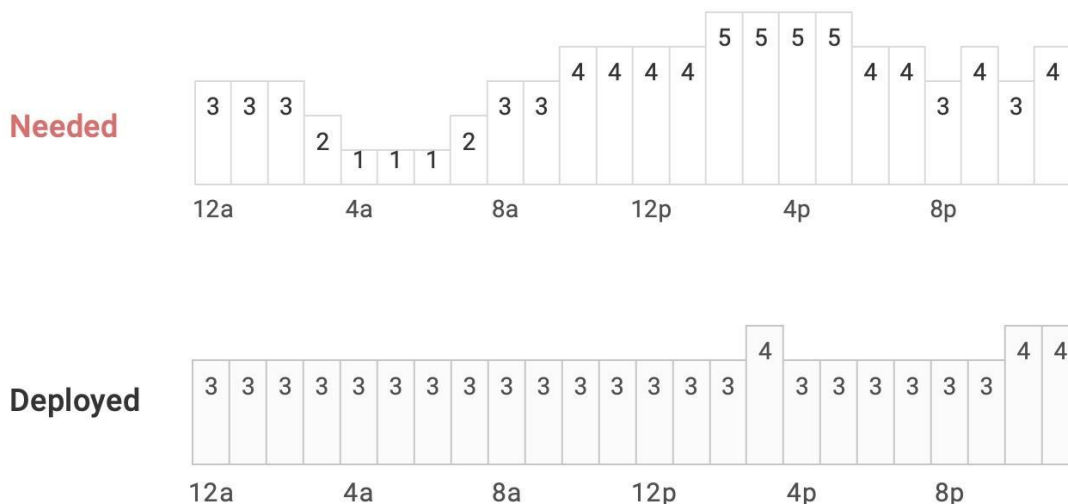
Calls for Service Activity by Hour



Granted, it should not be inferred that 1/7th of the staff are needed at night – during those hours, staffing for officer safety and emergency response capability are paramount. The objective of filling beats in itself is important only so far as it allows for response time to be minimized. In a community the size of Ithaca, this is less likely to be an issue.

Using workload and net availability data, the project team calculated the number of staff that would need to be deployed in order to achieve a proactive time level of 50% – which would represent an extraordinarily high level of service during the daytime hours. While not the only consideration in scheduling, it provides a benchmark against which to gauge how the current schedule used by the Ithaca Police Department allocates personnel against workload demands.

Deployed Staff Required for 50% Hourly Proactive Time vs Expected Number Deployed⁵



With IPD using an equal deployment of 8 officers to each shift, the 4 officers expected at certain times (as opposed to 3) is the result of slight overlaps increasing the average slightly enough to be rounded up.

Nonetheless, the results show that, if 50% proactive time is targeted for at any given hour – an exceptional level of service – too few officers are deployed during the afternoon and early evening hours, with more officers deployed than needed during the nighttime and early morning hours.

2. Priorities for Alternative Schedule Creation

To be able to offer concrete advantages over the current schedule and ensure that they could realistically be adopted through the collective bargaining process, the following aims are central to the development of alternative schedules:

- Deploy officers efficiently based on workload patterns by hour and day in order to provide for consistently high levels of service.
- Provide for officer safety and emergency response capabilities to be maintained at all hours of the day.

⁵ The expected number deployed takes into consideration the number scheduled on any particular day and factors in net availability factors such as leave, training, etc. to develop the 'typical' scenario. This does not factor in the usage of overtime to fill positions or controls against officers taking time off, nor does it include sergeants in the counts.

- Prioritize and provide for officer quality of life by:
 - Using workday patterns that are fixed over a weekly or biweekly cycle.
 - Maximizing the number of officers that receive weekend days off.
 - Scheduling reasonable shift start and end times, particularly for night shift personnel.
- Ensure that alternative schedules are implementable and have the potential to be popular among officers, by using configurations that are analogous to schedules that are popular in other departments.

Effective schedules are able to balance these concerns, which are both qualitative and quantitative and qualitative in nature.

3. Alternative A: 10-Hour Schedule (Fixed Workdays, Adjusted Start Times)

The first alternative is a 10-hour shift in which officers work the same days each week in a four-on, three-off pattern. Such a configuration is extremely common throughout the country, given its ability to provide for overlap between shifts during high-activity periods, while also giving officers the same three days off each week. This results in a 40-hour workweek, totaling 2,080 hours per year.

In this configuration, officers are staggered across workday sets, spreading staff out as evenly as possible across the week. This avoids a critical issue in many departments' 10-hour schedules that assigns a shared overlap day where every officer is on duty. This is inherently inefficient, as any time in which an above average officers are deployed results in other times having a *below* average number of officers deployed. By doubling the officers on one specific day, this occurs in an extreme magnitude, having a noticeable effect on service levels on other days of the week.

Staggering officer workday sets to address this problem also achieves the benefit of giving officers more options and more ways to have at least one weekend day off, whereas most two-team approaches give half of officers the entire weekend and others no weekend days. However, a key weakness of the schedule that this creates is that officers are not working with the same sergeant each day they are on duty.

The following chart illustrates this schedule and the allocation of officers to each shift, with **darker-shaded cells** indicating a workday:

10-Hour Fixed Workday Schedule Configuration

Team	Start	End	Week 1							Week 2							# Officers	
			S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa		
Night	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	2145	0745	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
Day	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	0730	1730	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
Swing	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1
	1200	2200	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	1

In total, 8 officers are assigned to the night shift, 8 officers on the day shift, and 8 officers on the swing shift – the same allocation that exists currently.

The following chart shows the proactive time levels achieved by this currently by hour and weekday:

10-Hour Shift Configuration Proactive Time Performance

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am–6am	75%	78%	84%	66%	74%	75%	72%	75%
6am–10am	81%	75%	75%	72%	64%	72%	66%	73%
10am–2pm	63%	62%	52%	51%	55%	55%	57%	61%
2pm–6pm	74%	62%	55%	57%	53%	64%	64%	62%
6pm–10pm	61%	50%	47%	49%	46%	47%	49%	50%
10pm–2am	52%	53%	57%	54%	51%	49%	50%	52%
Overall	69%	64%	62%	59%	57%	61%	61%	62%

Clearly, the schedule outperforms the current schedule significantly, consistently providing for extraordinarily high levels of proactive time while still deploying sufficient officers during the night shift to maintain officer safety and emergency response capabilities:

Potential modifications to this schedule include shifting the start times of the night shift back to 2100 in order to end at 0700, allowing for the shift to facilitate a better circadian rhythm. In this scenario, the day shift would also begin at 0700. An overlap of 15 minutes on either side could also be planned for. No adjustments would be needed to the swing shift, which already has a sufficient overlap with the night shift.

4. Alternative B: 12-Hour Schedule (Pitman Configuration)

Taking a different approach, the second alternative schedule features a 12-hour shift using the popular ‘Pitman’ configuration, which uses a regularly repeating set of fixed workdays over a 2-week cycle. In this schedule, officers work a 2-on, 2-off, 3-on, 2-off, 2-on, and 3-off pattern.

The workday cycle equates to 84 hours biweekly, or 2,184 hours per year. Some departments pay all hours as regular time and specify the 84-hour biweekly work

periods in the labor agreement, thus bypassing the FLSA requirements for overtime. Others pay the time in excess of 80 biweekly hours as built-in overtime, resulting in 2,080 hours of regular time and 104 hours of scheduled overtime per year as part of the schedule.

With officers completing 7 shifts over a two-week period, the configuration allows for a high degree of simplicity to be achieved. There are just four shift teams and sets of workdays – one each for day and night shifts, working opposite sides of the week.

The following chart illustrates this, with workdays represented by **darker-shaded cells**:

12-Hour Pitman Schedule Configuration

Team	Start	End	Week 1							Week 2							# Officers
			S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa	
Day	0700	1900	■	■	■	■	■	■	■	■	■	■	■	■	■	■	7
	0700	1900	■	■	■	■	■	■	■	■	■	■	■	■	■	■	7
Night	1900	0700	■	■	■	■	■	■	■	■	■	■	■	■	■	■	5
	1900	0700	■	■	■	■	■	■	■	■	■	■	■	■	■	■	5

In the Pitman configuration, all officers get one weekend day off every week. If the workdays are often backwards by one day in the biweekly cycle shown in the chart, then all officers get both Saturday and Sunday off every other week. Virtually no other leading schedule configuration guarantees weekend days off to all officers regardless of seniority.

Another key benefit of 12-hour shift schedules is that they allow for officers for greater opportunity to work off-duty employment should they chose to. This can sometimes make transitioning away from 12-hour systems unpopular among a subset of officers once they are implemented.

The effects of the 12-hour Pitman schedule on proactive time are apparent, as shown in the following chart:

12-Hour Shift Configuration Proactive Time Performance

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am–6am	76%	78%	85%	74%	80%	81%	73%	78%
6am–10am	86%	81%	84%	80%	78%	80%	78%	81%
10am–2pm	64%	64%	63%	59%	66%	57%	66%	63%
2pm–6pm	67%	52%	54%	51%	51%	54%	59%	55%
6pm–10pm	63%	53%	61%	62%	60%	50%	51%	58%
10pm–2am	54%	54%	64%	64%	62%	56%	51%	58%
Overall	69%	64%	68%	64%	66%	63%	63%	65%

No four-hour block falls below 50%, which places the 12-hour schedule slightly ahead of the 10-hour system in terms of efficiency and effectiveness. This is aided by the 84-hour biweekly period, which raises proactive time to 65% on an overall basis.

In spite of the positive characteristics of this schedule, the primary weakness of the schedule, is readily apparent – 12 hours is a relatively long shift in law enforcement work. Issues of fatigue and sleepiness have been attributed to 12-hour shifts by various studies, although it should also be noted that studies have found these effects for 8-hour shifts as well in comparison to 10-hour configurations.

In general, 12-hour shift configurations can be more popular and potentially cause less fatigue issues when staffing levels are adequate, or particularly, above that level. This is intuitive – if officers are going call to call for 12 hours, fatigue issues mount and be exacerbated as officers are held over at the end of a shift to handle a call or write a report. However, if officers are handling on average fewer calls per shift and have more time in between handling calls for service, then 12-hour shift configurations can be more palatable.

In Ithaca, officers have a high proactive time level of 59% of available time on an overall. This indicates that staffing levels are relatively high in comparison to workload, and consequently mean that officers often have ample time in between shifts to ward off some of the negative effects of a 12-hour shift system.

Potential modifications to the shift schedule include shifting the workday cycles back a day to guarantee a full weekend every other week for all officers, as well as adjustment of start times. It is critical, however, to have the night shift return as early as possible in order to maintain adequate circadian rhythm.

5. Conclusions

The current shift schedule is highly unusual, resulting in a forward-rotating work schedule without fixed workdays, while also guaranteeing fewer hours on duty per officer than virtually any other shift configuration. The 8.25-hour shift length, in itself becoming less common as agencies shift to 10 and 12-hour systems, is particularly misaligned given the department's high proactive time levels and consequently longer time for officers on average in between handling calls for service. In a scenario where the norm is for officers to be going from stacked call to stacked call for an entire shift without break, trading a shorter shift length for fewer days off per week or non-fixed workdays might be a reasonable trade. However, with an 8.25-hour shift worked in a 4-on, 2-off rotating pattern, **given the staffing levels and service needs of Ithaca, the current schedule neither maximizes efficiency nor officer quality of life.**

The 10 and 12-hour alternatives developed for this analysis provide for a balance of both qualitative and quantitative factors, offering improvements. Both have fixed sets of workdays, meaning that officers will work the same days every weekly or biweekly period.

Despite the advantages, both schedules represent a monumental change for officers, many of whom have worked this schedule for their entire careers. Furthermore, neither schedule is without its drawbacks and weaknesses. These must be considered within the context of the issues with the current schedule, as well as the relative advantages of each options. As any change to the shift schedule must be collectively bargained, officers will decide whether it makes sense for them – both professionally, as well as in their personal lives.

Recommendation:

As part of the collective bargaining process, implement either the 10-hour fixed workday schedule or the 12-hour Pitman schedule, allocating and deploying officers as outlined in the analysis.

6. Redesign of the Patrol Beat Structure

1. Objectives in Patrol Beat Redesign

The following subsections outline the priorities used in both assessing the current beat structure, as well as creating new beat areas.

(1.1) Patrol Workload Equalization:

Workload should be equalized across all beats in order to maintain proactive capabilities and meet service level mandates.

All beats should be created to have call for service totals that are within $\pm 20\%$ of the overall average. Exceptions can be made in areas that are geographically isolated and/or have significant response time issues, such as hilly terrain or significant distances that must be covered, which require fewer calls. In these cases, a lower call for service target should be used. However, no beat should exceed $\pm 40\%$ of the average – indicating extraordinarily uneven workload – even with these exceptions in mind.

Workload equalization ensure that patrol units in each area are able to respond to calls for service in a timely manner, and that these capabilities are distributed equitably across the city.

IPD staffing provides for the potential to consistently deploy 4 officers during daytime hours, and 3 officers at night, without using high levels of overtime. Given this, a maximum of four beats can be established – the same number that exist now.

Over a five-year period from 2016-2020, the patrol staffing analysis identified 56,949 calls for service that occurred within Ithaca's city boundaries⁶. Among the four beats, this averages out to 2,847 calls per year, or 14,237 calls per beat over the entire five-year period.

To stay within the benchmark range for workload equalization of $\pm 20\%$ the average call for service total, each beat must have between 11,390 and 17,085 calls for service over five years.

⁶ This excludes any responses to incidents outside of Ithaca, as well as calls for service that could not be geolocated, though these occurred at a relatively negligible rate.

The project team geolocated the calls for service that occurred within this period and counted the number that occurred within each beat in order to measure whether workload was adequately equalized among the patrol areas.

(1.2) Neighborhood Integrity

Neighborhoods and business districts should be kept together as much as possible in order to facilitate community policing.

By designing beats around entire areas and neighborhoods – rather than through them – the patrol officers assigned to that area are better able to become familiar with the community and its issues and concerns. From the perspective of the public, this can provide for the development of trust and one point of contact for specific neighborhoods. Some departments even publicize the patrol officer assigned to the area on their website, which can further this sense of geographic responsibility and accountability for community policing.

Consider an example in another municipality where a business district, highlighted in teal could either be split between a beat or kept within one:



Differences in how these boundaries are drawn have real-world impacts in how community policing is coordinated, particularly when distinct areas have assigned points of contact within the police department.

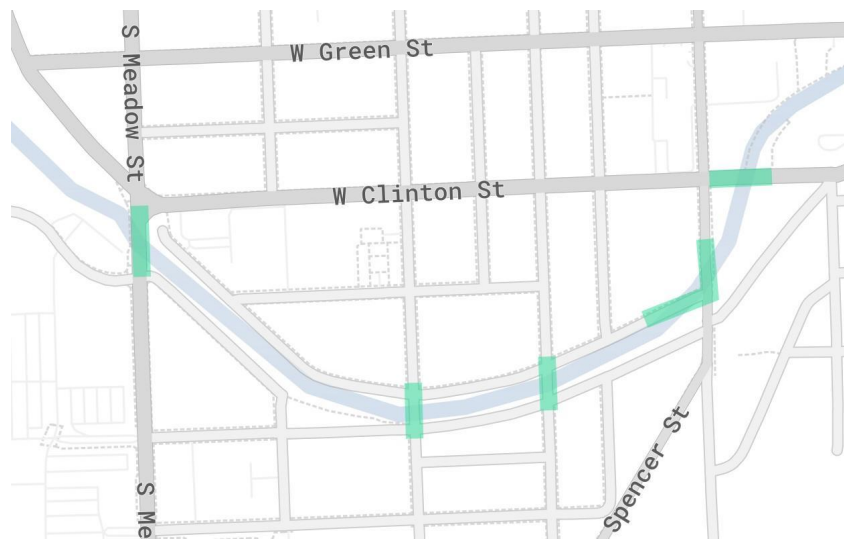
These considerations must also be balanced with call equalization and geographic barriers, although the latter is almost always congruent with neighborhood integrity. Geographic barriers – even manmade barriers such as freeways – are prominent markers that divide and form our understanding of where one community ends and another begins.

(1.3) Logical Barriers and Transportation Routes

The road and transportation network within a beat structure should facilitate timely response times.

Beats should be designed with the local road network in mind, taking into account how features such as creeks or rivers, hills, and highways with limited access impact the ability of officers to travel from one side of the beat to the other in order to respond to a call for service.

Despite its small size of around six square miles, the geography of Ithaca is shaped by its numerous features such as waterways that provide for transportation barriers. Among them, the Cayuga Inlet and several creeks run through the heart of the city, with varying degrees of access across them. Where numerous connection points exist across these features, areas can be joined together in the same beat. Where this is not possible, the transportation barrier it creates could lead to higher response times.



In Ithaca, for example, the many crossings (highlighted in green) across this part of Six Mile Creek prevent any impacts to transportation. Further upstream to the east, by contrast, there are only a few crossings across the creek.

To the contrary, the hillside on the west side of the Cornell campus has only two access points – one at the southern terminus of University Ave, and the other at the northern terminus of Lake St. Traversing west to east can take an extra minute or two as a result of this impediment.

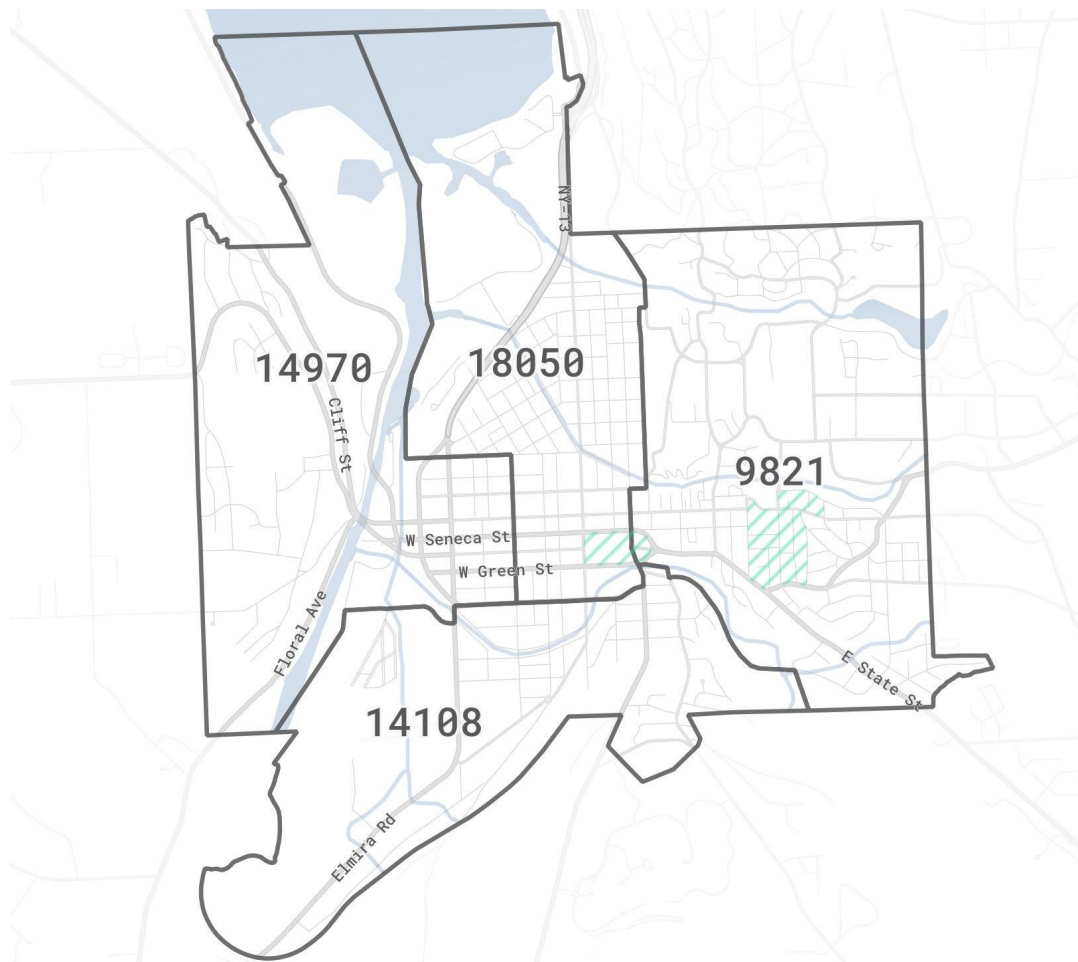
However, these considerations must also be balanced with competing priorities, such as neighborhood integrity and balance of workload. As a result, the degree to which transportation is affected must be weighed as well.

2. Assessment of the Current Beat Structure

Workload equalization the most quantifiable metric by which to evaluate how well a beat structure is able to provide the framework for community policing, by ensuring that no beats are too busy relative to others to be able to have sufficient – or at least equitable – levels of proactive time available. Calls for service over a five-year period (2016–2021) are used for the assessment, with the totals for each beat then compared against the average for all four beats.

The following map provides the five-year call for service totals by beat:

5YR Call for Service Totals by Beat (Current Beat Structure)



The hashed green areas represent officer foot beats, which overlap the car beat structure.

The four beats range from 9,821 calls (-31% below the average) to 18,050 calls (+27% above the average), with the other two remaining within around $\pm 5\%$ of the average. Compared to the benchmark established for patrol workload variation of $\pm 20\%$ from the average, beats 203 (northern) and 204 (eastern) exceed this threshold. However, no beats are more than $\pm 40\%$ of the average, which would indicate severely unequal workloads.

In other words, workload is somewhat even under the current beat structure. Officers assigned to 204 (eastern) would have a largely different day-to-day experience

compared to officers assigned to 203 (northern), assuming officers have primary responsibility for responding to calls that occur in their beat.

In terms of neighborhood integrity, a few of the principally identifiable neighborhoods include Downtown Ithaca – particularly its core, but also extending along State Street –the Cornell University campus, Collegetown, and the box store commercial district surrounding Elmira Rd that includes a Walmart Supercenter. Other neighborhoods include the industrial area along the Cayuga Inlet, the upsloping residential neighborhoods west of the inlet, and the single-family home neighborhoods north of Downtown.

For the most part, the current beat structure is able to keep each of these neighborhoods together. There are some exceptions, however.

In the greater Downtown area, a few blocks of what would generally be considered to be part of the same district are split from 203 (the downtown/northern beat) into 202 (western beat) and 204 (eastern beat), as shown in the following map:



- 1) On the western border, the area along State Street continues into another beat, separating those blocks from the main beat covering the State Street corridor.
- 2) The block between N Aurora St and E State St immediately east of the boundary contains several restaurants and bars that would be considered part of the Downtown area from the public's perspective.

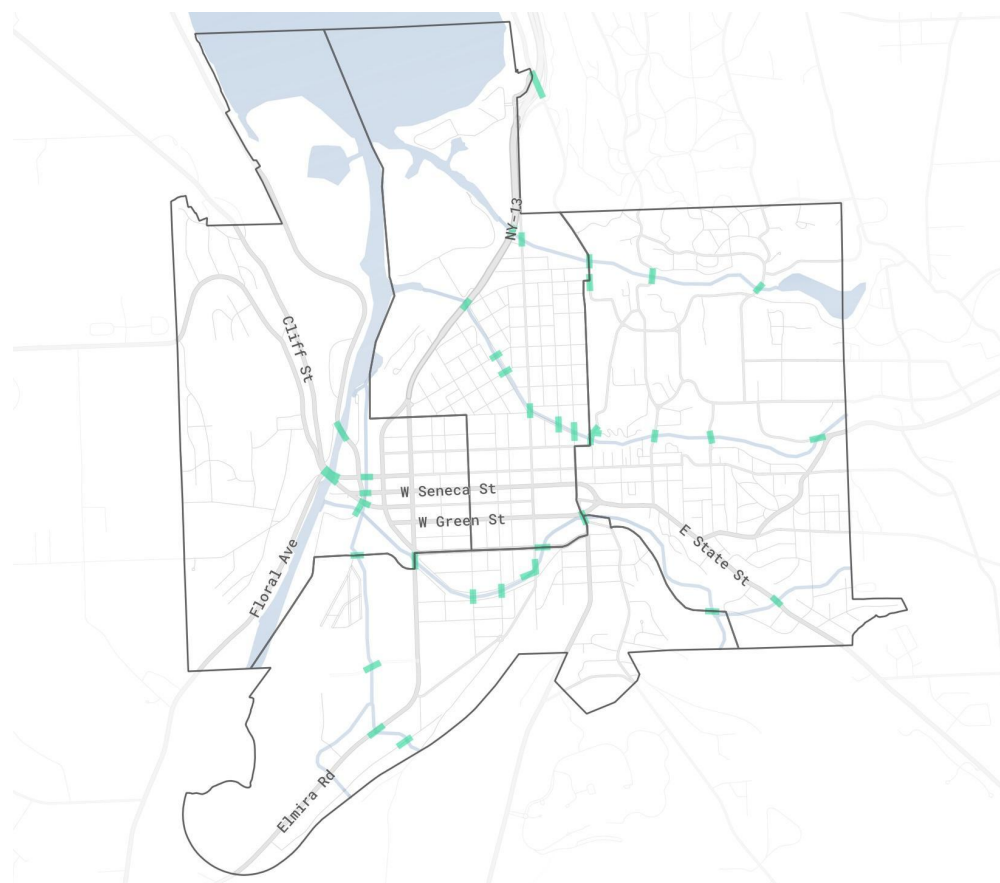
For the most part, however, the current beat structure does an effective job of aligning communities and business districts to beat boundaries.

As discussed earlier, the issue of transportation routes and logical barriers is complex in that it depends greatly on the context of the surrounding transportation network. A river

or creek can be a significant impediment if there are no routes across it for an extended area of its course, but these issues are mitigated and even eliminated if numerous bridges exist crossing it.

The following map provides the road network and waterways of Ithaca with beat boundaries overlaid on top, and bridge crossings highlighted in green:

Transportation Barriers and Waterway Crossings (Current Beat Structure)



It is evident that barriers are well accounted for in the current beat boundaries. One example is the stretch of the creek in the SW quadrant of Ithaca, just SW of E State St label on the map, which has no crossings for almost a mile. The boundary between the two beats is approximately along the river, ensuring that cross-waterway travel is not needed to respond to calls within the same beat.

The following table summarizes the findings made in this assessment of the current beat structure against the criteria established previously:

Current Beat Structure Findings

Category	Rating	Description
Workload Equalization	B-	Moderate workload inequality is an issue in 2 of 4 beats, creating differences in the ability to conduct community policing.
Neighborhood Integrity	A-	Major neighborhoods kept together with only minor exclusions.
Logical Barriers and Transportation	A	

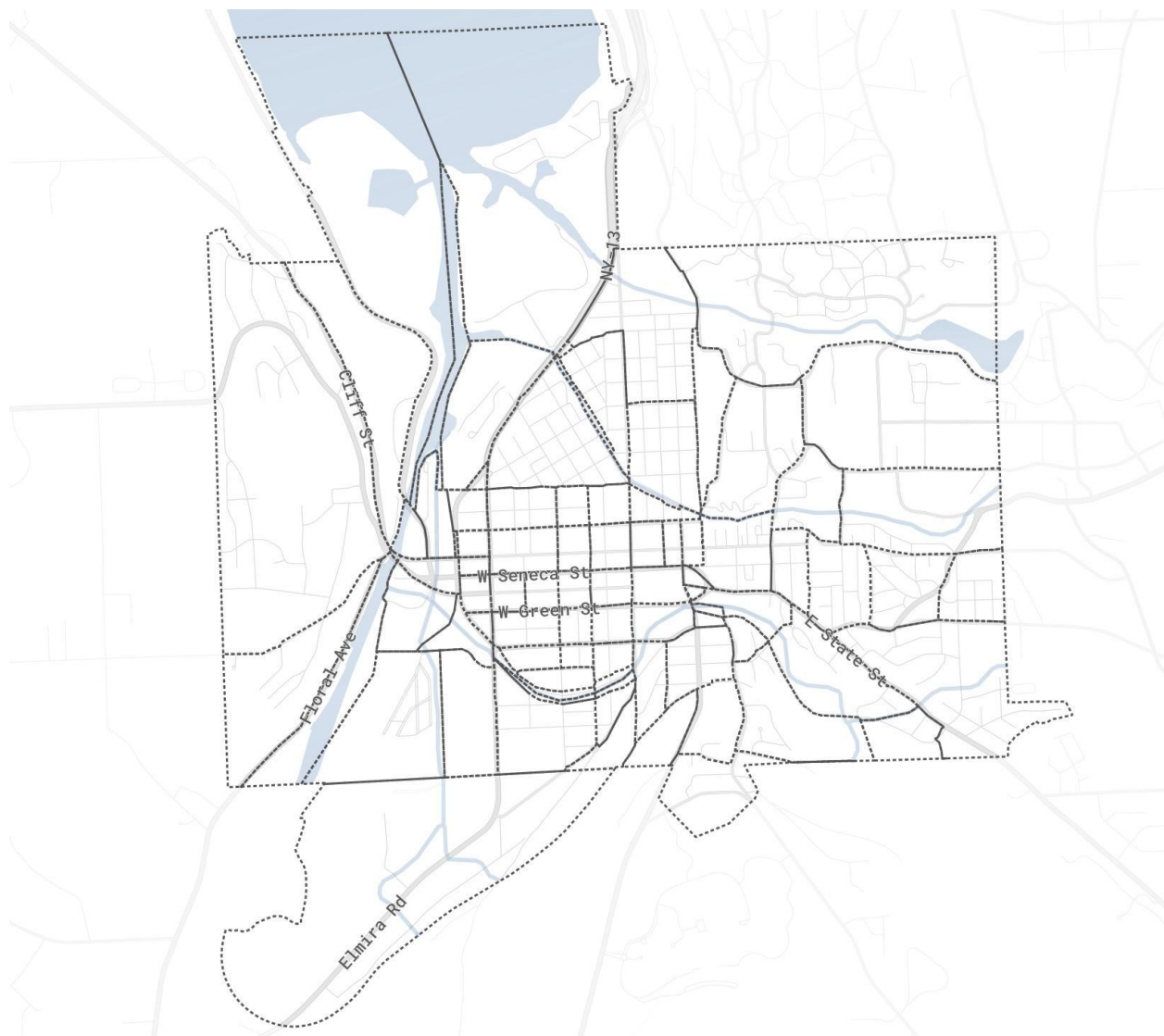
In short, there are no major issues with the current beat structure. The issue of call inequality between beats 203 (Downtown/northern) and 204 (eastern) is tempered by being somewhat moderate in severity, as well as the context of the geographic and transportation barriers that run through and around the area. However, improvements can be made to the beat structure to address call workload inequalities.

3. Redevelopment of the Beat Structure

To accomplish the objective of addressing the current call inequalities within the current structure, the project team undertook a restructuring of its beat boundaries. To accomplish this in a manner that keeps communities together and is cognizant of where concentrations of calls exist, this process must begin with an entirely clean slate.

The project team started with a shapefile layer of U.S. Census blocks – the smallest level of geography available – and combined these to form cluster areas. The resulting cluster areas, which number around 90, each represent a portion of either a neighborhood, line at a geographic barrier such as a waterway, or a notable concentration of calls for service. Within each of these areas, calls for service were totaled over the entire five-year period used in the data analysis.

Initial Cluster Areas Used to Redraw Beat Boundaries



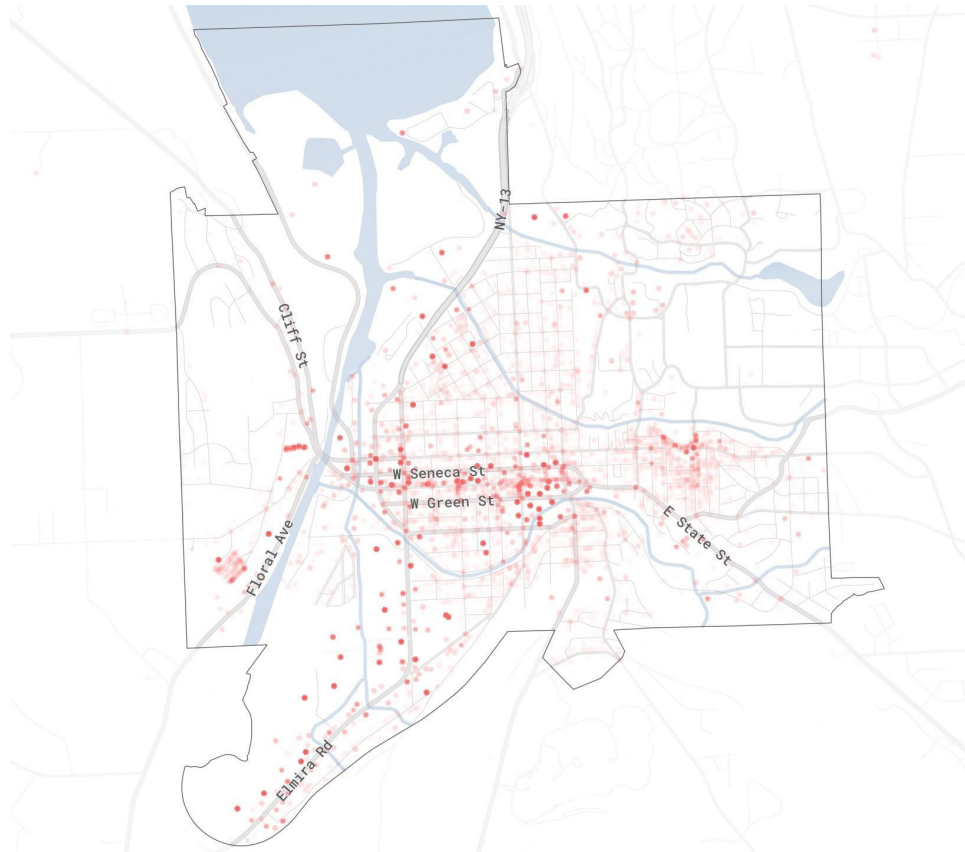
The approximately 90 clusters represent a portion of a larger area, a section of a neighborhood, a cluster of calls, or a geographical barrier (e.g., the Cayuga Inlet).

The clusters are not weighted equally in terms of calls, given the different purposes that the different types of clusters service.

To better illustrate this in the beat redesign process, these numbers are shown visually. For mapping purposes, however, a better illustration can be shown by a point overlay map, which shows each call for service as semi-transparent dots. As more calls occur at the same location or area, the overlapping points become more opaque and visible.

Given that redrawing boundaries requires notice of specific hotspots rather than more generalized areas, this approach avoids some limitations of heat maps. The following map presents this analysis:

5YR Call for Service Concentrations



Clearly, the State Street corridor is a significant area of calls based on this map. And additionally, while the commercial district along Elmira Road may not seem like a concentration, because the addresses are mostly large stores such as a Walmart Supercenter, each of those points can represent hundreds to well over one thousand calls for service.

The clusters are merged together in a continuous process until several areas of focus emerge, which later form the redesigned beats.

The 'mega-clusters' that are formed from combining the smaller clusters represent the major areas and concentrations of calls – the Downtown core, Cornell and Collegetown, the commercial district around Elmira Rd, everything west of the Cayuga Inlet, and so

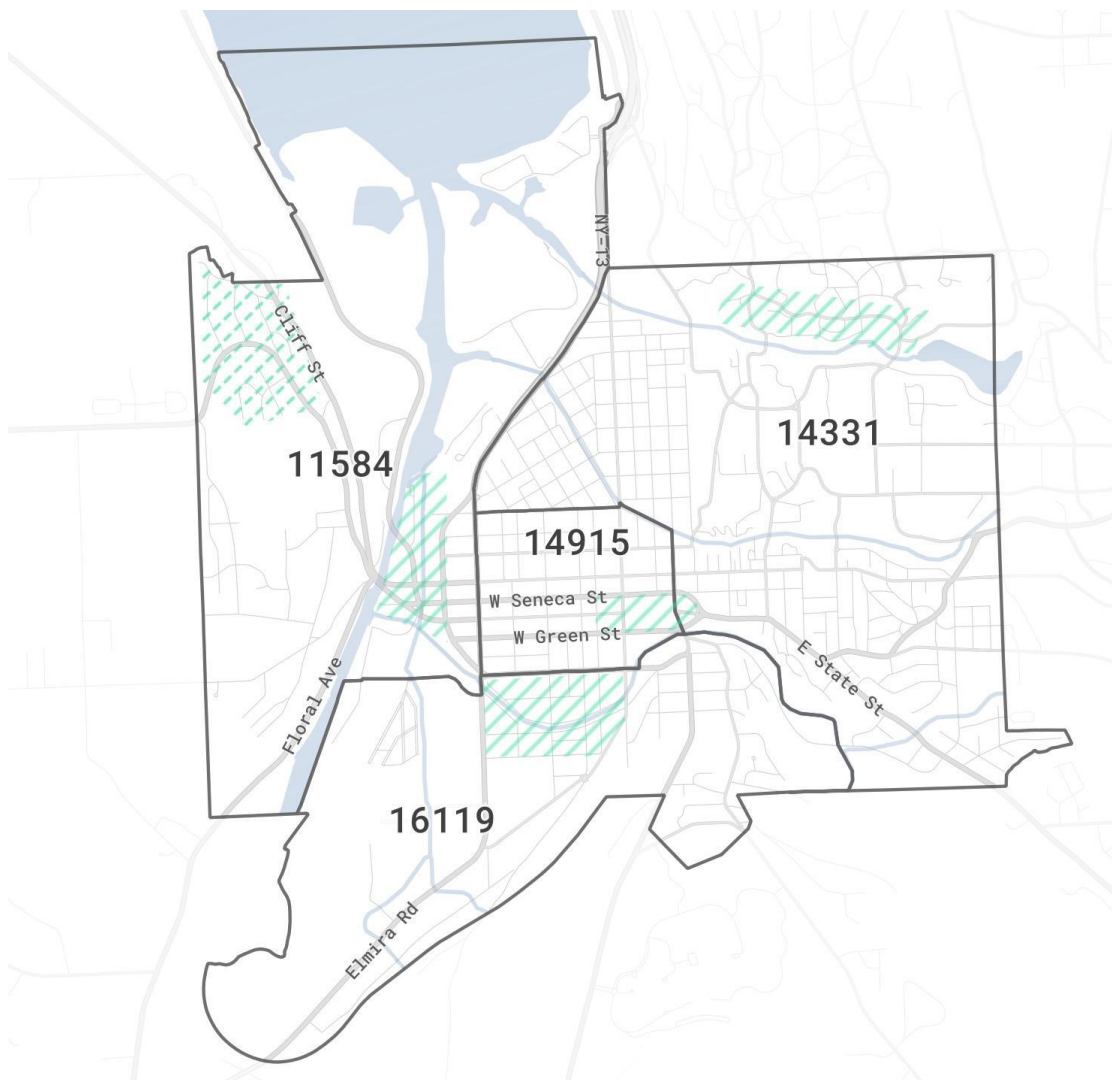
forth. Each of these are guaranteed to be joined within the same beat later in the analysis, and their call totals are recalculated.

Between each of the areas are buffers comprised of unmerged cluster areas, which are then gradually joined to the larger areas to reach equalized workload and to finetune the boundaries. Edits are made in order to ensure that neighborhoods are kept together and geographic barriers are consistent. If needed, travel time estimates from point to point are developed based on the road networks in order to ensure that in-beat travel is kept generally under 8-10 minutes without requiring lights and sirens under normal traffic circumstances.

Input was sought from the community on where walking beats would be desired. These have been incorporated into the alternative beat structure, which include additional walking beats compared to the current configuration.

The following map provides the results of this analysis, displaying the total calls for service over the past five years in the redesigned beat structure:

Redesigned Beat Structure: Boundaries and 5YR Call for Service Totals



The hashed green areas represent the community-defined officer walking beats, which overlap the car beat structure. One of these, represented with dotted lines, is a secondary/optional walking beat area.

All four beats have call for service totals that are within 20% of the average, accomplishing the goal of equalizing workload while keeping neighborhoods together. Geographic barriers are also accounted for, within the context of available road networks. Nonetheless, trade-offs are inherently part of this process. For instance, a compromise may need to be made in equalization of calls in order to keep travel times

to a minimum, as well as vice versa. In these circumstances however, the magnitude of any issues caused by these decisions are kept within tolerable limits.

The alternative beat structure should be reviewed and revised in consultation with the community and the police department, including line-level patrol officers who ultimately have the greatest day-to-day stake in the new geographic deployment structure.

The draft patrol beat structure can be downloaded electronically as a shapefile (.shp) for use in GIS applications such as ArcGIS or QGIS using the following Drive link:

<https://drive.google.com/file/d/1fEs-JiAYS1GOsxmiQR8nkXlp2aZnrhn-/view?usp=sharing>

The beat structure can also be viewed as an interactive map at the following Google Maps link:

https://www.google.com/maps/d/u/1/edit?mid=1iDD-a-INVbdCYgJUvwSOsFnDA9W9k_I0&usp=sharing

Recommendation:

After a process of review and revision in consultation with the Ithaca Police Department and the community, adopt the alternative patrol beat structure in order to equalize workload and better facilitate community policing.

APPENDIX D:

NEW YORK STATE BASIC COURSE FOR POLICE OFFICERS TRAINING CURRICULUM

New York State Division of Criminal Justice Services
BASIC COURSE FOR POLICE OFFICERS – CURRICULUM CHECKLIST
MPTC Approved 9/4/2019 – Effective Date 01/01/2020

4-M. Firearms Training - Must be a certified Firearms Instructor.	40	
4-N. Supervised Field Training Review and Orientation	160	
4-O. Traffic Direction and Control	2	
4-Q. DWI Detection and Standardized Field Sobriety Testing - Must be a certified DWI and SFST Instructor	21	
4-R. Physical Evidence Eff. 9/1/19: Consolidated with new 4-A.	42	Consolidated w/ 4-A
4-S. Off Duty and Plain Clothes Police Encounters	4	
4-T. Active Shooter - Must be a certified Firearms, Defensive Tactics OR Reality Based Training Instructor.	16	
4-U. Aerosol Subject Restraint - Must be a certified Chemical Agents Instructor. OR - Instructor must be take Aerosol Subject Restraint Instructor Course.	6	
4-V. Professional Communications	8	
4-W. Decision Making	8	
Part 4 Total	455	
Part 5 - Community Interaction		
5-A. Intoxication	1	
5-B. Community Resources - Victim/Witness Services	3	
5-C. Elder Abuse	2	
5-D. Cultural Diversity/Bias Related Incidents and Sexual Harassment	5	
5-E. Persons with Disabilities	6	
5-F. Crime Control Strategies *NEW Eff. 1/1/20* Replaced: Community Oriented Policing and Problem Solving - Media Relations	2	
5-G. Crime Prevention	2	
Part 5 Total	21	
Part 6 - Mass Casualties and Major Events		
6-A. Standardized Response Plans for Unusual Events - May replace with online courses ICS-100 and IS-700.a	8	
6-B. Behavioral Observation and Suspicious Activity Recognition	7	
6-C. The Nature and Control of Civil Disorder	3	
Part 6 Total	18	
Part 7 - Investigations		
7-A. Domestic Violence - Must be a certified Domestic Violence Instructor	14	
7-B. Organized Crime Familiarization/Enterprise Corruption Eff. 9/1/19: Removed.	2	Removed
7-C. Preliminary Investigation and Information Development Eff. 9/1/19: Consolidated with new 4-A.	2	Consolidated w/ 4-A
7-D. Interviewing Techniques Eff. 9/1/19: Consolidated with new 4-A.	5	Consolidated w/ 4-A
7-E. Common Criminal Investigation Techniques (Larceny, Robbery, Auto Theft, Arson, Burglary, Electronic Media) Eff. 9/1/19: Consolidated with new 4-A.	40	Consolidated w/ 4-A
7-F. Basic Crash Management and Reporting - Instructor must take Basic AND Intermediate Crash Management Courses OR document 70+ hours of formal training.	14	
7-G. Injury and Death Cases	3	
7-H. Sex Crimes	2	
7-I. Narcotics and Dangerous Drugs	3	
7-J. Missing and Abducted Children - Missing Adult Cases	3	
7-K. Animal Abuse Cases	2	
7-L. Contemporary Police Problems Eff. 9/1/19: Removed.	4	Removed
7-M. Human Trafficking	2	
Part 7 Total	43	
Part 8 – Reality Based Training		
8-A. Reality Based Training - Must be a certified Reality Based Training Instructor.	Varies	

APPENDIX E:

ITHACA POLICE DEPARTMENT TRAINING TOPICS

Ithaca Police Department Training Topics

Annual Training Minimums:

There are NO annual training minimums required by the State of New York. Training is conducted to increase officer's abilities, lesson agency and municipal liability, and stay updated on evolving topics or agency needs. Training may be required by individual companies who provide equipment that we use (example: Taser.)

The items listed below are representative of our minimums.

Spring Firearms

- Topics include marksmanship, weapons handling, priority of life and cover concealment usage, Legal updates, Use of Force refreshers, medical aid for gunshot wounds (suspect aid, officer aid ect.), Tourniquets, quick clot gauze. Tactics related to firearms. Department qualifications and minimum acceptable standards to successfully complete.

Taser Recert/ Updates

- Yearly updates from Taser on device usage, considerations, safety processes, aid to those who the device is used on.

Defensive Tactics

- Review of procedures and practice of techniques and principles. Introduction of newly adopted methods from DCJS updates. Use of Force refreshers, De Escalation techniques, Handcuffing, OC Spray, Baton Usage. Competency Checks.

Fall Firearms

- Topics include all of the above from Spring Firearms but also focus on low light conditions. Data shows that the majority of OIS occur in low light conditions and therefor training in colder weather and in the dark is data driven and valuable. Patrol Rifle

Reality Based Training

- Officers are exposed to a series of realistic scenarios each designed to specifically train and/or test their abilities. These training topics are adopted each year by a panel of instructors and include topics of local value, topics related to national incidents, topics that may need updating. We partner with local agencies and experts to build and conduct scenarios as often as possible. For example, we worked with TC Mental Health on a suicidal subject scenario this spring and TCMH was on site to evaluate and provide feedback on officer's performance.
- Examples of recent topics include but are not limited to:
 - o Suicidal Subjects
 - o Welfare Checks
 - o Narcan Usage
 - o Fentanyl Exposures

- Domestic Disputes
- Mental Health Related Calls for service
- Low Light operations
- Verbal De Escalation
- Rendering Medical Aid
- Traffic Stops
- Officer Rescue
- Ambushed Officers
- Emergency Vehicle Operations
- Active Killer/Shooter Response
- Search and Seizure Scenarios

Additional In Service Training

- These training topics vary from year to year and are selected based on local items of importance, national trends, changes in laws or tactics, and department needs.
- These may include entire multi day training all the way to Body worn camera review of incidents with lead discussions follow ups.
- This year's topics are:
 - Persons in Crisis
 - Search and Seizure
 - Domestic Violence Law
 - Basic Crash Investigation
 - Excited Delirium
 - Evidence Collection and Preservation
 - Juvenile Refresher (Coordinated with Suzi Cook from TC Probation)
 - Trans Mindfulness
 - De Escalation
 - Law Enforcement Assisted Diversion
 - Principle Based Policing

Instructor Development

- Maintaining a progressive and updated capable instructor cadre is vital to a program's success. It is the goal of the IPD to ensure that all instructors, in every topic area receive either in house Instructor training or are sent to an off-site program or course to update their skills, learn new methods or discover new areas of need within the Department to focus on.
- We hosted other agencies (to include our own) and delivered NYS Firearms Instructor School
- We have some of the best respected LE Instructors in New York State. Lt Jake Young and I co Created the NYS 5 day Reality Based Training Instructor Course and are considered Subject Matter Experts in the field. Lt Young also just completed revamping NYS Firearms Instructor Course as a Subject Matter Expert in that field.

Outside Training

- Trainings attended off site this year include:

- Supervisor School (New Sergeants)
- High Impact Leadership
- Peer Support and Mentoring in Law Enforcement
- NYS Human Trafficking Awareness
- Advanced Internal Investigations Course
- Initial Response Strategies for Missing Children
- Read Recognize Respond
- Legally Justified, but was it Avoidable
- Accreditation Program Manager
- Material Creation and Program Implementation
- De Escalation, Intervention and Force Mitigation
- Instructor Development Course
- Master Instructor Course work
- AMBER Alert Best Practices
- Course Director Orientation
- Explosive Detection K9 Handler Panel
- Advanced Assisting Individuals in Crisis
- Progressive Force Concepts Instructor Development
- DCJS Missing Persons
- Child Homicide Investigations
- Force Science Body Worn Camera Course
- National Criminal Justice Training Center De Escalation Training
- Property and Evidence Room Management
- Deceptive Behaviors Hidden Compartments Training
- New York Tactical Officers Association Conference
- Performance Pistol and Carbine Course
- Assisting Individuals in Crisis
- Crisis Intervention Team Training
- New York State Homicide Seminar
- National Association of Black Law Enforcement Officers Conference
- Law Enforcement Training Directors Conference
- DNA and Genetics Training
- Use of Force Summit (Daigle Law Group)
- Taser Instructor Recertification
- Sequential Mapping Exercise (Mental Health and Law Enforcement Collaboration)

Academy Training

- Ideally we would deliver and run our own Police Academy but unfortunately we do not have the resources. We currently possess an instructor in all the basic topic areas, but the logistics of staffing the necessary units simultaneously managing an academy are more than we can currently accomplish with our staffing.
- The two attachments include the DCJS Basic Academy Curriculum.
 - It's important to understand THESE ARE THE MINIMUMS
 - WE UTILIZE THE Broome Academy and the Syracuse Academy. I've attached a copy of the Broome Academy's Curriculum Content Form. You

will see that they go way beyond the minimums and add many topics that are important that do not appear on DCJS basic minimums. I do not have Syracuse's form but know that they as well go well beyond state minimums.



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Public Safety Ithaca &
Tompkins
County, N.Y.



Center For
POLICING EQUITY



CONSENT CALENDAR

DATE: Nov. 9, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Mayor Jesse Arreguín (Co-sponsor), Councilmember Harrison (Co-sponsor), Councilmember Hahn (Co-sponsor)

Subject: Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of Berkeley.

RECOMMENDATION

Adopt a resolution recognizing housing as a human right; refer to the City Manager's office several measures to begin developing social housing in the City of Berkeley.

Measures shall include, but not be limited to:

1. Study and report to council on development potential, including density bonuses, for mixed-income housing development starting with the city-owned parcels at 1011 University Ave, and seek information through an RFI or other process on the potential for cross-subsidized limited-equity leasehold and rental models or other social housing development models;
2. Study and return to council a report and, if feasible, a proposal for a Reparative Justice Revolving Loan Fund with affirmative racial justice and anti-displacement goals in coordination with the city's Small Sites Program, including, but not limited to:
 - a. Providing low-interest loans for tenants, nonprofits, limited-equity co-operatives, and community land trusts to acquire real property; support Low Income Housing Tax Credit (LIHTC) funding; develop and/or maintain mixed-income and permanently affordable housing;
 - b. Funding a Local Operating Subsidies Program to provide permanently affordable housing for Very Low and Extremely Low Income households;
 - c. Leveraging local funds with state and regional partnerships through the Bay Area Housing Finance Agency (BAHFA) with the Association of Bay Area Governments (ABAG), Berkeley Housing Authority, Berkeley Unified School District (BUSD) and BART;
 - d. Consider best practices from other agencies and other partnership opportunities;
3. Refer to the budget process up to \$300,000 for one or more consultants to study potential social housing models for the City of Berkeley;

4. Establish a publicly available, user-friendly data dashboard potentially using third-party data visualization tools for monitoring Housing Justice Indicators in the city including, but not limited to:
 - a. State certification of city's Housing Element and progress toward RHNA goals for each income tier in annual Housing Pipeline Reports;
 - b. Housing Element compliance with Affirmatively Furthering Fair Housing (AFFH) rule pursuant to California Government Code Section 65583 and Chapter 15, Section 8899.50 of Division 1 of Title 2, presented with, at a minimum:
 - Citywide and regional affordability as defined by median rents and home prices as share of one-third of the City of Berkeley and Alameda County's median household income in most recent American Community Survey data;
 - Local funding and open BMR housing application slots available to meet housing needs of Moderate, Low-, Very Low-, and Extremely Low-Income households;
 - Anti-displacement metrics using UC Berkeley Displacement Project data and tracking successful applications to affordable housing units in the city using Local Preference policy;
 - Geographic considerations including historic redlining and segregation; Sensitive Communities and High Displacement Risk Areas identified in the 2019 CASA Compact by the Metropolitan Transportation Commission (MTC); and access to economic opportunity as measured by State of California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps;
 - Any other considerations relevant to AFFH compliance and reparative housing justice.

POLICY COMMITTEE RECOMMENDATION

On June 17, 2021 the Land Use, Housing & Economic Development policy committee took the following action: M/S/C (Hahn/Robinson) Qualified positive recommendation that Council approve the item with amendments formally discussed at the meeting and as follows: 1. Including a budget referral of up to \$300,000 and clarifying that the allocation may include one or more consultants; 2. Amending the staff report to remove the portion under "Rationale for Recommendation" beginning with "In Hawaii, Sen. Chang has opted for a more direct route..." and encompassing footnotes 48, 49, and 50; and 3. Amending the Resolution to include record of the "attendant freedoms and entitlements as enumerated by the United Nations"; removing the portion of the Resolution incorporating a referral to the City Manager; and making typographical changes to the Resolution as agreed to by the Author.

BACKGROUND

A Human Right to Housing vs. Property Rights

International law has recognized a right to adequate housing since the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights, establishing freedoms and entitlements that include security of tenure, privacy, affordability, freedom of movement and non-discriminatory access.¹ By definition, the City of Berkeley has not affirmed this right for at least 1,000 homeless residents, with 813 unsheltered according to the 2019 Homeless Point-in-Time Count in Alameda County.² To obtain secure homeownership, the city's December 2020 median home price of \$1.39 million would require an income over three times as high as Berkeley's 2018 median household income of \$80,000.³ Meanwhile, the state of California leads the nation in its share of the homeless population⁴; over half the state's renters and a third of its homeowners are excessively cost-burdened, paying over 30% of their income for housing; and more than two-thirds of Californians facing excessive housing costs are people of color.⁵ According to the California Budget & Policy Center, "Poor housing quality, living in a low-income neighborhood, overcrowding, moving frequently, and homelessness are all associated with adverse health outcomes."⁶

Housing is financialized to an extreme degree that is incompatible with material needs of the general population. Public policy in California and the United States privileges legal rights to financial asset appreciation over a right to humane living standards in sanitary and secure housing.

In urban areas throughout the world, other nations with lower rates of homelessness and housing insecurity provide adequate housing for their citizens through various policies that address housing as public infrastructure. Housing systems are administered in varying degrees of "decommodification,"⁷ ensuring a minimum standard of living through the welfare state above what individuals can obtain through the private market. Different governments approach decommodification of housing to some degree through strategies for subsidizing the supply channel by providing low-

¹ Office of the United Nations High Commissioner for Human Rights. (2009). *Fact Sheet No. 21: The Right to Adequate Housing*. (Rev. 1). United Nations: Geneva. Retrieved from https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf

² https://everyonehome.org/wp-content/uploads/2019/07/ExecutiveSummary_Alameda2019-1.pdf

³ <https://www.zillow.com/berkeley-ca/home-values/>

⁴ Passy, J. (2019). Nearly half of the U.S.'s homeless population live in one state: California. *MarketWatch*. Retrieved from <https://www.marketwatch.com/story/this-state-is-home-to-nearly-half-of-all-people-living-on-the-streets-in-the-us-2019-09-18#>

⁵ Kimberlin, S. (2017). Californians in All Parts of the State Pay More Than They Can Afford for Housing. *California Budget & Policy Center*. Retrieved from <https://calbudgetcenter.org/resources/californians-parts-state-pay-can-afford-housing/>

⁶ Ramos-Yamamoto, A. (2019). Advancing Health Equity: How State Policymakers Can Increase Opportunities for All Californians to Be Healthy. *California Budget & Policy Center*. Retrieved from <https://calbudgetcenter.org/blog/advancing-health-equity-how-state-policymakers-can-increase-opportunities-for-all-californians-to-be-healthy/>

⁷ Esping-Andersen, G. (1990). *The Three Worlds of Welfare Capitalism*. Princeton, NJ: Princeton University Press. p. 21-23.

cost housing, or the demand channel by supporting consumer purchasing power. Socialization of land rents also emerges as a key strategy for maintaining equitable housing security outcomes in response to sudden exogenous shocks (e.g. supply shocks from natural disasters or demand shocks from public health measures suppressing consumption).

In two case studies, the cities of Vienna and Singapore own and operate public housing development corporations that retain some amount of land title in the common trust in order to stabilize the housing market—either by restricting ownership to leases, or encouraging low-cost rentals and developing on public land holdings. Both also retain a “reserve supply” of land and/or development rights to stabilize housing affordability through recessionary demand shocks. These cities are able to provide housing to any citizen at an affordable cost regardless of their income, effectively reinvesting revenues from higher-income households to subsidize housing for lower incomes. In Tokyo, while housing is more commodified, Japanese federal land-use policy treats housing essentially as a non-durable consumer good, prioritizing its utility as shelter over its potential as a speculative asset.⁸

Vienna and Singapore rank 1st and 25th on the 2019 Mercer Quality of life ranking, respectively, above any city in the United States. Vienna has held the top position for the past ten years.⁹

The United States has tended toward the extreme opposite end in the spectrum of housing commodification. Modern economic policy and property rights have treated housing primarily as means to a guarantee for growing financial asset wealth and enforce a white supremacist caste system.

Subsidies for both supply and demand channels have been historically insufficient while support for American asset wealth primarily in white communities has been more robust and resilient. This has widened the racial wealth gap between white and Black households, and ultimately proved incompatible with universal housing security.

The Great Recession of 2008 effected an abjectly cruel transfer of wealth from lower-income Black homeowners¹⁰ targeted with predatory subprime loans to private equity firms¹¹ buying up large portfolios of “distressed” properties before the economy recovered. This longstanding pattern of usury and community displacement further

⁸ Karlinsky, S. et al. (2020). From Copenhagen to Tokyo: Learning from International Housing Delivery Systems. *SPUR Regional Strategy Briefing Paper*. Retrieved from <https://www.spur.org/publications/white-paper/2020-08-06/copenhagen-tokyo>.

⁹ Mercer. (2019). Quality of life city ranking. Retrieved from <https://mobilityexchange.mercer.com/insights/quality-of-living-rankings>

¹⁰ White, G.B. (2015). The Recession’s Racial Slant. *The Atlantic*. Retrieved from <https://www.theatlantic.com/business/archive/2015/06/black-recession-housing-race/396725/>

¹¹ Warren, E. & Fife, C. (2020). Families see a looming catastrophe. Private equity firms see dollar signs. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/opinions/2020/08/06/nation-is-facing-housing-crisis-private-equity-firms-just-see-dollar-signs/>

has further excluded people of color from the fruits of economic recovery and deepens the racial wealth gap. We risk repeating this process in the current COVID-19 depression, as renters and low-income homeowners face an unprecedented homelessness crisis due to job losses during the pandemic, while relatively affluent cities like Berkeley see median home prices continue to rise.

Local, state and federal governments alike have made routine practice of devaluing or outright destroying black asset wealth for the benefit of more affluent, exclusively white communities, most visibly through usurious redlining and destructive “urban renewal.”¹² Fundamentally, the government has devoted more resources in absolute terms to protecting the right to capital gains of property owners, at the expense of adequate housing and any right to basic living standards for Black people. After a brief wartime period in which public housing was conceived to sustain middle-class households U.S. public housing developments in the mid-20th century were notoriously racially segregated poverty traps located far from public services and economic opportunity, starved of operational funds and “destined to fail.”¹³

The inequities of our current housing crisis are rooted in histories of Jim Crow segregation, mortgage guarantees of the New Deal era, and deflationary policy of the late 1970s. Where neighborhoods were once segregated explicitly by racial covenants and *de jure* statutes, government mortgage guarantees sublimated this segregation into self-reinforcing actuarial assessments promulgated by the Home Owners Loan Corporation (HOLC) and Federal Housing Administration (FHA), established under President Franklin Roosevelt. This practice known as “redlining” infamously denied mortgage credit to primarily Black and Latinx neighborhoods throughout the country, giving more affluent white neighborhoods exclusive access to risk-free mortgage credit while trapping communities of color in poverty. According to UC Berkeley’s Urban Displacement Project, neighborhoods that were once redlined are now at greater risk of gentrification and displacement.¹⁴

The United States and other anglophone countries further commodified housing in order to provide welfare through asset ownership to compensate for stagnation in real purchasing power.¹⁵ In response to high inflation of the 1970s, the Federal Reserve drastically raised interest rates beginning in 1978, triggering a period of deflation that boosted asset prices while suppressing real wages and economic growth. With accompanying deregulation of the financial sector, housing became “financialized” as a special asset class attracting a rush of speculative capital, because it retained the imprimatur of government mortgage guarantees while enjoying fewer capital controls,

¹² Baradaran, M. (2017). *The Color of Money: Black Banks and the Racial Wealth Gap*. Cambridge, MA: Harvard University Press. p. 141.

¹³ Perry-Brown, N. (2020). *How public housing was destined to fail*. Greater Greater Washington. Retrieved from <https://ggwash.org/view/78164/how-public-housing-was-destined-to-fail>

¹⁴ The Legacy of Redlining. (2018). Retrieved from <https://www.urbandisplacement.org/redlining>

¹⁵ Adkins, L. et al. (2019). Class in the 21st century: Asset inflation and the new logic of inequality. *Environment and Planning A: Economy and Space*. doi.org/10.1177/0308518X19873673

practically guaranteeing that household asset wealth would outpace low inflation and stagnating wages.¹⁶ A growing body of research strongly suggests that financialization of housing has intensified business cycle volatility and deepened periodic recessions, as “consumption became more correlated with housing wealth.”¹⁷

In California, voters passed Proposition 13 in 1978, further entrenching wealth inequality with constitutional caps on property tax rates and assessments. Data from 2016 shows that property owners in the state’s wealthiest municipalities such as Palo Alto and Beverly Hills enjoy some of the lowest effective property tax rates, while lower-income inland cities such as Beaumont, Lancaster and Palmdale pay the highest.¹⁸ According to a 2020 study by the Urban Institute, the current property tax system and the lack of “split-roll” assessment also incentivizes underutilization of commercial property and may suppress housing supply.¹⁹

Berkeley pioneered other methods of guaranteeing housing price inflation: single-family zoning was first established in the Elmwood and Claremont neighborhoods to sustain real estate values and exclude racial minorities. The Mason-McDuffie Company developed residential neighborhoods in Berkeley with racial covenants in property deeds preventing lease or sale to anyone of “African or Mongolian descent,” and lobbied for restrictive zoning in 1916 to protect against “disastrous effects of uncontrolled development”²⁰—the implied “disastrous effects” being stable prices and an influx of Black and Chinese residents.

Restrictive zoning reduces multifamily development, constrains supply and enforces a high price floor on dwelling units in high-cost land²¹. A 2015 study by the nonpartisan Legislative Analyst Office found that growth control policies increased home prices by 3-5%.²² Correspondingly, emerging research from UC Berkeley finds evidence that new market-rate development in San Francisco lowered rents by 2% on parcels within

¹⁶ Feygin, Y. (2021). The Deflationary Bloc. *Phenomenal World*. Retrieved from <https://phenomenalworld.org/analysis/deflation-inflation>.

¹⁷ Ryan-Collins, J., et al. (2017). *Rethinking the Economics of Land and Housing*. London, UK: New Economics Foundation.

¹⁸ McLaughlin, R. (2016). Prop 13: Winners and Losers from America’s Legendary Property Tax Revolt. *Trulia*. Retrieved from <https://www.trulia.com/research/prop-13/>

¹⁹ Greene, S. et al. (2020). Housing and Land-Use Implications of Split-Roll Property Tax Reform in California. *Urban Institute*. Retrieved from https://www.urban.org/sites/default/files/publication/102883/housing-and-land-use-implications-of-split-roll-property-tax-reform-in-ca_1.pdf

²⁰ Lory, Maya Tulip. (2013). A History of Racial Segregation, 1878–1960. *The Concord Review*. Retrieved from <http://www.schoolinfosystem.org/pdf/2014/06/04SegregationinCA24-2.pdf>

²¹ Murray, C. & Schuetz, J. (2019). Is California’s Apartment Market Broken? The Relationship Between Zoning, Rents, and Multifamily Development. *UC Berkeley Turner Center for Housing Innovation*. (2019).

²² Legislative Analyst Office. (2015). California’s High Housing Costs: Causes and Consequences. Retrieved from <https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf>

100 meters and reduced displacement risk for renters in that area by 17%,²³ while a 2016 study by UC Berkeley's Urban Displacement Project found that affordable housing has double the effect of mitigating displacement as market-rate housing.²⁴ According to a 2001 study on homelessness in California, "rather modest improvements in the affordability of rental housing or its availability can substantially reduce the incidence of homelessness in the United States."²⁵

Exclusionary zoning effectively limits where and to what extent these effects can occur, maintaining the spatial segregation of redlining after the latter practice was outlawed by the 1968 Fair Housing Act. In a study of 197 metropolitan areas in the United States, UC Merced political scientist Jessica Trounstein has found that restrictive land use policies predicted sustained racial segregation in cities between 1970 and 2006, while larger, sustained white minorities were predictive of cities' resistance to new residential development.²⁶ Research from UC Berkeley's Othering and Belonging Institute finds that single-family zoning in the Bay Area is strongly correlated with high-resource, high-opportunity, and highly segregated communities.²⁷ Karen Chapple, Director of UC Berkeley's Urban Displacement Project, stated in a February 25, 2019 letter to the Berkeley City Council, "the Urban Displacement Project has established a direct connection between the neighborhood designations by the Home Owners Loan Corporation (HOLC), and 75% of today's exclusionary areas in the East Bay... Thus, this historic legacy, compounded by Berkeley's early exclusionary zoning practices, continues to shape housing opportunity and perpetuate inequities today." These inequitable distributions of access to housing and asset appreciation has historically perpetuated and remains a primary factor in country's the racial wealth gap.²⁸

The financialized political economy of housing in the United States is enforced by a doctrine of strong property rights for protecting asset inflation colloquially referred to as "financialization" or "commodification") over rights to material well-being, perpetuating a permanent affordability crisis for most workers who did not already own

²³ Pennington, K. (2021). Does Building New Housing Cause Displacement?: The Supply and Demand Effects of Construction in San Francisco. *Working Paper*. Retrieved from https://www.dropbox.com/s/oplls6utgf7z6ih/Pennington_JMP.pdf?dl=0.

²⁴ Zuk, M. & Chapple, K. (2016). Housing Production, Filtering and Displacement: Untangling the Relationships. *Institute of Governmental Studies Research Brief*. Berkeley, CA: UC Berkeley IGS. Retrieved from https://www.urbandisplacement.org/sites/default/files/images/udp_research_brief_052316.pdf

²⁵ Quigley, J.M. (2001). Homeless in America, Homeless in California. *The Review of Economics and Statistics*. 83(1): 37–51.

²⁶ Trounstein, J. (2020). The Geography of Inequality: How Land Use Regulation Produces Segregation. *American Political Science Review*. Cambridge: Cambridge University Press.

²⁷ Menendian, S., et al. (2020). Single Family Zoning in the Bay Area: Characteristics of Exclusionary Communities. *UC Berkeley Othering & Belonging Institute*. Retrieved from <https://belonging.berkeley.edu/single-family-zoning-san-francisco-bay-area>

²⁸ Darity Jr, W. et al. (2018). What We Get Wrong About the Racial Wealth Gap. *Samuel DuBois Cook Center on Social Equity*. Durham, NC: Duke University. Retrieved from <https://socialequity.duke.edu/wp-content/uploads/2020/01/what-we-get-wrong.pdf>

their homes. This fundamental conflict of moral values and economic rights came into stark display in early 2020, when the group Moms 4 Housing occupied a vacant home in West Oakland owned by Wedgewood Inc., a private equity firm that flipped houses nationwide. In the early hours of January 14, 2020, Alameda County sheriff's deputies enforced an eviction order with guns and armored cars on display, arresting four members of the group who had previously been homeless or housing insecure. On January 20, Oakland Mayor Libby Schaaf and Governor Newsom announced a deal with Wedgewood to sell the house to the Oakland Community Land Trust, and offer first right of refusal to the land trust for its property portfolio in Oakland for permanently affordable housing.²⁹

This political value statement, backed by a real transfer of wealth and rights of secure tenure, does not need to be an *ad hoc* bartering between the sweat equity of community organizers, the bully pulpit of elected officials, and the real physical danger of tactical civil disobedience. These values can instead be operationalized as part of the baseline administration of public services. In response to the Moms 4 Housing success, the state legislature passed SB-1079 by Senator Nancy Skinner (D-Berkeley) in September of 2020, authorizing fines of from \$2,000 to \$5,000 per day on buyers of foreclosed homes left vacant for over 90 days; banning bundled sales of foreclosed houses; and giving tenants, nonprofits, and community land trusts 45 days to match the final highest bid for the property.

Aligning public financing with more inclusive land-use regulations can offer a path to automating these sorts of progressive, reparative distributions of material well-being and housing security at a broader scale.

Social Housing, Housing Elements, and Automatic Stabilizers

The COVID-19 recession has demonstrated the federal government's capacity to quickly respond to sudden shocks, as well as its tragic shortcomings. Through state law, municipalities in California have a much more limited and delayed feedback loop to provide services for the public's needs.

President Joseph R. Biden's 2020 campaign platform included massive increases to federal funding for public housing and the Section 8 housing voucher program.³⁰ If the new Congress and administration can increase housing subsidies through both supply and demand channels to more closely meet present and future needs, the City of Berkeley would have more resources to proactively ensure adequate, stable, and non-discriminatory housing is further guaranteed.

²⁹ La Ganga, M. L. (2020). Evicted Oakland moms will get their house back after a deal with Redondo Beach company. *Los Angeles Times*. Retrieved from <https://www.latimes.com/california/story/2020-01-20/homeless-moms-4-housing-oakland-wedgewood-properties-deal>

³⁰ Biden, J. (2020). The Biden Plan for Investing in our Communities Through Housing. Retrieved from <https://joebiden.com/housing/>

Economists have proposed “automatic stabilizers” to respond to recessions with increased urgency since the Obama Administration’s stimulus efforts following the Great Recession were hamstrung by partisan gridlock in Congress. Federal Reserve economist Claudia Sahm developed the “Sahm rule” for defining the onset of a recession with a specific threshold of sustained unemployment, and a proposal in which this rule could trigger automatic stimulus payments “to broadly support aggregate demand in a recession.”³¹ In her testimony on January 19, 2021 at a confirmation hearing for her appointment to Treasury Secretary, former Federal Reserve chair Janet Yellen stated: “Our current system needs both updating and expansion... Designing and implementing a modern and effective system of automatic stabilizers is an important step to take now, so that we can minimize the negative impacts of any future recessions.”³²

Issuing stimulus payments automatically and universally to households rather than negotiating periodically in partisan politics could prevent widespread poverty among the least fortunate and also blunt a recession’s severity by sustaining consumer demand—stabilizing both material conditions for lower-income households, and consumption writ large. Analogous benchmarks can be operationalized to “stabilize” housing security in the city throughout business cycles and state planning certification periods. For example, urban planner Alain Bertaud has proposed automating updates to land-use policy as a function of land values to programmatically enforce widespread housing affordability.³³ Through a more complex process involving state and local jurisdictions, California’s housing element process now requires cities to submit compliant Housing Elements to the Department of Housing and Community Development (HCD) with a General Plan that adequately zones for sufficient residential capacity to meet their Regional Housing Needs Allocation (RHNA) housing production goals and comply with the Affirmatively Furthering Fair Housing rule. State law therefore offers a framework for “automating” or at least actively monitoring progress toward discrete housing justice outcomes.

Municipal Housing Development and Socialization of Land Rents

Mixed-income municipal housing development has distinct global variants, and is already currently being explored in the United States.

The state legislature of Hawaii is considering a state-led housing development proposal known as ALOHA Homes, modeled after Singapore’s Housing and Development Board (HDB). In Singapore, the resale market for 99-year home leases are regulated to ensure long-term affordability with assistance to help households

³¹ Sahm, C. (2019). Direct Stimulus Payments to Individuals. *The Hamilton Project*. Retrieved from https://www.hamiltonproject.org/assets/files/Sahm_web_20190506.pdf

³² Yellen, J. (2021). Hearing to Consider the Anticipated Nomination of the Honorable Janet L. Yellen to Secretary of the Treasury. *U.S. Senate Committee on Finance*. Retrieved from <https://www.finance.senate.gov/imo/media/doc/Dr%20Janet%20Yellen%20Senate%20Finance%20Committee%20QFRs%2001%2021%202021.pdf>

³³ Bertaud, A. (2018). *Order Without Design: How Markets Shape Cities*. Cambridge, MA: The MIT Press.

exchange their leasehold equity for larger or smaller units throughout the lease term to adapt to changing needs as family members age. Over 80% of Singaporeans live in HDB housing developments.

SB1 by State Senator Stanley Chang (D-Honolulu) would establish a program within the state's housing finance agency to use existing and newly-acquired state lands near public transit to develop high-density housing, "priced at the minimum levels necessary to ensure that the development is revenue-neutral for the State and counties." (See Attachment 2.) Under Senate Bill 24 (2021)³⁴, the state would be authorized to sell leasehold condominiums on 99-year terms restricted to owner-occupied use for Hawaii residents who do not own any other real property. The agency would establish a dedicated revolving fund to provide low-cost loans to support long-term affordability, property maintenance and development. By leasing public land for development while retaining title in the public trust, public agencies can ensure that a proportionate degree of real estate value increased by public investment can in turn be recaptured for the public benefit.

In Austria, over 60% of Vienna's residents live in social housing, consisting of roughly 200,000 municipally-owned housing units and 220,000 nonprofit-owned units. For non-citizens, a minimum of five years' residency is required to apply for a social housing unit, and subsidized units must be for a household's primary residence. Public investments for construction, property management, and preservation of the social housing stock are subsidized by a federal income tax and the state's general fund, as well as a revolving loan fund managed by the Vienna Housing Fund. The Vienna Housing Fund operates as a community-owned nonprofit land bank, established by Social Democrats in the 1920s with large investments in public land in response to a housing shortage following the First World War. The self-sustaining nonprofit entity acquires existing housing or develops new projects with the aim of long-term affordability.

The Vienna Housing Fund is a major entity developing thousands of new housing units every year, while buying and selling real property on the open market. It maintains a two-year reserve of land to stabilize its property portfolio throughout real estate market cycles. The Vienna Housing Fund collaborates with the municipal government and nonprofit housing developers to provide affordable housing on public land via low-interest loans for new developments³⁵, with loan payments reinvested into a revolving loan fund for future loans and subsidies.

Vienna also indirectly subsidizes private development by arranging land transfers and low-interest loans with private firms through a competitive bidding process, in which a

³⁴ https://www.capitol.hawaii.gov/session2021/bills/SB24_.htm

³⁵ Wohnpartner Wien. (2019). Vienna Social Housing – Tools of Success. Retrieved from https://socialhousing.wien/fileadmin/user_upload/20190325_Einlagebla__tter_Gesamt_Englisch.pdf

jury panel evaluates applicants' projects based on criteria for design, sustainability, and affordability. The city rents a portion of the units at affordable rents to lower-income residents, but means-testing is only applied at the initial move-in. Effectively, Vienna's social housing program subsidizes affordable affordable housing through the supply channel rather than the demand channel (i.e. by subsidizing tenants themselves). Unlike Singapore, the city of Vienna's land-use planning promotes rentals over private homeownership, but similarly favors community longevity, recreational facilities, and supportive services. In 2016, the Social Democratic Party of Austria introduced the "wohnbauoffensive"³⁶—an initiative to streamline construction and permitting to increase housing production by 30%.

In California, AB-387 also known as "the Social Housing Act of 2021" by Assemblymembers Lee (D-San Jose) and Wicks (D-Oakland), sets forth the intent to "establish the California Housing Authority for the purpose of developing mixed-income rental and limited equity homeownership housing and mixed-use developments to address the shortage of affordable homes for low and moderate-income households." (See Attachment 4.) Importantly, state revenue bonds for infrastructure projects do not require voter approval.

There are already examples in present-day California of revolving funds for community land reinvestment that sustain communities across the state. In Palm Springs, the Agua Caliente Band of Cahuilla Indians own and lease land to nearly 20,000 people and businesses in a non-contiguous checkerboard arrangement, with up to 99-year leases for residential development.³⁷ At a larger scale, University of California and California State University systems develop and manage large portfolios of student housing across the state. The universities own tens of thousands of rental beds and dwelling units in urban, suburban and rural jurisdictions. Each UC campus prepares and implements a capital management plan to develop property for rental housing—plans which include revolving reinvestments in their existing portfolio.³⁸ In Berkeley and neighboring jurisdictions, BART is planning for housing development on BART property by leasing land to private and nonprofit developers, using the land-lease model as leverage to achieve the agency's goal of 35% Below Market-Rate housing systemwide.³⁹ The Berkeley Unified School District is also exploring the potential to develop workforce housing on its properties.⁴⁰

³⁶ Stadt Wien Press service. (2016). "More, faster, cheaper and sustainable" – the City of Vienna is launching an additional housing offensive. Retrieved from <https://www.wien.gv.at/presse/2016/02/17/mehr-schneller-preiswert-und-nachhaltig-stadt-wien-startet-eine-zusaetzliche-wohnbau-offensive>

³⁷ Murphy, R. (2016). Half of Palm Springs sits on rented land. What happens if the leases end? *Desert Sun*. Retrieved from <https://www.desertsun.com/story/money/real-estate/2016/09/22/palm-springs-agua-caliente-land-lease/87944598/>.

³⁸ University of California. (2019). Capital Financial Plan 2019-25. Retrieved from <https://ucop.edu/capital-planning/files/capital/201925/2019-25-cfp.pdf>

³⁹ BART Board of Directors. (2016). Transit-Oriented Development Performance Measures and Targets. Retrieved from https://www.bart.gov/sites/default/files/docs/B-%20TOD%20Performance%20Targets%202040%20Adopted%2012-1-16_0.pdf

RATIONALE FOR RECOMMENDATION

Homelessness and housing insecurity are the result of deliberate but diffuse policy choices. The feasibility of permanently guaranteeing housing security in Berkeley remains unknown, but our community nevertheless recognizes the imperative to make different policy choices to that end. The City of Berkeley can build on the precedents and procedures established in state law, affirm housing as a human right, and enforce concrete goals toward reparative housing justice as a permanent mandate of our municipal public service.

Public housing development corporations in California could make both short-term and permanent impacts on housing affordability, construction sector employment, and other equity-based outcomes, while operating under standard land-use planning processes already being streamlined under state law.

Moreover, the ability to remain revenue-neutral with rents from a broader range of incomes offers the opportunity to fund a Local Operating Subsidy Program (LOSP)⁴¹ to provide ongoing funding for deeper affordability in deed-restricted housing. The City and County of San Francisco established such a program in 2004, providing its first grants for 100% supportive housing in 2006 with a focus on covering operating deficits for supportive housing in Low Income Housing Tax Credit (LIHTC) projects.⁴²

Recent state legislation such as SB-35 (2017) and SB-330 (2019) already reform municipal land-use authority to support housing production within measurable benchmarks, limiting local discretion in permitting and zoning according to standards set by the Regional Housing Need Allocation (RHNA) process, the Housing Accountability Act (HAA), and the state Housing Element process.⁴³ The state legislature has also moved to increase affordable housing financing for municipalities by establishing the Bay Area Housing Finance Authority (BAHFA) in 2019; and in Senate Constitutional Amendment 2 (2021) by Sen. Ben Allen (D-Santa Monica), proposing removal of the state constitutional requirement for local referendum approval “low-rent” housing with more than 50% of its funding from the local jurisdiction. State law under AB-686 (2018) also requires cities to meet the goals of the Obama Administration’s Affirmatively Furthering Fair Housing rule under the 1968 Fair Housing Act in their housing elements and general plans.

⁴⁰ Doocy, S. (2018). School District Employee Housing in California. *UC Berkeley Turner Center for Housing Innovation*. Retrieved from <https://turnercenter.berkeley.edu/research-and-policy/school-district-employee-housing-in-california/>

⁴¹ <https://www.localhousingsolutions.org/act/housing-policy-library/operating-subsidies-for-affordable-housing-developments-overview/operating-subsidies-for-affordable-housing-developments/>

⁴²

<https://sfmohcd.org/sites/default/files/Documents/MOH/Asset%20Management/LOSP%20Policies%20Procedures%20Manual.pdf>

⁴³ Elmendorf, C. et al. (2020). Superintending Local Constraints on Housing Development: How California Can Do It Better. *UC Davis Legal Studies Research Paper Series*.

Under California Government Code Section 65583(c), state Housing Element law now requires in part:⁴⁴

A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation...that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available...

This subsection requires the program to include, for AFFH compliance:

...an assessment of fair housing in the jurisdiction that shall include all of the following components:

- (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.*
- (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.*
- (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).*
- (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.*
- (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.*

However, when municipalities have been out of compliance, the Housing Element framework until recently has been ultimately held accountable by private right of action. For example, nonprofit advocates successfully sued the cities of Pleasanton⁴⁵ after it failed to produce a state-compliant Housing Element. But rather than a positive

⁴⁴ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65583

⁴⁵ *Urban Habitat Program v. City of Pleasanton*. No. A118327. Court of Appeal, First District, Division 2, California. (2008).

guarantee to universal housing security, enforcement through private right of action puts the onus on the coordination of constituencies who are by definition with less housing security and less able to assert their diffuse legal rights and entitlements through state and local jurisdictions.

This adversarial legal environment is inconsistent with a public commitment to universal fair housing. To the extent that a municipal government chooses to take on universal entitlements and freedoms to housing as a moral, not legal obligation, it must also devote its real assets to meet this obligation and balance the moral ledger. Local governments can coordinate state authority within their communities and amplify their resources to improve housing outcomes through more inclusive land-use regulations, and an expanded authority as lender and lessor of last resort.

However, the United Nations Office of the High Commissioner for Human Rights (OHCHR) specifies that the right to adequate housing “clearly does not oblige the Government to construct a nation’s entire housing stock.”⁴⁶

Rather, the right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups, ensure security of tenure to all, and guarantee that everyone’s housing is adequate. These measures can require intervention from the Government at various levels: legislative, administrative, policy or spending priorities. It can be implemented through an enabling approach to shelter where the Government, rather than playing the role of housing provider, becomes the facilitator of the actions of all participants in the production and improvement of shelter.

To that end, the City of Berkeley could proactively affirm housing as a human right according to measurable parameters of cost-burden and non-discriminatory access, as well as broader historical data and actionable moral commitments to restorative justice. Rather than *retroactive* enforcement of state housing mandates through private right of action, the City’s administrative departments should continuously monitor the availability, adequacy, and equitable distribution of housing as publicly available Housing Justice Indicators, reevaluating policy tools including public investment and planning and development goals as needed to *proactively* guarantee housing as a basic right. A publicly available, user-friendly data dashboard of Housing Justice Indicators could maintain accountability of the City’s civic institutions in meeting this mandate.

The City Manager’s office has already recommended a strategic focus on streamlining and reforming land use policy to enable a greater scale of housing production in its 1000 Person Plan to Address Homelessness.⁴⁷

⁴⁶ See footnote 1.

⁴⁷ https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response_1000_Person_Plan.aspx

4. Continue to implement changes to Berkeley's Land Use, Zoning, and Development Review Requirements for new housing with an eye towards alleviating homelessness. If present economic trends continue, the pace with which new housing is currently being built in Berkeley will likely not allow for a declining annual homeless population. Berkeley should continue to streamline development approval processes and reform local policies to help increase the overall supply of housing available, including affordable housing mandated by inclusionary policies.

State and regional agency projects such as the state's Tax Credit Allocation Committee (TCAC) Opportunity Area Maps and the 2019 CASA Compact⁴⁸ by the Metropolitan Transportation Commission (MTC) have established best practices for measuring and mapping economic opportunity, racial segregation, transit access, environmental health, and other positive outcomes for developing policy recommendations.

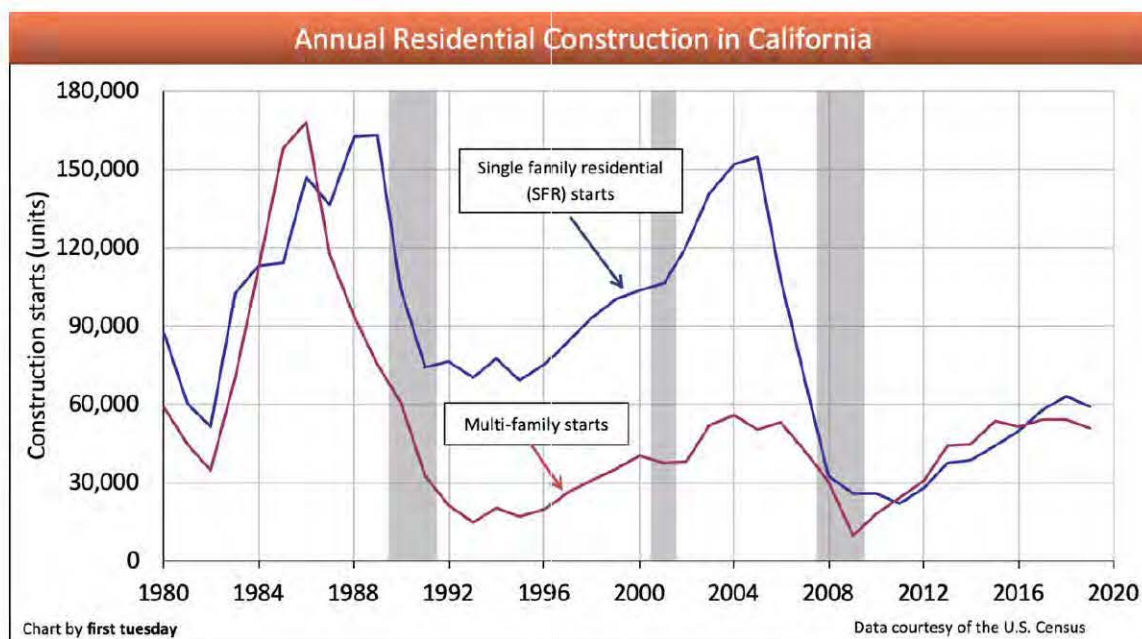
Why Social Housing?

Public development entities enjoy the benefit of longer-term financial horizons that help produce more stable housing outcomes. Unhindered by the fiduciary duty to produce short-term positive returns for private investors, public housing development agencies are not obligated to cease production and layoff construction workers during recessions.

The private market has been incapable of meeting the need for shelter in California across business cycles. Private capital bids up the costs of inputs during upcycles, but financing dries up during recessions as investors flee the volatile market. Recovery in the construction sector is sluggish, but demand for shelter does not disappear. Construction rates collapsed after the Great Recession of 2008, but as of 2020, they had barely recovered to rates of the previous recession of 2001.⁴⁹

⁴⁸ Metropolitan Transportation Commission. (2018). Racial Equity Analysis for the CASA Compact. Retrieved from https://mtc.ca.gov/sites/default/files/Racial_Equity_Analysis_for_the_CASA_Compact.pdf

⁴⁹ The slowing trend in California construction costs. (2019). first tuesday Journal. Retrieved from <https://journal.firsttuesday.us/the-rising-trend-in-california-construction-starts/17939/>



Even in a crudely Keynesian paradigm, these downturns are precisely when the public sector should step in to sustain housing development to meet the need for shelter, sustain employment, and boost aggregate demand. Unfortunately, California's housing market volatility limits the state and local government's resources when they are needed the most. For instance, California's construction workforce in 2017 lagged below its historic peak in 2006, equivalent to the size of the workforce at the start of the economic recovery in 2011.⁵⁰ In contrast, Vienna's social housing program also stabilizes employment in the region by employing 20,000 workers in the building trades.

Compounding this structural deficit, state and local funding sources for affordable housing are pro-cyclical and likelier to see a decline in revenues during economic downturns. Berkeley's inclusionary zoning and Affordable Housing Mitigation Fee produce Below Market-Rate homes or revenues for the Housing Trust Fund contingent on "value capture" policies that rely on the willingness of private capital to invest in the value. The Low Income Housing Tax Credit program (LIHTC), the linchpin of affordable housing financing in the United States, relies on the incentive of corporate tax liability by providing tax credits to large corporations and financial institutions in exchange for equity in low-income housing projects within a finite time horizon. Reductions in corporate profits during recessions and cuts to the corporate tax rate have both reduced the value of these tax credits periodically.⁵¹

⁵⁰ Littlehale, S. (2019). Rebuilding California: The Golden State's Housing Workforce Reckoning. *Smart Cities Prevail*. Retrieved from https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP_HousingReport.0118_2.pdf

⁵¹ Scally, C. et al. (2018). The Low-Income Housing Tax Credits: Past Achievements, Future Challenges. *Urban Institute*. Retrieved from

At the same time, highly leveraged private equity firms that specialize in liquidation of large portfolios or “asset stripping” benefit from volatile recessions that displace lower-income homeowners primarily in communities of color with less liquid capital to sustain riskier mortgage debt. Poorer households, primarily Black and Latinx residents, are more likely to end up trapped in cycles of poverty and homelessness, suffering for the benefit of wealthier and whiter financial institutions.

The Vienna Housing Fund offers a model for building wealth in the local community and affirmatively redressing the historic inequities intensified by cyclical volatility. By providing a revolving low-interest loan fund for tenants, nonprofits, limited equity cooperatives and Community Land Trusts, the City could plan for optimizing housing subsidies and development to meet concrete benchmarks in material outcomes: eliminating involuntary displacement, repairing wealth inequities in communities of color, and targeting market price parity with regional incomes.

Rather than bearing 100% of project costs independently, a municipal fund could seek to partner with state and regional mechanisms for land value redistribution, such as Transit Value Capture Districts (TVCDs)⁵² or Enhanced Infrastructure Finance Districts (EIFDs), which have been studied or proposed for financing affordable housing and other capital costs at BART stations.

As a countercyclical policy to sustain affordable housing financing across market cycles, a municipal revolving loan fund could provide loan guarantees or bridge loans to LIHTC developments to ensure their completion. As a reparative anti-displacement policy, a revolving loan fund could reinforce the city’s Local Preference policy for affordable housing included in the Adeline Corridor Specific Plan by providing favorable loan terms to community land trusts, tenant acquisitions, and nonprofit affordable housing developments that prioritize the return of formerly displaced residents from low-income communities of color. The loan fund can also seek matching funds from the newly-established Bay Area Housing Finance Authority (BAHFA), in direct partnership with the MTC and Association of Bay Area Governments (ABAG). In order to provide more housing security across the economic spectrum, a municipal revolving loan fund can consider more generous loan renegotiation terms or loan forgiveness, including the option of paying loans back to the fund in equity stakes.

The City of Berkeley is fortunate to not find itself in the same conditions as a bombed-out postwar Vienna, which made the consolidation of a large public land portfolio for the Vienna Housing Fund tragically inexpensive. However, Berkeley is blessed with a robust and growing tax base. Initially, such a loan fund may start small, with grants from the City and/or bootstrapped with Berkeley’s existing real property portfolio, but

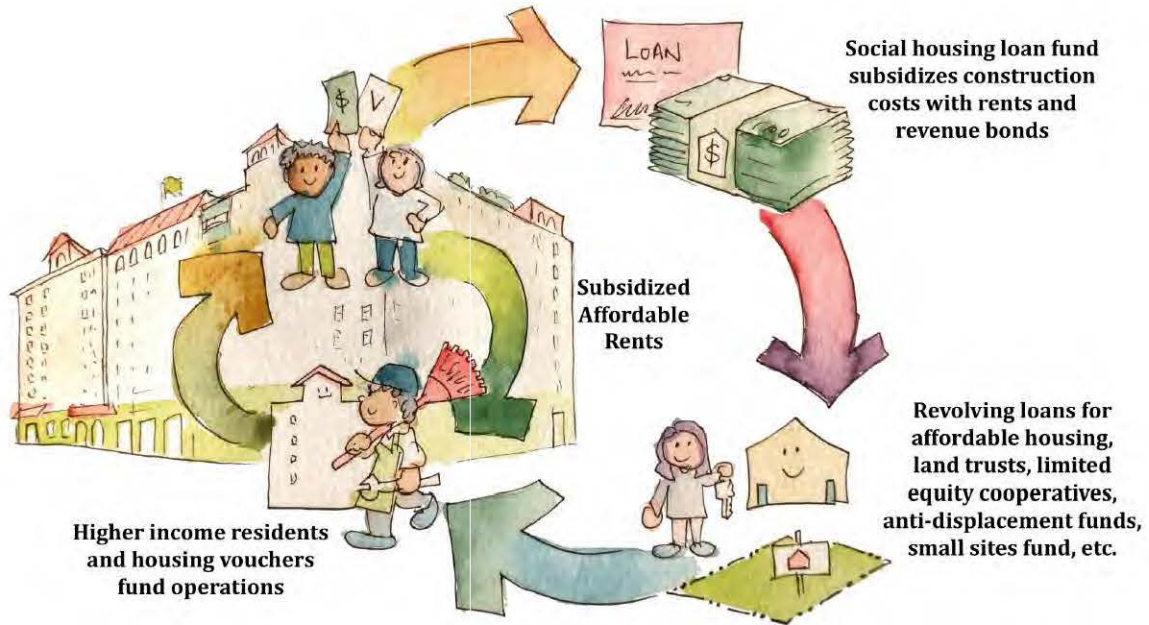
https://www.urban.org/sites/default/files/publication/98761/lihtc_past_achievements_future_challenges_finalized_1.pdf.

⁵² Sagehorn, D. & Hawn, J. (2020). Transit Value Capture for California. *Common Ground California*. Retrieved from http://cacommonground.org/pdf/2020-12_Transit_Value_Capture.pdf

over time it would be able to draw upon its growing portfolio of assets to self-finance operating costs while investing in new affordable housing projects.⁵³

How Social Housing Could Work in Berkeley

Berkeley Social Housing Agency Conceptual Diagram

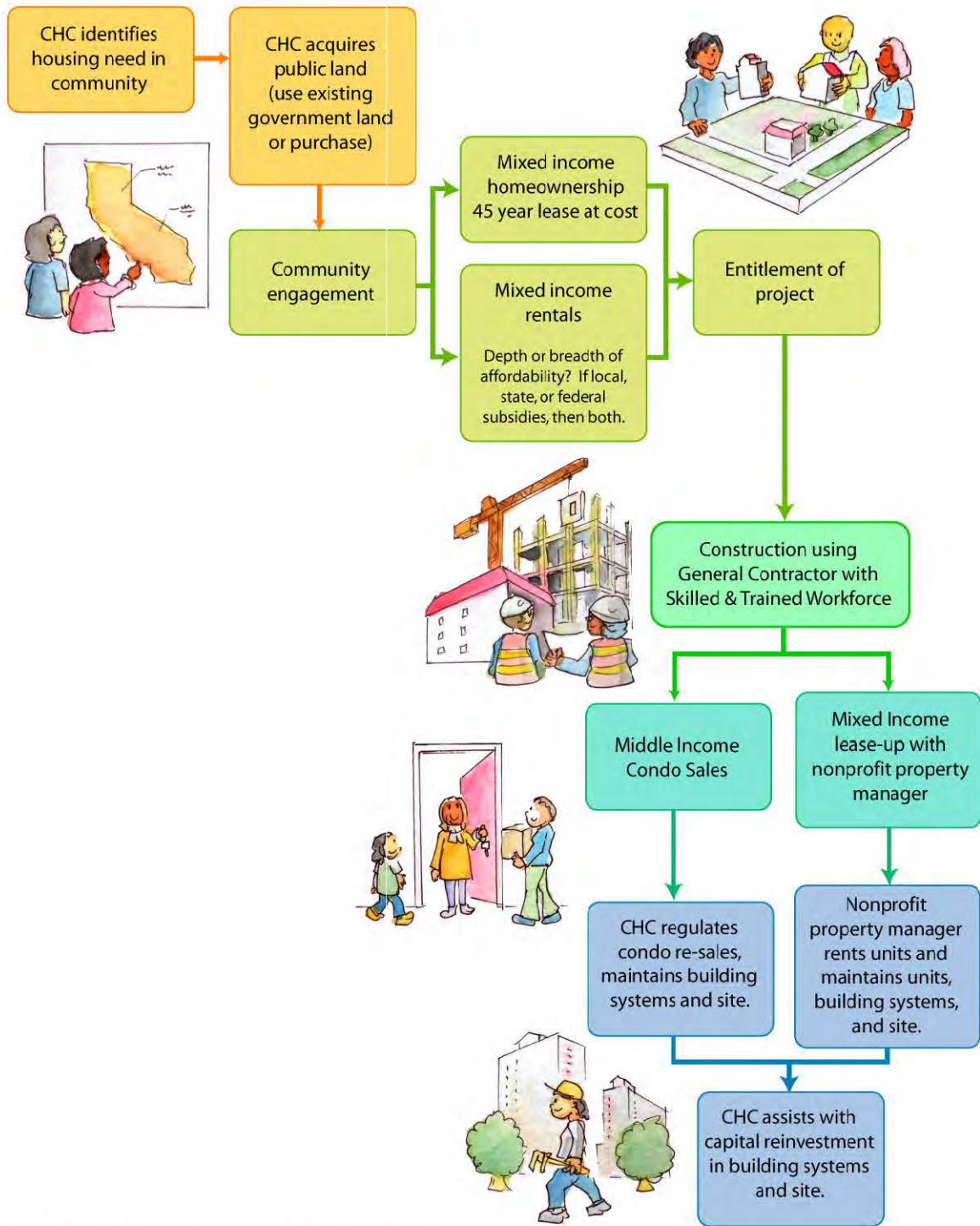


DISCLAIMER: This is not a development proposal, picture is for illustrative purposes only.
- State Density Bonus applied on base zoning at 1011 University Avenue
- Ministerial approval for buildings where 50% or more of the units are Below Market Rate

Illustration courtesy of Alfred Twu

Conceptual Diagram for a California Housing Corporation (CHC)

⁵³ Baxamusa, M. (2020). A New Model for Housing Finance: Public and Private Sectors Working Together to Build Affordability. *Routledge Focus*. p. 123.



Designs by Mark Mollineaux and Alfred Twu⁵⁴

ALTERNATIVES CONSIDERED

⁵⁴ East Bay For Everyone. (2021). California Housing Corporation: The Case for a Public Housing Developer. Retrieved from <https://eastbayforeveryone.org/socialhousing/>

The Berkeley City Council and the city's voters have taken clear steps to invest in housing security and affordable housing production. To the extent that the City is already developing and implementing affordable housing policies, the feasibility of these policy tools would not be mutually exclusive with other public investments and reforms currently underway.

ENVIRONMENTAL AND CLIMATE IMPACTS

Mixed-income housing development adjacent to frequent, reliable public transit and walkable street infrastructure can further the goals of the City's 2017 Climate Action Plan Update⁵⁵, which include:

Goal 4. Increase compact development patterns (especially along transit corridors)

Encouraging sustainable modes of travel such as cycling, walking, and public transit, is fundamentally tied to compact development patterns and the mix of land uses near transit hubs and jobs. For example, evidence shows that people who live near transit drive between 20% and 40% less than those who do not.

The City's 2018 Greenhouse Gas Inventory found that transportation accounted for 60% of Berkeley's greenhouse gas (GHG) emissions.⁵⁶ According to a 2018 Progress Report from the California Air Resources Board: "Even if the share of new car sales that are [zero-emission electric vehicles] grows nearly 10-fold from today, California would still need to reduce VMT [Vehicle Miles Traveled] per capita 25 percent to achieve the necessary reductions for 2030."⁵⁷ A 2019 report by the United Nations' International Resource Panel (IRP) emphasizes curbing suburban sprawl as a strategy to curb GHG emissions in urban areas that can also enhance the material outcomes provided by public services: "Optimizing densities and reducing sprawl also improves the sharing of resources (e.g. shared walls and roofs in apartment blocks) and reduces the distances that need to be covered by infrastructure networks (e.g. shorter pipes), allowing for savings in the materials and costs associated with service provision."⁵⁸

Critically, though, economic integration is vital to promoting an absolute reduction in per capita VMT. Mixed-income development providing transit-accessible housing security across the entire economic spectrum should maximize the potential for both reducing the carbon footprints of affluent, higher-emission households, and preventing

⁵⁵ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/2017-12-07%20WS%20Item%2001%20Climate%20Action%20Plan%20Update.pdf

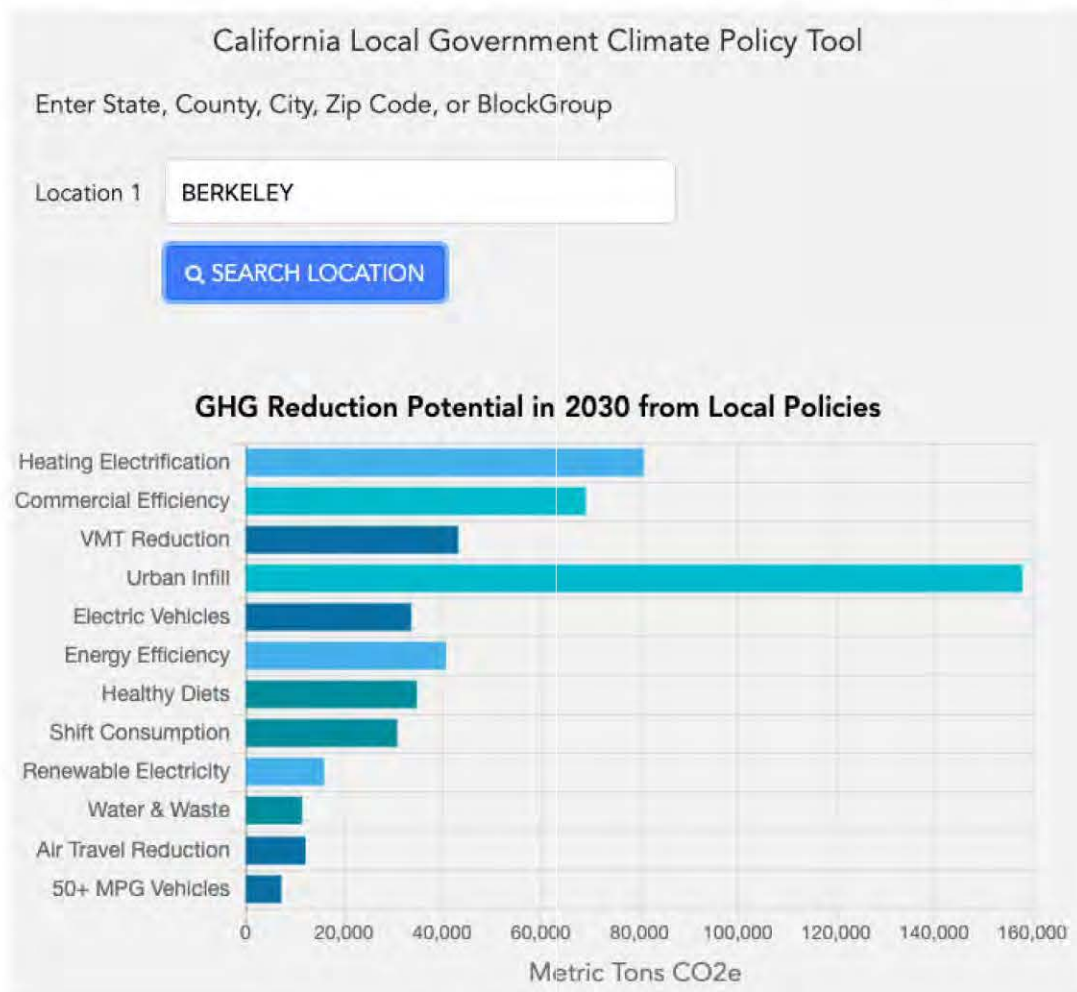
⁵⁶ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx

⁵⁷ https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

⁵⁸ United Nations IRP. (2019). The Weight of Cities: Resource Requirements of Future Urbanization. Retrieved from <https://www.resourcepanel.org/reports/weight-cities>

the displacement of poorer, lower-emission households to higher-VMT suburban areas with larger per capita carbon footprints.

While research from UC Berkeley⁵⁹ has found that wealthier households see larger emissions reductions from living in denser urban areas, a recent study of displacement and gentrification in Seattle also found significant increases in GHG emissions when lower-income households were displaced to outer suburbs with higher VMT land-use patterns and longer commutes.⁶⁰ Notably, the same UC Berkeley study evaluates emission reduction potentials of a suite of municipal public policies in 700 California cities. Using the modeling from this study, the California Local Government Policy Tool from the Cool Climate Network shows that urban infill development offers the greatest potential for mitigating Berkeley’s GHG emissions.



⁵⁹ Jones et al. (2018). Carbon Footprint Planning: Quantifying Local and State Mitigation Opportunities for 700 California Cities. *Urban Planning*. 3(2). DOI: 10.17645/up.v3i2.1218

⁶⁰ Rice et al. (2020). Contradictions of the Climate-Friendly City: New Perspectives on Eco-Gentrification and Housing Justice. *International Journal of Urban and Regional Research*. 44(1):145-165.

This tool projects GHG reductions based on default assumptions of total policy adoption rate by 2050. If the urban infill policy were adopted at 35%, or half the default assumed rate, it would reduce GHG emissions by roughly 80,000 metric tons of CO₂e by 2030, roughly equivalent to the emissions reduction potential from VMT reduction and heating electrification. With the passage of Ordinance No. 7,672 in 2019, Berkeley Municipal Code Chapter 12.80 prohibits natural gas infrastructure in new buildings in the City of Berkeley. GHG reductions enabled by heating electrification would thus be maximized under this proposal regardless of urban infill policy.

FISCAL IMPACTS

TBD.—Staff time on financial feasibility study. The City Manager’s office has projected a \$12.7 million annual cost to achieve strategic goals enumerated in the 1000 Person Plan to End Homelessness by 2023, but the costs of reforming land use to affirmatively further housing justice remains unquantified. Because such a pilot program would aim to include a broader range of income levels and larger projects, project costs may ultimately not be comparable to the Small Sites Program. Feasibility study should aim for a long-term self-sustaining fiscal structure for Reparative Justice Revolving Loan Fund and identify hard costs of gathering, monitoring and planning policy directives in response to Housing Justice Indicators. A budget referral should only proceed following a feasibility study to identify policy and funding goals for monitoring progress toward benchmarks.

CONTACT

Councilmember Terry Taplin (District 2), 510-983-7120, ttaplin@cityofberkeley.info

ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution
2. Senate Bill 1 SD2 (2021), State Senate of Hawaii
3. ALOHA Homes Feasibility Study (2021), Hawai'i Housing Finance and Development Corporation
4. Assembly Bill 387 (2021), State Assembly of California
5. Office of the United Nations High Commissioner for Human Rights, Fact Sheet No. 21: The Right to Adequate Housing

RESOLUTION NO. ##,###-N.S.
RECOGNIZING HOUSING AS HUMAN RIGHT

WHEREAS, the United Nations has recognized housing as a human right in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights; and,

WHEREAS, the right to adequate housing includes freedoms such as protection against forced evictions and arbitrary destruction of housing; right to privacy; non-discriminatory choice of residence, and freedom of movement; and,

WHEREAS, the right to adequate housing includes entitlements such as security of tenure, restitution, equal and non-discriminatory access, and civic participation; and,

WHEREAS, the City of Berkeley is working to affirm these freedoms and entitlements for its homeless residents, including 813 unsheltered identified in the 2019 Alameda County point-in-time count; and,

WHEREAS, the state of California and its local and regional governments should have failed to affirm these freedoms and entitlements for the at least 53% of renters who endure excessive cost-burdens, defined as paying over 30% of income for housing, according to the 2017 American Community Survey; and,

WHEREAS, cities around the world including Vienna and Singapore deliver better housing security and quality of life outcomes for their citizens with robust public housing development programs that reinvest revenues from mixed-income housing and real assets to fund operational costs and capital projects; and,

WHEREAS, histories of Jim Crow segregation endure in racial discrimination in the mortgage credit industry and exclusionary land-use policies maintain disproportionate cost burdens and housing insecurity on Black people and low-income communities of color in the United States; and,

WHEREAS, the Berkeley City Council authorized a Missing Middle Report in 2019 on unanimous consent to study reforms to its land-use policies to enable more affordable types of housing construction, transit-oriented development, and racial and economic inclusion; and,

WHEREAS, the Berkeley City Council authorized a Local Preference policy for affordable housing when it passed the Adeline Corridor Specific Plan in 2020 to enable reparative housing security for low-income communities of color bearing the brunt of displacement and gentrification in Berkeley; and,

WHEREAS, the voters of the City of Berkeley authorized large increases in local funding for affordable housing in 2018 with the overwhelming passage of Measures O and P; and,

WHEREAS, a 2017 Analysis of City-Owned Property for Potential for Housing Development by Berkeley's Health, Housing and Community Services Department identified several publicly owned parcels that would require zoning changes and further study for affordable housing production;

NOW THEREFORE, BE IT RESOLVED, that the City of Berkeley recognizes adequate housing as a human right, with recognition of attendant freedoms and entitlements as enumerated by the United Nations.

A BILL FOR AN ACT

RELATING TO HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the cost and
2 availability of housing in the State are significant challenges
3 facing Hawaii residents. Although Hawaii has the tenth highest
4 median wage nationally, living expenses are two-thirds higher
5 than the rest of the nation, with the cost of housing being a
6 major contributing factor. According to the Honolulu Board of
7 Realtors, by November 2020, the median price for a single-family
8 home on Oahu had risen to \$872,500, while the median price for
9 condominiums on Oahu had risen to \$420,000. With a simple
10 mortgage calculator and using conservative assumptions on
11 interest rates and down payment amounts, a household needs to
12 earn almost \$170,000 annually to afford to buy a median-priced
13 home on Oahu in 2020, making homeownership out of reach for many
14 of Hawaii's residents, especially first-time buyers.

15 Because of the many barriers hindering the production of
16 new housing, such as geographic limitations, lack of major
17 infrastructure, construction costs, and government regulation,



1 the State and housing developers have not been able to produce
2 enough housing for Hawaii residents. According to a 2015 report
3 from the department of business, economic development, and
4 tourism, the projected long-run estimate of demand for total new
5 housing in Hawaii is between 64,700 to 66,000 for the 2015 to
6 2025 period. The legislature has responded through the passage
7 of various legislation. During the regular session of 2016, the
8 legislature passed a bill enacted as Act 127, Session Laws of
9 Hawaii 2016, that, among other things, established a goal of
10 developing or vesting the development of at least 22,500
11 affordable rental housing units ready for occupancy by the end
12 of 2026. During the regular session of 2017, the legislature
13 passed a bill enacted as Act 54, Session Laws of Hawaii 2017, to
14 expand the types of rental housing projects that can be exempt
15 from general excise tax, thereby encouraging the development of
16 rental housing projects targeted for occupancy by households at
17 or below the one hundred forty per cent area median income
18 level. During the regular session of 2018, the legislature
19 passed a bill enacted as Act 39, Session Laws of Hawaii 2018,
20 that, among other things, provides an estimated total value of
21 \$570,000,000 to address Hawaii's affordable rental housing



1 crisis and is expected to generate more than 25,000 affordable
2 units by the year 2030.

3 Despite these efforts, the amount of new construction of
4 housing, especially for low- to middle-income families,
5 continues to be inadequate, as the supply of housing remains
6 constrained while demand for housing increases. This lack of
7 supply leads to higher housing prices and rents for households
8 of all income levels, leaving all tenants with less disposable
9 income, increasing the personal stress on buyers and renters,
10 and exacerbating overcrowding and homelessness. Given these
11 consequences, the lack of affordable housing requires the
12 concentrated attention of state government at the highest level.

13 The legislature further finds that Singapore faced a
14 housing crisis in the 1940s through 1960s but was subsequently
15 able to provide nearly one million residential units for its
16 citizens. The housing and development board -- the government
17 entity responsible for the rapid increase in housing development
18 -- plans, develops, and constructs the housing units, including
19 commercial, recreational, and social amenities. The result is
20 that units built by the housing and development board house
21 eighty per cent of the resident population and that, overall,



1 ninety per cent of the resident population are owners of their
2 units. Through government loans, subsidies, and grants and the
3 use of money saved through a government-run mandatory savings
4 program, residents are able to purchase residential units at an
5 affordable price, including options to upgrade to a better
6 living environment in the future.

7 The legislature further finds that, with Honolulu's
8 construction of an elevated rail transit system, the State has
9 an opportunity to enhance Oahu's urban environment and increase
10 the quality of life for residents by increasing the affordable
11 housing inventory and eliminating the need for personal
12 automobiles, among other public benefits. As the largest
13 landowner of properties along the transit line, with
14 approximately two thousand acres under the jurisdiction of
15 various departments, the State must be proactive in establishing
16 a unified vision and approach toward redevelopment of its
17 properties to maximize the benefits of state lands available for
18 redevelopment.

19 The purpose of this Act is to:

20 (1) End the housing shortage in Hawaii;



1 facilities may be built into, adjacent to, under, or above
2 residential units.

3 "Multipurpose project" means a project consisting of any
4 combination of a commercial project, redevelopment project, or
5 residential project.

6 "Owner-occupied residential use" means any use currently
7 permitted in existing residential zones consistent with owner
8 occupancy, but shall not mean renting or subleasing by the owner
9 of an ALOHA home to any tenant or sublessee of any kind.

10 "Project" means a specific work or improvement, including
11 real and personal properties, or any interest therein, acquired,
12 owned, constructed, reconstructed, rehabilitated, or improved by
13 the corporation, including a commercial project, redevelopment
14 project, or residential project.

15 "Public agency" means any office, department, board,
16 commission, bureau, division, public corporation agency, or
17 instrumentality of the federal, state, or county government.

18 "Public facilities" includes streets, utility and service
19 corridors, and utility lines where applicable, sufficient to
20 adequately service developable improvements in an urban
21 redevelopment site, sites for schools, parks, parking garages,



1 sidewalks, pedestrian ways, and other community facilities.
2 "Public facilities" also includes public highways, as defined in
3 section 264-1, storm drainage systems, water systems, street
4 lighting systems, off-street parking facilities, sanitary
5 sewerage systems, facilities to address climate change and sea
6 level rise, as well as the land required for these facilities.
7 "Public facilities" also includes any facility owned and
8 operated by a public agency and having a useful life of at least
9 five years.

10 "Public transit station" means:

- 11 (1) A station connected to a locally preferred alternative
12 for a mass transit project; or
13 (2) For the city and county of Honolulu, a station of the
14 Honolulu rail transit system.

15 "Redevelopment project" means an undertaking for the
16 acquisition, clearance, replanning, reconstruction, and
17 rehabilitation, or a combination of these and other methods, of
18 an area for a residential project, for an incidental commercial
19 project, and for other facilities incidental or appurtenant
20 thereto, pursuant to and in accordance with this subpart. The
21 term "acquisition, clearance, replanning, reconstruction, and



1 rehabilitation" includes renewal, redevelopment, conservation,
2 restoration, or improvement, or any combination thereof.

3 "Residential project" means a project or that portion of a
4 multipurpose project, including residential dwelling units,
5 designed and intended for the purpose of providing housing and
6 any facilities as may be incidental or appurtenant thereto.

7 **§201H-B ALOHA homes program.** There is established the
8 ALOHA homes program for the purpose of providing low-cost, high-
9 density leasehold homes for sale to Hawaii residents on state-
10 owned lands within a one-mile radius of a public transit
11 station.

12 **§201H-C Urban redevelopment sites; established;**
13 **boundaries.** There shall be established urban redevelopment
14 sites that shall include all state-owned land within a one-mile
15 radius of a public transit station in a county having a
16 population greater than five hundred thousand.

17 **§201H-D Rules; guidelines.** (a) The corporation shall
18 establish rules pursuant to chapter 91 on health, safety,
19 building, planning, zoning, and land use, which shall supersede
20 all other inconsistent ordinances and rules relating to the use,
21 zoning, planning, and development of land and construction



1 thereon. Rules adopted under this section shall follow existing
2 laws, rules, ordinances, and regulations as closely as is
3 consistent with standards meeting minimum requirements of good
4 design, pleasant amenities, health, safety, and coordinated
5 development. The corporation may provide that lands within
6 urban redevelopment sites shall not be developed beyond existing
7 uses or that improvements thereon shall not be demolished or
8 substantially reconstructed or provide other restrictions on the
9 use of the lands.

10 (b) The following shall be the principles generally
11 governing the corporation's action in urban redevelopment sites:

12 (1) The program seeks to produce enough housing to meet
13 housing demand;

14 (2) Each development may include facilities to replace any
15 facilities that must be removed for the development's
16 construction;

17 (3) Developments shall endeavor to be revenue-neutral to
18 the State and counties, and all revenues generated
19 shall be used for the purposes of this subpart;

20 (4) The corporation shall consider the infrastructure
21 burden of each development and the impact of the



- 1 development on the education system, and any
2 mitigation actions, prior to construction;
- 3 (5) The corporation may build infrastructure beyond what
4 exists in any development under this subpart and may
5 sell the infrastructure capacity to private sector
6 developers;
- 7 (6) The corporation may build common area facilities for
8 any development undertaken pursuant to this subpart,
9 which shall be paid through the sales of ALOHA homes
10 units;
- 11 (7) Developments shall result in communities that permit
12 an appropriate land mixture of residential,
13 commercial, and other uses. In view of the innovative
14 nature of the mixed use approach, urban design
15 policies shall be established for the public and
16 private sectors in the proper development of urban
17 redevelopment sites; provided that any of the
18 corporation's proposed actions in urban redevelopment
19 sites that are subject to chapter 343 shall comply
20 with chapter 343 and any federal environmental
21 requirements; provided further that the corporation



1 may engage in any studies or coordinative activities
2 permitted in this subpart that affect areas lying
3 outside urban redevelopment sites where the
4 corporation, in its discretion, decides that those
5 activities are necessary to implement the intent of
6 this subpart. The studies or coordinative activities
7 shall be limited to facility systems, resident and
8 industrial relocation, and other activities engaged in
9 with the counties and appropriate state agencies. The
10 corporation may engage in construction activities
11 outside of urban redevelopment sites; provided that
12 the construction relates to infrastructure development
13 or residential or business relocation activities;
14 provided further that the construction shall comply
15 with the general plan, development plan, ordinances,
16 and rules of the county in which the urban
17 redevelopment site is located;

- 18 (8) Activities shall be located so as to provide primary
19 reliance on public transportation and pedestrian and
20 bicycle facilities for internal circulation within
21 urban redevelopment sites or designated subareas;



1 (9) Where compatible, land use activities within urban
2 redevelopment sites, to the greatest possible extent,
3 shall be mixed horizontally within blocks or other
4 land areas and vertically as integral units of
5 multi-purpose structures;

6 (10) Development shall prioritize maximizing density;
7 provided that development may require a mixture of
8 densities, building types, and configurations in
9 accordance with appropriate urban design guidelines
10 and vertical and horizontal integration of residents
11 of varying incomes, ages, and family groups that
12 reflect the diversity of Hawaii.

13 (11) Development shall provide necessary community
14 facilities, such as parks, community meeting places,
15 child care centers, schools, educational facilities,
16 libraries, and other services, within and adjacent to
17 residential development; provided that any school that
18 is provided by the corporation as a necessary
19 community facility shall be exempt from school size
20 requirements as calculated by recent school site area
21 averages pursuant to section 302A-1602;



- 1 (12) Public facilities within urban redevelopment sites
2 shall be planned, located, and developed so as to
3 support the redevelopment policies for the sites
4 established by this subpart and plans and rules
5 adopted pursuant to it;
- 6 (13) Development shall be designed, to the extent possible,
7 to minimize traffic, parking, the use of private
8 automobiles, and noise;
- 9 (14) Development shall be subject to chapter 104;
- 10 (15) On-site and off-site infrastructure funded by the
11 State or county, as applicable, shall be brought to
12 the development site; provided that the State and
13 respective county may be reimbursed for its
14 infrastructure contributions with proceeds from the
15 sale of ALOHA homes; and
- 16 (16) Development shall include the establishment of a
17 building operating and maintenance program, together
18 with the funding to cover its cost.
- 19 (c) ALOHA homes within urban redevelopment sites shall not
20 be advertised for rent, rented, or used for any purpose other
21 than owner-occupied residential use; provided that the



1 corporation, by rule, shall establish penalties for violations
2 of this subsection, up to and including forced sale of an ALOHA
3 home.

4 (d) The design and development contracts for ALOHA homes
5 shall be subject to chapter 103D.

6 (e) The corporation shall, in the interest of revenue-
7 neutrality, recoup expenses through the sales of the leasehold
8 interest of ALOHA homes and other revenue sources, including the
9 leasing of commercial space.

10 **§201H-E Sale of the leasehold interest of ALOHA homes;**
11 **rules; guidelines.** (a) The corporation shall adopt rules,
12 pursuant to chapter 91, for the sale of the leasehold interest
13 of ALOHA homes under its control within urban redevelopment
14 sites; provided that each lease shall be for a term of ninety-
15 nine years. The rules shall include the following requirements
16 for an eligible buyer or owner of an ALOHA home within an urban
17 redevelopment site:

18 (1) The person shall be a qualified resident as defined in
19 section 201H-32;

20 (2) The person shall not use the ALOHA home for any
21 purpose other than owner-occupied residential use; and



1 (3) The person, or the person's spouse, or any other
2 person intending to live with the eligible buyer or
3 owner, shall not own any other real property,
4 including any residential and non-residential
5 property, beneficial ownership of trusts, and co-
6 ownership or fractional ownership, while owning an
7 ALOHA home in an urban redevelopment site; provided
8 that an eligible buyer may own real property up to six
9 months after closing on the purchase of an ALOHA home;
10 provided further that an owner of an ALOHA home in the
11 process of selling the ALOHA home may own other real
12 property up to six months prior to closing on the sale
13 of the ALOHA home to an eligible buyer;
14 provided that the rules under this subsection shall not include
15 any requirements or limitations related to an individual's
16 income or any preferences to first-time home buyers. The rules
17 shall include strict enforcement of owner-occupancy, including a
18 prohibition on renting or subleasing an ALOHA home to any tenant
19 or sublessee. Enforcement of the owner-occupancy condition may
20 include requirements for the use of facial recognition,
21 fingerprint authorization, or retina scan technologies, in-



1 person verification of owner-occupants, and prevention of access
2 to all unauthorized persons. The corporation may also establish
3 rules for a minimum number of days residents must be physically
4 present on the premises and a maximum number of days non-
5 residents may have access to the premises.

6 (b) The median ALOHA homes within urban redevelopment
7 sites shall be priced at the minimum levels necessary to ensure
8 that the development is revenue-neutral for the State and
9 counties. The median ALOHA homes price shall be adjusted
10 annually for inflation, as determined by the Bureau of Labor
11 Statistics Consumer Price Index for urban Hawaii.

12 (c) The corporation shall establish waitlists for each
13 residential development for eligible buyers to determine the
14 order in which ALOHA homes shall be sold. Waitlist priorities
15 may include:

- 16 (1) School, college, or university affiliation if the
17 residential property is a redeveloped school, college,
18 or university;
- 19 (2) Proximity of an eligible buyer's existing residence to
20 an ALOHA home within the urban redevelopment site; and



1 (3) Other criteria based on the impact that the
2 development has on the eligible buyer.

3 (d) ALOHA homes within urban redevelopment sites shall be
4 sold only to eligible buyers.

5 (e) An owner of an ALOHA home may sell the ALOHA home;
6 provided that the corporation shall have the right of first
7 refusal to purchase the ALOHA home at a price that is determined
8 by the corporation using the price at which the owner purchased
9 the ALOHA home as the cost basis, adjusted for inflation, as
10 determined by the department of business, economic development,
11 and tourism using the Consumer Price Index for All Urban
12 Consumers for Honolulu, and may include a percentage of the
13 appreciation, if any, in value of the unit based on an appraisal
14 obtained by the corporation. If the corporation does not
15 exercise its right to purchase the ALOHA home, the ALOHA home
16 may be sold by the owner to an eligible buyer; provided that the
17 corporation shall retain seventy-five per cent of all profits
18 from the sale, net of closing and financing costs, using the
19 price at which the owner purchased the ALOHA home, plus
20 documented capital improvements, as the cost basis. Upon the
21 death of the owner of an ALOHA home, the ALOHA home may be



1 transferred to the deceased's heir by devise or as any other
2 real property under existing law.

3 (f) Any ALOHA home developed and sold under this subpart
4 shall not be subject to sections 201H-47, 201H-49, 201H-50, and
5 201H-51.

6 **§201H-F Use of public lands; acquisition of state lands.**

7 (a) If state lands under the control and management of other
8 public agencies are required by the corporation for the purposes
9 of this subpart, the agency having the control and management of
10 those required lands, upon request by the corporation and with
11 the approval of the governor, may convey or lease those lands to
12 the corporation, upon terms and conditions as may be agreed to
13 by the parties.

14 (b) Notwithstanding the foregoing, no public lands shall
15 be conveyed or leased to the corporation pursuant to this
16 section if the conveyance or lease would impair any covenant
17 between the State or any county or any department or board
18 thereof and the holders of bonds issued by the State or that
19 county, department, or board.

20 **§201H-G Acquisition of real property from a county.**

21 Notwithstanding the provision of any law or charter, any county,



1 by resolution of its county council, may, without public
2 auction, sealed bids, or public notice, sell, lease, grant, or
3 convey to the corporation any real property owned by the county
4 that the corporation certifies to be necessary for the purposes
5 of this subpart. The sale, lease, grant, or conveyance shall be
6 made with or without consideration and upon terms and conditions
7 as may be agreed upon by the county and the corporation.
8 Certification shall be evidenced by a formal request from the
9 corporation. Before the sale, lease, grant, or conveyance may
10 be made to the corporation, a public hearing shall be held by
11 the county council to consider the same. Notice of the hearing
12 shall be published at least six days before the date set for the
13 hearing in the publication and in the manner as may be
14 designated by the county council.

15 **§201H-H Condemnation of real property.** The corporation,
16 upon making a finding that it is necessary to acquire any real
17 property for its immediate or future use for the purposes of
18 this subpart, may acquire the property, including property
19 already devoted to a public use, by condemnation pursuant to
20 chapter 101. The property shall not thereafter be taken for any
21 other public use without the consent of the corporation. No



1 award of compensation shall be increased by reason of any
2 increase in the value of real property caused by the designation
3 of the urban redevelopment site or plan adopted pursuant to a
4 designation, or the actual or proposed acquisition, use, or
5 disposition of any other real property by the corporation.

6 **§201H-I Construction contracts.** The construction
7 contracts for ALOHA homes shall be subject to chapter 103D.

8 **§201H-J Lease of projects.** Notwithstanding any law to the
9 contrary, the corporation, without recourse to public auction or
10 public notice for sealed bids, may lease for a term not
11 exceeding sixty-five years all or any portion of the real or
12 personal property constituting a commercial project to any
13 person, upon terms and conditions as may be approved by the
14 corporation; provided that all revenues generated from the lease
15 shall be used to support the purpose of the ALOHA homes program.

16 **§201H-K Dedication for public facilities as condition to**
17 **development.** The corporation shall establish rules requiring
18 dedication for public facilities of land or facilities by
19 developers as a condition of developing real property within
20 urban redevelopment sites. Where state and county public



1 facilities dedication laws, ordinances, or rules differ, the
2 provision for greater dedication shall prevail.

3 **§201H-L ALOHA homes revolving fund.** There is established
4 the ALOHA homes revolving fund into which all receipts and
5 revenues of the corporation pursuant to this subpart shall be
6 deposited. Proceeds from the fund shall be used for the
7 purposes of this subpart.

8 **§201H-M Expenditures of ALOHA homes revolving fund under**
9 **the corporation exempt from appropriation and allotment.** Except
10 as to administrative expenditures, and except as otherwise
11 provided by law, expenditures from the ALOHA homes revolving
12 fund administered by the corporation may be made by the
13 corporation without appropriation or allotment of the
14 legislature; provided that no expenditure shall be made from and
15 no obligation shall be incurred against the ALOHA homes
16 revolving fund in excess of the amount standing to the credit of
17 the fund or for any purpose for which the fund may not lawfully
18 be expended. Nothing in sections 37-31 to 37-41 shall require
19 the proceeds of the ALOHA homes revolving fund administered by
20 the corporation to be reappropriated annually.



1 **§201H-N Assistance by state and county agencies.** Any
2 state or county agency may render services for the purposes of
3 this subpart upon request of the corporation.

4 **§201H-O Lands no longer needed.** Lands acquired by the
5 corporation from another government agency that are no longer
6 needed for the ALOHA homes program by the corporation shall be
7 returned to the previous owner of those lands. Lands acquired
8 by the corporation from a private party that are owned by the
9 corporation and designated for the ALOHA homes program but are
10 subsequently no longer needed for the ALOHA homes program shall
11 be retained by the corporation.

12 **§201H-P Rules.** The corporation may adopt rules pursuant
13 to chapter 91 that are necessary for the purposes of this
14 subpart.

15 C. Leasehold Condominiums on State Lands

16 **§201H-Q Leasehold condominiums on state lands.** (a) The
17 corporation may sell leasehold units in condominiums organized
18 pursuant to chapter 514B and developed under this subpart on
19 state land to a qualified resident, as defined in section
20 201H-32.



1 (b) The term of the lease may be for ninety-nine years;
2 provided that the corporation may extend or modify the fixed
3 rental period of the lease or extend the term of the lease.

4 (c) The sale of leasehold units shall be subject to
5 sections 201H-47, 201H-49, and 201H-50, except for units sold at
6 fair market value.

7 (d) The powers conferred upon the corporation by this
8 section shall be in addition and supplemental to the powers
9 conferred by any other law, and nothing in this section shall be
10 construed as limiting any powers, rights, privileges, or
11 immunities so conferred."

12 SECTION 3. Chapter 237, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§237- Exemption of sale of leasehold interest for
16 ALOHA home units. In addition to the amounts exempt under
17 section 237-24, this chapter shall not apply to amounts received
18 from the sale of a leasehold interest in an ALOHA home under
19 chapter 201H, part II, subpart B."

20 SECTION 4. Section 171-2, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§171-2 Definition of public lands.** "Public lands" means
2 all lands or interest therein in the State classed as government
3 or crown lands previous to August 15, 1895, or acquired or
4 reserved by the government upon or subsequent to that date by
5 purchase, exchange, escheat, or the exercise of the right of
6 eminent domain, or in any other manner; including lands accreted
7 after May 20, 2003, and not otherwise awarded, submerged lands,
8 and lands beneath tidal waters that are suitable for
9 reclamation, together with reclaimed lands that have been given
10 the status of public lands under this chapter, except:

- 11 (1) Lands designated in section 203 of the Hawaiian Homes
12 Commission Act, 1920, as amended;
- 13 (2) Lands set aside pursuant to law for the use of the
14 United States;
- 15 (3) Lands being used for roads and streets;
- 16 (4) Lands to which the United States relinquished the
17 absolute fee and ownership under section 91 of the
18 Hawaiian Organic Act prior to the admission of Hawaii
19 as a state of the United States unless subsequently
20 placed under the control of the board of land and
21 natural resources and given the status of public lands



- 1 in accordance with the state constitution, the
2 Hawaiian Homes Commission Act, 1920, as amended, or
3 other laws;
- 4 (5) Lands to which the University of Hawaii holds title;
- 5 (6) Lands that are set aside by the governor to the Hawaii
6 housing finance and development corporation; lands
7 leased to the Hawaii housing finance and development
8 corporation by any department or agency of the State;
9 or lands to which the Hawaii housing finance and
10 development corporation in its corporate capacity
11 holds title;
- 12 (7) Lands to which the Hawaii community development
13 authority in its corporate capacity holds title;
- 14 (8) Lands set aside by the governor to the Hawaii public
15 housing authority or lands to which the Hawaii public
16 housing authority in its corporate capacity holds
17 title;
- 18 (9) Lands to which the department of agriculture holds
19 title by way of foreclosure, voluntary surrender, or
20 otherwise, to recover moneys loaned or to recover
21 debts otherwise owed the department under chapter 167;



1 (10) Lands that are set aside by the governor to the Aloha
2 Tower development corporation; lands leased to the
3 Aloha Tower development corporation by any department
4 or agency of the State; or lands to which the Aloha
5 Tower development corporation holds title in its
6 corporate capacity;

7 (11) Lands that are set aside by the governor to the
8 agribusiness development corporation; lands leased to
9 the agribusiness development corporation by any
10 department or agency of the State; or lands to which
11 the agribusiness development corporation in its
12 corporate capacity holds title;

13 (12) Lands to which the Hawaii technology development
14 corporation in its corporate capacity holds title; and

15 (13) Lands to which the department of education holds
16 title;

17 provided that, except as otherwise limited under federal law and
18 except for state land used as an airport as defined in section
19 262-1, public lands shall include the air rights over any
20 portion of state land upon which a county mass transit project
21 is developed after July 11, 2005."



1 SECTION 5. Section 171-64.7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) This section applies to all lands or interest therein
4 owned or under the control of state departments and agencies
5 classed as government or crown lands previous to August 15,
6 1895, or acquired or reserved by the government upon or
7 subsequent to that date by purchase, exchange, escheat, or the
8 exercise of the right of eminent domain, or any other manner,
9 including accreted lands not otherwise awarded, submerged lands,
10 and lands beneath tidal waters that are suitable for
11 reclamation, together with reclaimed lands that have been given
12 the status of public lands under this chapter, including:

- 13 (1) Land set aside pursuant to law for the use of the
14 United States;
- 15 (2) Land to which the United States relinquished the
16 absolute fee and ownership under section 91 of the
17 Organic Act prior to the admission of Hawaii as a
18 state of the United States;
- 19 (3) Land to which the University of Hawaii holds title;
- 20 (4) Land that is set aside by the governor to the Hawaii
21 housing finance and development corporation; land



- 1 leased to the Hawaii housing finance and development
2 corporation by any department or agency of the State;
3 or land to which the Hawaii housing finance and
4 development corporation in its corporate capacity
5 holds title;
- 6 (5) Land to which the department of agriculture holds
7 title by way of foreclosure, voluntary surrender, or
8 otherwise, to recover moneys loaned or to recover
9 debts otherwise owed the department under chapter 167;
- 10 (6) Land that is set aside by the governor to the Aloha
11 Tower development corporation; or land to which the
12 Aloha Tower development corporation holds title in its
13 corporate capacity;
- 14 (7) Land that is set aside by the governor to the
15 agribusiness development corporation; or land to which
16 the agribusiness development corporation in its
17 corporate capacity holds title;
- 18 (8) Land to which the Hawaii technology development
19 corporation in its corporate capacity holds title;
- 20 (9) Land to which the department of education holds title;
- 21 and



1 (10) Land to which the Hawaii public housing authority in
2 its corporate capacity holds title."

3 SECTION 6. Chapter 201H, Hawaii Revised Statutes, part II
4 is amended by designating sections 201H-31 to 201H-70 as subpart
5 A and inserting a title before section 201H-31 to read as
6 follows:

7 "A. General Provisions"

8 SECTION 7. Section 302A-1603, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The following shall be exempt from this section:

- 11 (1) Any form of housing permanently excluding school-aged
12 children, with the necessary covenants or declarations
13 of restrictions recorded on the property;
- 14 (2) Any form of housing that is or will be paying the
15 transient accommodations tax under chapter 237D;
- 16 (3) All nonresidential development; [~~and~~]
- 17 (4) Any development with an executed education
18 contribution agreement or other like document with the
19 agency for the contribution of school sites or payment
20 of fees for school land or school construction[~~-~~]; and



1 (5) Any form of development by the Hawaii housing finance
 2 and development corporation pursuant to chapter 201H,
 3 part II, subpart B."

4 SECTION 8. There is appropriated out of the general
 5 revenues of the State of Hawaii the sum of \$ or so
 6 much thereof as may be necessary for fiscal year 2021-2022 and
 7 the same sum or so much thereof as may be necessary for fiscal
 8 year 2022-2023 to be deposited into the ALOHA homes revolving
 9 fund established pursuant to section 201H-L, Hawaii Revised
 10 Statutes.

11 SECTION 9. There is appropriated out of the ALOHA homes
 12 revolving fund established pursuant to section 201H-L, Hawaii
 13 Revised Statutes, the sum of \$ or so much thereof as
 14 may be necessary for fiscal year 2021-2022 and the same sum or
 15 so much thereof as may be necessary for fiscal year 2022-2023
 16 for the purposes for which the revolving fund is established.

17 The sums appropriated shall be expended by the Hawaii
 18 housing finance and development corporation for the purposes of
 19 this Act.

20 SECTION 10. There is appropriated out of the general
 21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2021-2022 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2022-2023 to fund one full-time equivalent (1.0 FTE)
4 program manager position, one full-time equivalent (1.0 FTE)
5 compliance specialist position, and one full-time equivalent
6 (1.0 FTE) fiscal clerk position within the Hawaii housing
7 finance and development corporation for the ALOHA homes program.

8 The sums appropriated shall be expended by the department
9 of business, economic development, and tourism for the purposes
10 of this Act.

11 SECTION 11. In codifying the new sections added by
12 section 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 12. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 13. This Act shall take effect on July 1, 2050.



Report Title:

HHFDC; Affordable Housing; ALOHA Homes; Public Land Exemptions; Appropriation

Description:

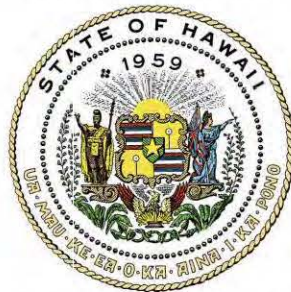
Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii housing finance and development corporation (HHFDC) to qualified residents. Exempts certain land from the definition of public lands. Requires HHFDC to gain legislative approval before disposing of certain lands. Provides for the disposition of lands acquired by HHFDC but no longer needed for the ALOHA homes program. Appropriates moneys. Effective 7/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



ALOHA Homes Implementation Study

PREPARED FOR



HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
(HHFDC)

PREPARED BY



HAWAII APPLESEED
CENTER FOR LAW & ECONOMIC JUSTICE



**HAWAII BUDGET
& POLICY CENTER**

ALOHA Homes Implementation Study

TABLE OF CONTENTS

Executive Summary	1
Methodology of Study	3
Project Team	3
Review of Relevant Housing Studies and Programs	4
Local Stakeholder Interviews and Focus Groups	4
Description of ALOHA Homes Concept	4
Program History	4
Differences Between the ALOHA Homes Program and Singapore Model	6
Intended Goals of the ALOHA Homes Program	8
Feasibility of Key ALOHA Homes Components	9
Why the Singapore Housing Model Cannot be Replicated in Hawai'i	9
Models that Can Work in Hawai'i	10
Feasibility of ALOHA Homes Components	12
High-Density: At Least 250 Units Per Acre	12
Public Land Contribution in Transit Oriented Areas	13
Buyer Restrictions	17
Owner Occupancy Enforcement	21
99-Year Leases and Use of State Lands	23
Five Year Affordability Period	23
Analysis of Key Cost Savings Approaches:	25
Estimated Cost is Significantly Below Market Prices.	25
State-Supported Financing	26
Off-Site Infrastructure Part of District Plan	27
Construction Methods	30
Streamlined Entitlement: Environmental Assessment	31
Developer Fees	32
Hard Construction Costs	32
Parking Cost Separated from Housing Cost	32
Development Model to Increase Competition	33

Benefits of Implementation: Ownership Opportunities for 80–140% AMI	34
Demand For State Supported Leasehold Housing: Focus Group Insights	34
Focus Groups’ Key Input	35
Other Affordable Leasehold Program Considerations	38
State Land Contributions are Key: Mission Alignment of State Agencies	38
Mortgage Assistance: Down Payment Support and Mortgage Readiness	39
Future Resident Engagement in Planning and Design	40
Cost Recovery Principle: State Funding is Recycled	42
Proposed Action Items	42
Legislative	42
Leadership	43
Conclusion	44
Appendix A: Interviewees	45
Appendix B: Other Jurisdictions	47
Appendix C: Equity Share Model	49
Appendix D: Hawai’i Three-Year Taxable Bonds	52
Appendix E: Sample Pro-Forma 2bd / 2ba	59

Executive Summary

One of the defining public policy issues of our day is the inadequacy of housing for Hawai'i's families. The cost of housing is most often cited as the motivation for out-migration of families seeking better economic opportunities in other states and as a primary cause for our high rate of homelessness.

The ALOHA Homes Implementation Study aims to ascertain the feasibility of implementing the proposed ALOHA Homes program and, if feasible, formulate an implementation plan. As part of our research we evaluated key components of the Singapore leasehold housing model to see which could be applied in Hawai'i. Singapore was chosen as an inspiration for the ALOHA Homes bill because it has successfully provided high quality and affordable housing for its more than 5 million citizens, and virtually eliminated homelessness.

In our approach, we did not simply comment on the viability of the Singapore model but sought to provide solutions that could work in Hawai'i. Our research team met with housing experts from developers, to manufacturers, to administrators, to policy problem-solvers in order to assemble best-practices and lessons learned applicable to Hawai'i's unique circumstances. And we asked local consumers, who represent the target group for ALOHA Homes purchases, to weigh in on a proposed affordable leasehold model.

We found that many of the provisions proposed in the ALOHA Homes model would have the potential to address housing needs of middle-income earners that are currently priced out of the housing market and have very limited opportunities for homeownership.

In our analysis we found several key components of the Singapore model that would not be currently feasible in Hawai'i. Notable among these are:

- **Government structure:** Singapore has a highly centralized government with extensive land use authority and limited opportunities for citizen input in development decisions.
- **Cost of Construction:** Singapore is able to build housing and infrastructure at costs that are less than half the costs in Hawai'i, in large part because the construction workforce is dominated by nonunionized immigrant laborers.
- **Significant mortgage subsidies for lower-income residents:** Singapore ensures widespread affordability by reducing the home price for residents with lower incomes. These subsidies aim to keep monthly housing costs at approximately 22% of a resident's income.

The above elements of the Singapore model make some aspects of the current ALOHA Homes bill infeasible or not recommended for Hawai'i. Our findings indicate that other aspects proposed for the ALOHA Homes model which would not be recommended for other reasons.

Key components of the ALOHA Homes bill which are **infeasible** include:

- 1) **Constructing a 2 bedroom/2 bathroom home for \$300,000.**
Analysis: Our research indicates a feasible price to be approximately \$400,000.

2) **Minimum Density of 250 homes per acre.**

Analysis: Due to our government, social, and political structure, imposing a requirement that does not account for local needs or geographic variation would likely be an empty mandate.

3) **Delivering housing to low- and middle-income earners without State Subsidy.**

Analysis: Even at a low price of \$400,000, assuming a subsidy of State lands and district-wide infrastructure, house payments would be affordable to households earning approximately \$80,000 a year, or 80% of area median income for Honolulu.¹ Households with lower incomes would need further mortgage subsidies to make home purchases affordable.

Key components of the ALOHA Homes bill which are feasible, but **not a best practice** for maximizing long-term affordability include:

- 1) **Five-year affordability period.** Owner can sell at market price after five years, and will share 75 percent of the equity with the housing agency. The home is no longer affordable to future buyers.

Analysis: Singapore allows a sale at maximum price to qualified buyers after five years, without losing affordability because the government structure enables constant replacement of affordable homes and public land acquisition. This does not apply to Hawai'i or other places we researched with high citizen engagement in land use decisions.

- 2) **No income restriction.** A person at any income level can purchase an ALOHA home, even though in Singapore there are income restrictions for purchasing new and subsidized homes.

Analysis: Every jurisdiction in the U.S. with below-market housing has an income limit. European cities also generally have income limits, with Helsinki having a low-income preference instead of limit.

Other main program areas which need further consideration before implementation include:

- 1) **Stewardship:** Successful below-market housing programs require management, generally from a non-profit or other third-party organization. The State would need to find a partner.
- 2) **Infrastructure Funding:** Significant public investment in infrastructure is needed to enable housing construction in TOD areas at the prices proposed in this study. The public sector must take a much larger role in this area.
- 3) **State land contribution/Lease end game issues:** The ALOHA Homes Implementation Study proposes a 99-year lease but does not address what happens at the end of the lease term. In Singapore, the government does not extend the lease period but instead re-houses people as the property generally declines in value when the remaining lease period is shorter than 40 years. It is not clear if this would also be the plan for ALOHA Homes.

¹ Assumptions: 3% down payment, 30-year mortgage loan at 3% interest, HOA \$350/month, no PMI, homeowner's insurance \$500. HUD Honolulu Household 100% AMI 2020 is \$101,600

We continue to gather important stakeholder feedback on this issue, but it is clear the use of public lands for residential leasehold ownership is controversial with important legal, political, and financial considerations.

Although some parts of the ALOHA Homes proposal are currently infeasible, the lack of affordable housing is also unsustainable for too many Hawai'i residents. The scarcity of affordable homeownership opportunities for local residents who are earning average or even above-average wages is a frustrating and demoralizing experience, as voiced by one focus group participant- "I've been saving up for years, but it's just not enough." Some people when faced with this reality decide to limit their aspirations and give up on homeownership, while some others move to other states. During our focus group interviews it was striking how many people when presented with the prices and requirements of the leasehold program described in this study responded by saying they felt hopeful. They wanted to be kept informed of program progress and wanted to know where and when the housing would be built.

A state-supported affordable leasehold housing program, that addresses the above obstacles, could fulfill an important housing need for Hawai'i.

Methodology of Study

Project Team

The ALOHA Homes Implementation Study was commissioned by the Hawai'i Housing Finance and Development Corporation (HHFDC), the primary agency responsible for overseeing affordable housing finance and development in Hawai'i. The study was conducted by the Hawai'i Appleseed Center for Law & Economic Justice. The study team included:

- Kenna Stormogipson (Policy and Data Analyst, Hawai'i Budget and Policy Center)
- Williamson Chang, JD (Legal Analyst, UHM William S. Richardson School of Law)
- Dave Freudenberger (Public Finance Consultant, Goodwin Consulting Group)
- Charles Long (Developer and author of "Finance for Real Estate Development")
- Dennis Silva (Planner, Hawai'i Planning LLC)
- Jessica Sato (Freelance Designer)
- Abbey Seitz (Community Planner)
- Steven Miao, (Research Assistant, Hawai'i Budget and Policy Center)
- Jacob Heberle (Summer Intern, Hawai'i Appleseed)
- Arjuna Heim (Fall Intern, Hawai'i Appleseed)

The team members listed above represent a project team with local and regional expertise in housing policy, real estate finances, legal analysis, state housing policy and urban development.

Review of Relevant Housing Studies and Programs

The project team reviewed relevant housing studies and programs to document best practices in the design, distribution and management of affordable housing, both locally and abroad. The team's greatest focus was on public housing and "social housing" programs in Singapore, Vienna and Helsinki. These programs were given most attention because they are state-supported, effective housing delivery systems that provide affordable home-ownership and rental opportunities to low- and middle-income residents. Lessons learned from these publicly supported programs are included throughout the study. In addition to reviewing existing literature and publications about various public housing programs, the project team interviewed government officials from the model jurisdictions when possible.

Local Stakeholder Interviews and Focus Groups

To ensure that this study was centered on local knowledge, the project team conducted more than 30 local stakeholder interviews. Stakeholders represented government agencies, academic institutions, nonprofit organizations, community groups, and private developers that are involved in affordable housing in Hawai'i. Collectively, they provided details about the challenges of and opportunities for different affordable housing delivery systems, addressing costs, community engagement, government accountability and equity concerns. The full list of stakeholders who were interviewed is included in Appendix A.

The project team also gathered input from local residents about a potential ALOHA Homes Program through four one-on-one interviews and four focus groups. Each focus group was held via video conference, lasted approximately 1.5 hours, and included an average of four participants. In total, there were 18 participants. The names of focus group participants engaged in this study are not provided to protect their privacy. Key input from stakeholder interviews and focus groups is referenced throughout the study.

Description of ALOHA Homes Concept

Program History

The proposed ALOHA Homes Program was first championed by State Senator Stanley Chang (District 9), who represents the area stretching from Diamond Head to Hawai'i Kai. As chairman of the Senate Committee on Housing since 2019, Senator Chang has focused much of his attention on ending Hawai'i's housing shortage. He is particularly inspired by the affordable housing model of Singapore, a city-state at the southern tip of Malaysia where it is estimated that over 90 percent of the city's 5.5 million people are homeowners.²

² Phang, S. and Helble, M., (2016). Housing Policies In Singapore. ADBI Working Paper 559. Tokyo: Asian Development Bank Institute. Available: <http://www.adb.org/publications/housing-policies-singapore/>

In early 2019, Senator Chang introduced [Senate Bill 1](#) (“ALOHA Homes Bill”).³ While the ALOHA Homes Bill did not ultimately pass, the state approved legislation to study provisions in the bill in [Act 167](#) (Session Laws of Hawai‘i 2019). As part of Act 167, HHFDC is required to “to study and formulate a plan to implement an ALOHA Homes program to provide low-cost, high-density leasehold homes for sale to Hawai‘i residents on state-owned lands within a one-half mile radius of a public transit station.”⁴ This study is a result of this Act 167 requirement, and our goal is to provide data and analysis to help the State of Hawai‘i implement an affordable leasehold ownership program.

The Original Vision for the ALOHA Homes Program

State Senator Stanley Chang envisioned the ALOHA Homes Program to be based on the following principles, as outlined in the [ALOHA Homes Bill](#):

- **Housing should be affordable for Hawai‘i residents** with incomes at or below 80 percent of the area median income (AMI).⁵ This means a two-bedroom unit could cost no more than approximately \$300,000.
- **Down payments should be nonrestrictive for potential homeowners at 3 percent or less** so that the down payment for a two-bedroom unit would be approximately \$9,000 or less.
- **99-year leasehold tenure** for sales of residential condominiums on state land.
- **Housing should be revenue-neutral for the state** and all expenses should be recouped through the sale of the leasehold interest on ALOHA Homes and other revenue sources.
- **Housing should be high-density residential** to support future transit-oriented development (TOD) on O‘ahu. The ALOHA Homes Bill defined “high-density” as an area that has at least 250 dwelling units per acre. This density is the same as “801 South Street,” two mid-priced condominium towers built in downtown Honolulu between 2015 and 2017. These two towers have a density of roughly 250 homes per acre, with 46 stories reaching 400 feet high. The relatively affordable price of these two towers was due in part to their density, which allowed more apartments to fit on a parcel of land.
- **Housing should be part of mixed land-use communities**, accommodating both residential and commercial uses to promote walkable and livable neighborhoods.
- **Housing should be sited near community amenities** such as parks, community meeting places, childcare centers, schools, educational facilities and libraries.
- **Housing should be owner-occupied** to ensure local residents have the opportunity to build equity and have more control over their housing than they would as renters.
- **Housing should be sited in urban development areas**, to promote smart and sustainable growth in Hawai‘i. The ALOHA Homes Bill defined “urban development sites” as state and county land within county-designated TOD areas or within a half-mile radius of a public transit station in a county that has a population greater than 500,000.
- **There should be no first-time homebuyer or income limits on potential homeowners**, to promote neighborhoods that integrate residents with a variety of incomes and ages.

³ Senate Bill 1, S.D. 2. (2019). Related to Housing. Available here: https://www.capitol.hawaii.gov/session2019/bills/SB1_SD2_.pdf

⁴ Act 167 (H.B. No. 820, H.D. 1, S.D. 1, C.D. 1). (Session Laws of Hawai‘i 2019). Related to Housing. Available here: https://www.capitol.hawaii.gov/session2019/bills/GM1269_.PDF

⁵ Eighty percent of Hawai‘i’s area median income for a family of four in 2020 was \$96,400, according to DBEDT. Available: <https://dbedt.hawaii.gov/hcda/annual-ami-stats/>

- **Homeowners would not own any other real property** to prevent people from using the program primarily as a form of real estate investment. Anyone who currently owns property would be required to sell that property within six months of purchasing a below-market home. This clause emphasizes that the primary purpose of the program is to provide affordable housing and that wealth or equity building is secondary.
- **There would be waitlist preferences** to prioritize people who are affected by the new development, such as local area residents. The program would also prioritize residents affiliated with a school or university if housing is built on land owned by the school or university.
- **Restricted resale to eligible buyers** would ensure that the units are affordable long-term. Home sales would be restricted to buyers who meet the eligibility requirements as outlined above, including to local residents who own no other property.
- **Equity sharing** would provide a fair profit, but not a windfall to the owner who resells a unit. The owner has two options:
 1. The owner can sell the home back to the public agency for the original purchase price plus inflation for Honolulu as determined by the Consumer Price Index.
 2. If the agency does not exercise the right to purchase the home, the owner may sell the property to another qualified buyer at market price and keep 25 percent of the profit, while the public agency would retain 75 percent of the gain.This equity share provision emphasizes that the purpose of the program is to provide and maintain a supply of affordable housing for local residents. While some profit for the owner is acceptable, it is not the main goal of the program.

Differences Between the ALOHA Homes Program and the Singapore Model

Although similar, there are key differences between Singapore’s Housing and Development Board (HDB) approach to affordable housing and the original vision for the ALOHA Homes Program:

- **Singapore allows less citizen oversight and community involvement.** Generally speaking, the Singaporean government designed HDB with minimal citizen oversight or community involvement. Although the ALOHA Homes Bill does not currently outline any community involvement process, HHFDC must comply with numerous state rules and regulations designed to promote transparency and protect the public interest. Some examples of this include HRS §91 rulemaking procedures, which require agencies to provide the public access to information on and opportunities to inspect and provide input on agency laws and procedures.⁶

Hawai’i’s Sunshine Laws also require meetings of the HHFDC board to be conducted as “openly as possible.” In contrast, Singapore is one of a minority of countries that does not have “Freedom of Information” laws, for citizens to request government data,⁷ and in general

⁶ Hawai’i Revised Statutes (HRS) §91-2, Title 8, Public Proceedings and Records, Chapter 91 Administrative Procedure. Available at: https://files.hawaii.gov/dcca/oah/hrs/hrs_oah_91.pdf

⁷ Freedominfo.org A total 119 countries have Freedom of Information laws, but not Singapore.

the level of transparency and public involvement in land use planning in Singapore is much lower than in Hawai'i.

- **Singapore provides income-based subsidies for first-time buyers.** HDB provides income-based subsidies amounting to 20-25 percent of a person's income in order to ensure that mortgages are affordable. For example, a person earning \$2,000 per month would receive a subsidy to reduce their mortgage payment to \$450 a month, but a person earning \$4,000 a month would pay a \$900 monthly mortgage for the same home. Homeownership is made affordable for everyone because initial home prices are based partly on income, not just on the cost of building the home. The ALOHA Homes Bill does not include mortgage subsidies based on income. Instead, it emphasizes that the program is revenue-neutral for the state and the price of the homes is based on the cost of building the units.
- **Singapore has strict eligibility requirements for purchasers of new homes.** Purchasing new affordable housing with 99-year leases in Singapore is heavily regulated by residency, ethnicity, age and income requirements. Singapore eligibility restrictions include:
 - **Minimum age:** A married couple must be at least 21-years-old while the minimum age for a single person is 35-years-old.
 - **Income Restrictions:** Income limits apply to people purchasing a new HDB home. Although top income earners are excluded from the new construction program, there are no income restrictions on the secondary resale market.
 - **Strict Ethnic Quotas:** Singapore supports racial integration through its "Ethnic Integration Policy," which sets quotas for HDB blocks and neighborhoods for the city's major ethnic groups: Malay, Chinese and Indian/Others. The racial quotas are updated periodically to ensure they continue to reflect Singapore's demographics. For example, in 1989 the permissible proportion of HDB apartments for Malays was up to 22 percent in any given neighborhood and 25 percent within an HDB block.⁸ These ethnic quotas also apply to the secondary resale market.

None of the above restrictions apply to ALOHA Homes.

- **The Singapore model is entirely state financed:** The Singapore housing model is entirely financed by the state. No outside funders or investors are involved in building housing. The ALOHA Homes model does not explicitly identify its financing strategy, but says the program must be "revenue-neutral." In Singapore, the housing program is not revenue-neutral, but instead receives considerable subsidies from the government to ensure that almost every working Singapore resident can afford their first home purchase. A 2019 presentation by HDB for the World Bank highlights that affordability is made possible through "generous subsidies

⁸ Koo, A. (2020, August 12). "HDBGuide To Understanding HDB Ethnic Integration Policy (EIP) And Singapore Permanent Resident (SPR) Quota." Dollars and Sense. Available at: <https://dollarsandsense.sg/guide-understanding-hdb-ethnic-integration-policy-eip-singapore-permanent-resident-spr-quota/>

and concessionary loans.”⁹ These subsidies include not only a reduction in the price of the home, but also government issued mortgages with 2.6 percent interest, and down payment support through a government savings account.

In Singapore, subsidies are provided because housing is considered a right of citizenship, much like education and healthcare. As a fundamental right, the government develops tens of thousands of homes a year (15,800 homes in 2018) so that the affordable housing supply meets residents’ needs and no citizen is left homeless.

- **Singapore’s 37 percent payroll tax helps with down payment:** The Singapore government has a mandatory savings plan similar to social security in the United States, in which every employee and employer contributes a portion of a worker’s wages towards a government-managed savings account. The employee contributes 20 percent from each paycheck and the employer puts in 17 percent. The total 37 percent goes to the Central Provident Fund. This wage-based (i.e. payroll) tax is three times the U.S. Social Security tax of 12.4 percent (with 6.2 percent from employees and 6.2 percent from employers).

In Singapore, approximately 62 percent of a person’s Central Provident Fund savings is set aside to be used for a down payment, educational or other personal investments. According to HDB program documents,¹⁰ it takes the average worker three years to accumulate mandatory savings sufficient for a down payment.

The ALOHA Homes proposal does not create a mandatory payroll tax or propose a specific mechanism for helping residents acquire a down payment.

As is evident from the above description, the ALOHA Homes proposal was inspired by the Singapore model but differs significantly in key areas of program design, including owner qualifications, project financing and approval, and mandates and subsidies for leasehold buyers.

Intended Goals of the ALOHA Homes Program

As outlined in the 2019 ALOHA Homes Bill, the intended goals of the ALOHA Homes Program envisioned by Senator Chang are to:

- 1) End the housing shortage in Hawai’i;
- 2) Facilitate development of affordable leasehold homes on state land near future transit stations;
- 3) Authorize HHFDC to sell residential units as 99-year leasehold properties; and
- 4) Develop an ALOHA Homes demonstration project by July 1, 2025.

⁹ April 2019 presentation to the World Bank, “Affordable Housing Financing and Delivery in Singapore” by Ms. Sia Tze Ming, Deputy Director Housing & Development Board, Singapore.

¹⁰IBID

Feasibility of Key ALOHA Homes Components

Why the Singapore Housing Model Cannot Be Replicated in Hawai'i

Styles of Governance

Singapore: One source¹¹ notes that Singapore enjoys political stability, honest and effective government, and successful economic policies but “is also known for its limited tolerance for opposition or criticism.” Though Singapore does have elections, the People’s Action Party has been in power since independence in 1965 and, by most accounts, is in little danger of being unseated in the near future. With no dissenting opinions from rival political parties or the public, Singapore’s top-down, unified style of government has allowed its Housing & Development Board to construct public housing at a scale uncommon in most democratic nations.

Hawai'i: Though Hawai'i's voters and elected officials are heavily Democratic-leaning, there is much disagreement about public spending and state-run programs. Community sentiment, especially about housing policy, can be sharply divided and strongly expressed. Because developing an adequate supply of affordable housing requires a significant and sustained public infrastructure investment, access to developable land, and community approval, it is difficult to imagine Hawai'i replicating Singapore's speed and scale of development.

Labor Unions and Wages

Singapore: Singapore's access to abundant, cheap, migrant labor has allowed it to build housing at a low cost. Singapore is one of the world's biggest net importers of migrant labor,¹² with workers coming primarily from Malaysia, Bangladesh, Nepal, India, China and other Asian nations. Legal constraints keep migrant workers from organizing for better wages and conditions. As a result, Singapore's migrant construction workers earn notoriously low wages—approximately \$5–20 per hour.¹³

Hawai'i: Hawai'i leads the nation in union membership, with 23.1 percent of the state's workers in labor unions. Political support for unions is strong.¹⁴ These unions allow workers to negotiate for higher compensation and better working conditions through the power of collective bargaining.¹⁵ In contrast to Singapore's poorly-paid migrant laborers, Hawai'i's construction workers earn an average of \$33 per hour.¹⁶

¹¹ <http://factsanddetails.com/southeast-asia/Singapore>

¹² Sacco, M. (2016, February 16). “What Does Singapore Owe Its Migrant Workers?” Carnegie Council for Ethics in International Affairs. Available at: https://www.carnegiecouncil.org/publications/ethics_online/0114

¹³ Kirk, M. (2015, June 9). “The Peculiar Inequality of Singapore's Famed Public Housing.” Bloomberg CityLab. Available at: <https://www.bloomberg.com/news/articles/2015-06-09/for-migrant-workers-in-singapore-it-s-build-high-live>

¹⁴ Sauter, M. (2019, April 10). “Hawaii, New York are strongest states for unions, S. Carolina and N. Carolina are weakest.” USA Today. Available at: <https://www.usatoday.com/story/money/2019/04/10/hawaii-new-york-strongest-states-trade-unions-north-carolina-south-carolina-weakest/39305975/>

¹⁵ Sauter (2019)

¹⁶ Bureau of Labor Statistics (2019), <https://www.bls.gov/oes/>

Construction Costs

Singapore: The average cost for constructing a standard mid-rise or high-rise condominium in Singapore is \$125–150 per square foot.¹⁷

Hawai'i: The average cost to construct the same kind of multifamily dwelling in Hawai'i is approximately \$275–400 per square foot, more than double Singapore's cost of construction.¹⁸ Duplicating Singapore's cost of construction would require construction wages that are not possible or desirable for Hawai'i workers.

Models That Can Work in Hawai'i

After determining that several aspects of the Singapore model cannot be replicated in Hawai'i, our project team looked at examples of affordable housing programs in Helsinki and Vienna to explore other options that Hawai'i might draw from. These two places are known for their exceptional affordable housing policies and, similar to Hawai'i, they have very strong unions, a high cost of construction, and a robust process to engage citizens in planning decisions. Their projects also deal with a high degree of NIMBYism (Not In My Back Yard), which is prominent in Hawai'i's development processes.

Vienna, Austria

Cost of construction: \$250–300 per gross square foot¹⁹

Union labor representation: Trade unions are politically influential in Austria, particularly in Vienna.²⁰ Across Austria, there are an estimated 1.4 million employees who are trade union members, the majority of whom reside in Vienna.²¹ The Austrian Trade Union Federation provides various benefits to its members, such as negotiation of collective agreements, safeguarding of social standards and fair wages, and legal services.²²

Citizen engagement in land use decisions: Vienna has a long history of civic engagement in community planning, and it continues to guide urban development today. For example, to overcome recent opposition to city transit service initiatives and other car-free amenities, officials brought residents into the decision-making process by providing community groups and neighborhood associations with small grants (\$5,000) to plan and finance public-space improvement projects.²³

¹⁷ 2019, "Singapore: Quarterly Construction Cost Review" Arcadis Singapore Pte Ltd.

¹⁸ Based on pro-forma analysis of local projects and interviews with Hawai'i builders and developers

¹⁹ Interview with Kurt Pachinger, Vienna City Administrator, Office of the Executive City Councillor for Housing, Housing Construction, Urban Renewal and Women's Issues

²⁰ Federal Ministry, Republic of Austria Website. (2020). "Representation of employees". Available at: <https://www.migration.gv.at/en/living-and-working-in-austria/working/representation-of-employees/>

²¹ Federal Ministry, Republic of Austria Website (2020)

²² Federal Ministry, Republic of Austria Website (2020)

²³ Federal Ministry, Republic of Austria Website (2020)

Public housing rent as a percentage of income: 18–22 percent²⁴

City liveability, housing access: In both 2018 and 2019, Vienna was named the world’s most “liveable city” on the Global Liveability Index.²⁵ This prestigious ranking is due in part to residents’ bountiful access to affordable housing and transportation. According to Bloomberg CityLab, Vienna—a city with approximately 2 million residents—experiences an annual increase of about 25,000 residents and adds approximately 13,000 new units of housing each year to accommodate them.²⁶ Strict land-use regulations have focused growth in existing urban neighborhoods, as opposed to suburban sprawl. Population growth is further supplemented by parks and public spaces and, today, more than half of the city is dedicated to green space.²⁷

Helsinki, Finland

Cost of construction: \$325–400 per gross square foot²⁸

Union labor representation: Trade unions are exceptionally strong in Finland, where 59 percent of the working population are members.²⁹ The average salary for a construction worker in Finland is \$54,500 a year or \$31 per hour, very similar to Hawai‘i’s \$33 per hour.³⁰

Citizen engagement in land use decisions: Finland has high citizen engagement in land-use decisions and consequently, it is very difficult to add affordable housing to older neighborhoods. Instead the government housing development agency focuses on incorporating affordable housing into new neighborhoods.³¹

Public housing rent as a percentage of income: 18–28 percent³²

City liveability, housing access: In 2017, Helsinki was ranked as the second most liveable city in Europe, following Vienna.³³ One of the main reasons for this high ranking is a successful housing policy which has ensured affordable housing for almost all residents and virtually eliminated homelessness.³⁴

²⁴ 2019 Presentation for “Boston Initiative on Cities: Global Innovations in Urban Housing Conference April 2019,” by Eva Bauer of Austrian Federation of Limited Profit Housing Associations

²⁵ <https://www.eiu.com/topic/liveability>

²⁶ Dudley, D. (2019, October 29). Secrets of the World’s Most Livable City. Bloomberg CityLab. Available at: <https://www.bloomberg.com/news/articles/2019-10-29/here-s-why-vienna-tops-most-livable-cities-lists>.

²⁷ Dudley (2019)

²⁸ Interview with Housing Finance and Development Centre of Finland, pro-forma of recent project

²⁹ Construction & Labor Workers, Finland | 2020/21 (averagesalarysurvey.com)

³⁰ <https://julkaisut.valtioneuvosto.fi>

³¹ 2020 Interview with Jarmo Linden, Director, Housing Finance and Development Centre of Finland

³² Jan 2020, Presentation of Housing Finance and Development Centre of Finland “Role of ARA in Social Housing and in Actions to Reduce Homelessness in Finland.” Average Finish income from www.statista.com

³³ <https://www.eiu.com/n/campaigns/the-global-liveability-report-2017>

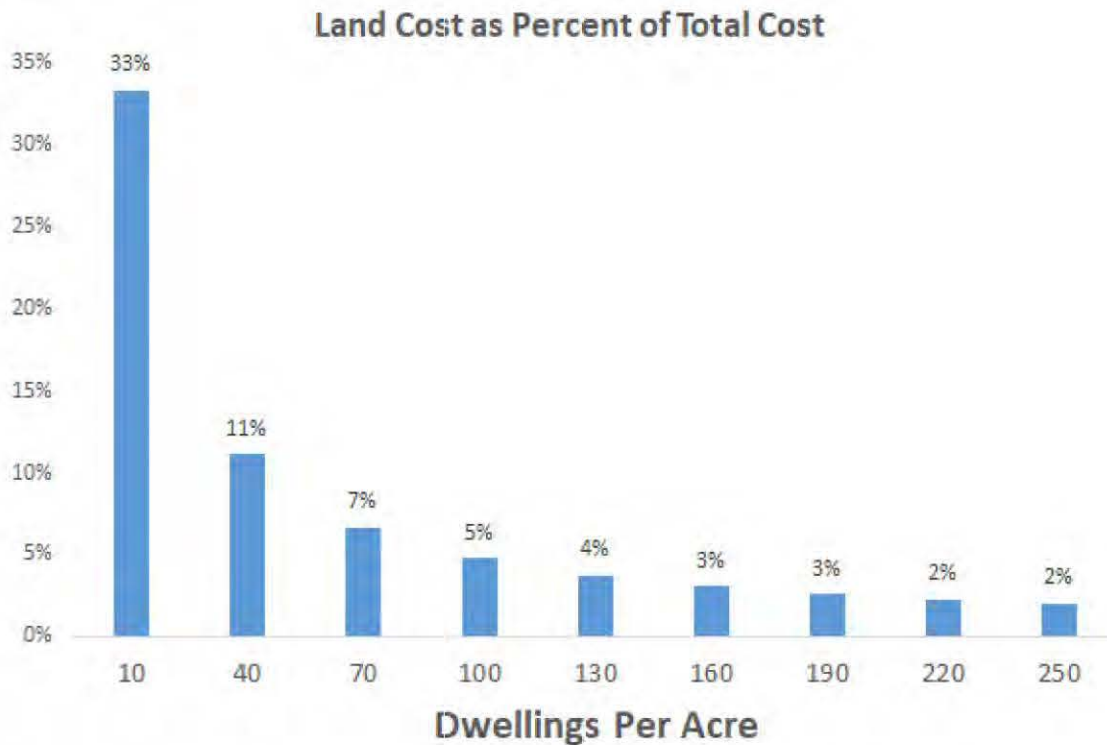
³⁴ 2020, “The Role of Social Housing and Actions to Reduce Homelessness in Finland.” presentation by The Housing Finance and Development Centre of Finland.

Summary: Although Vienna and Helsinki are farther away from Hawai'i than Singapore by location, these cities face many of the social, political, and cost constraints to building new housing that are common in Hawai'i. In many ways, compared to the Singapore model, housing policies in Vienna and Helsinki are more relevant to Hawai'i.

Case studies of Vienna and Helsinki further demonstrate that building new housing is expensive and requires significant community buy-in and participation. For these reasons, best practices from these two municipalities are included when evaluating various components of the ALOHA Homes proposal.

Feasibility of ALOHA Homes Components

High-Density: At Least 250 Units Per Acre



The more dwelling units built per acre, the less impact additional density has on overall costs. Assumptions: \$2 million per acre land cost and construction costs constant \$400,000 per unit.

One approach to cost savings is density, although savings diminish as density increases. The more homes that can be built on a specific parcel, the greater the savings in land costs. For example, if a 1-acre parcel is worth \$2 million and five homes are built, the land cost for each home is \$400,000. However, if 10 homes are built on that same parcel, the land cost per home drops to \$200,000, which could translate into significantly lower prices per home.

If the average cost to build a 1,000 square foot home is about \$400,000, there are significant savings when the density is increased from 10 homes to 40 homes, or even to 70 homes, but the savings greatly diminish after 130 homes per acre.

Density should fit local community needs. In most of the TOD areas on O‘ahu, mid-rise developments would blend in with the surrounding community. The ‘Iwilei, Chinatown and Downtown station areas may have higher density since this is the most urbanized area in the state and is the Central Business District (CBD). The Downtown TOD Neighborhood Plan states: “Develop new housing of varied types, including affordable, family-friendly and mixed-income, to allow a range of household types.” Higher density in the Downtown Honolulu CBD fits with the character of the surrounding district, while a mid-rise of between 100 to 200 homes per acre would be appropriate in areas further from the CBD.

Sense of community: We learned from discussions with developers that projects with high density can lack a sense of community and be less attractive to long-term residents. One developer recounted how a project of 120 homes per acre leased up much more quickly than another project of almost 200 homes per acre in the same neighborhood.

Conclusion: At least 250 homes per acre is only appropriate for some areas. For many TOD areas, a lower density would achieve cost savings, retain a sense of community, and fit the surrounding community.

Public Land Contribution in Transit Oriented Areas

Public land contribution is key: One important practice in all three jurisdictions studied—Helsinki, Vienna and Singapore—is that public land is used for affordable housing. As a result of their investments and long-term vision, each city builds enough quality housing to reasonably match demands. Rents meet affordability standards of no more than 18–26 percent of residents’ incomes. In addition, each jurisdiction has virtually eliminated homelessness.

Use of public lands for long-term affordability: All three jurisdictions use public lands as a way to maintain affordability.

Singapore creates a constant supply of HDB flats to keep prices stable: In Singapore, the government is able to consistently build enough new homes to meet demand. They acquire land and develop train stations, public infrastructure, and other amenities as needed for the new developments. Due to the continual supply of new HDB flats, these public sector homes—which make up about 80 percent of the housing market—have maintained relatively stable prices. Resale prices for HDB flats ended 2020 slightly lower than at the beginning of 2013.³⁵ Of course, this ability to add public infrastructure and housing as needed is very difficult in places with less central government control and a high degree of citizen involvement in land-use decisions.

³⁵ Housing Development Board Data <https://www.hdb.gov.sg/residential/buying-a-flat/resale/getting-started/resale-statistics>

HDB Homes Developed and Re-Sale Price Change

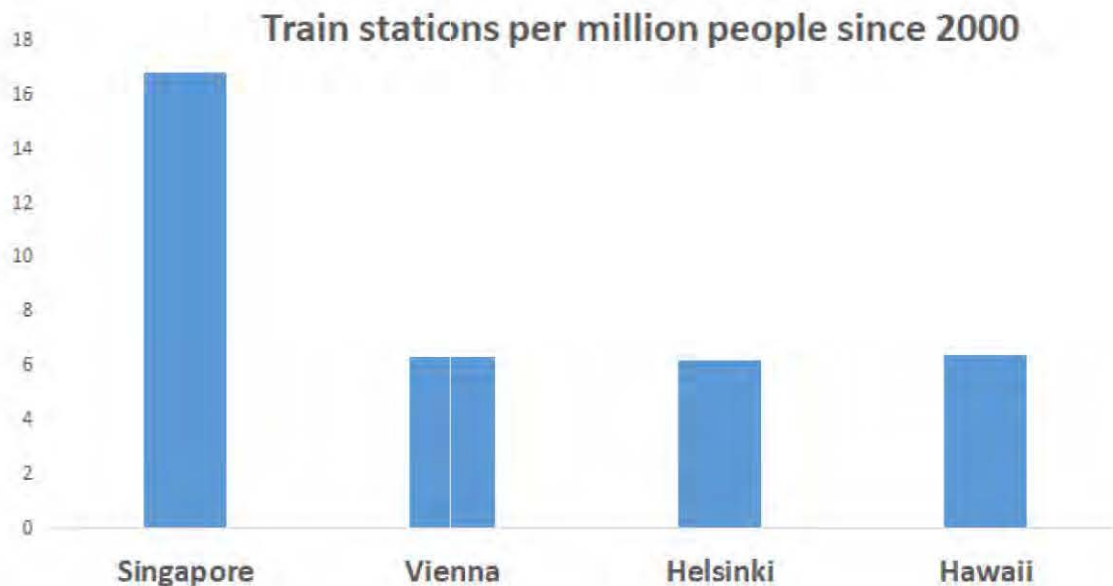


Helsinki and Vienna use price controls to maintain long-term affordability. The government and political structure of Vienna and Helsinki make the process of acquiring new developable land with public infrastructure and transportation more difficult and time intensive. For example, Singapore has added 122 stations to its public transit system since 2000,³⁶ whereas Helsinki has only added 8 and Vienna has added 12.³⁷

As a comparison, Hawai'i is about to complete nine stations of a rail system that has been discussed and planned for over 50 years. The amount of time, resources, and citizen consensus required in Hawai'i for major construction projects is more similar to Vienna and Helsinki than to Singapore.

³⁶<https://landtransportguru.net/singapore-rail-timeline/>

³⁷ https://en.wikipedia.org/wiki/Helsinki_Metro#1982_onwards:_In_service,
https://en.wikipedia.org/wiki/Wien_Hauptbahnhof



Vienna and Helsinki both preserve the affordability of state supported housing by setting price limits. Price increases in rental and for-sale homes that receive government subsidies are generally limited to inflation plus the cost of improvements. The use of public land, financing, and long-term price controls ensures that every new development maintains a significant supply of affordable housing.

Case Study: Planning for affordability: Jätkäsaari in Helsinki, Finland

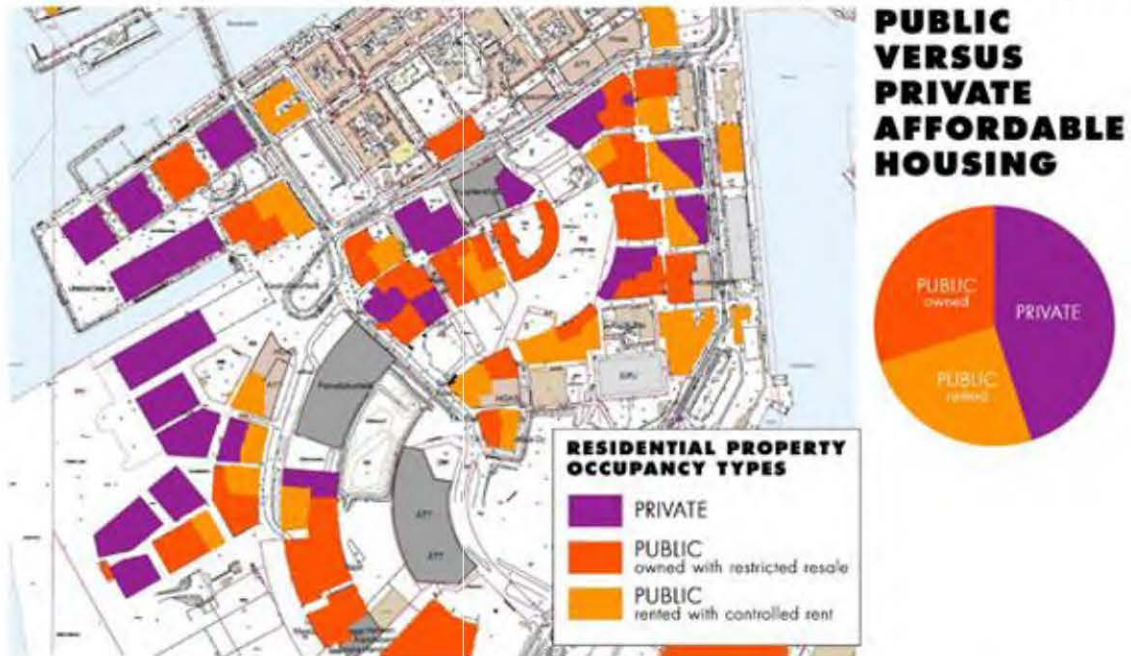
A newly developed waterfront neighborhood in Helsinki provides an excellent example of planning for affordability. Jätkäsaari was an old industrial waterfront neighborhood similar to Honolulu's Kaka'ako neighborhood. In 2010, Helsinki began efforts to transform the area into residential and commercial uses. As part of the development process, the Helsinki planning department purchased most of the land area, and between 2008 and 2019 the city invested more than \$275 million in Jätkäsaari, with another \$240 million budgeted for future development. The planning department sold about 45 percent of the land to the private market, and reserved the remaining land area for publicly-funded housing and other public purposes.

After the land-use decisions had been made, the municipality financed the construction of 60 new apartment buildings that were a mix of rental housing and shared equity ownership with restricted resale prices. Once construction is completed, it is estimated that Jätkäsaari will be home to 21,000 residents and offer jobs to 6,000 people.³⁸

To create a more equitable neighborhood, the public and private housing developments were integrated throughout the area.

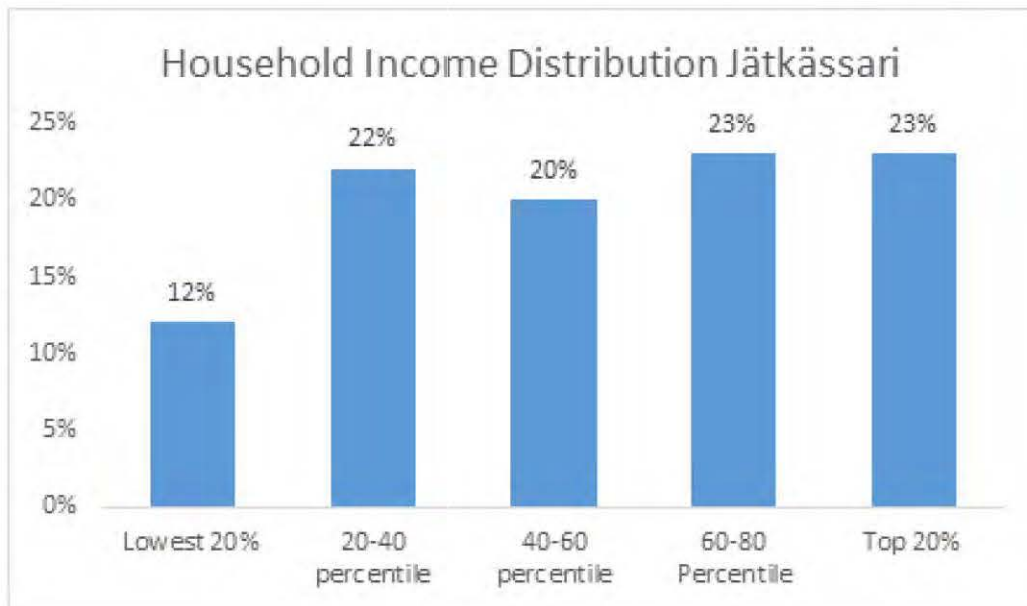
³⁸ Helsinki Municipal Website. (2020). Jätkäsaari. Available at: <https://www.uuttahelsinki.fi/fi/jatkasaari>

JÄTKÄSSARI, HELSINKI, FINLAND



This map by housing type clearly shows how Helsinki has planned for long-term affordability: more than half of the land and residential homes are publicly supported and will remain affordable for the life of the building.

Not only will this neighborhood maintain affordable housing, but it also ensures income diversity of residents by developing a mix of private housing and state subsidized rental and for-sale properties. Jätkäsaari is not a poor neighborhood or a wealthy neighborhood: it is a mixed neighborhood where the percentage of households in the various income quartiles is remarkably evenly distributed.



Vienna uses similar land-use and pricing strategies to maintain housing affordability.

“What makes Vienna unique is that you cannot tell how much someone earns simply by looking at their home address.” –Kathrin Gaál, Vienna’s Councilor of Housing ³⁹

Although Singapore, Vienna and Helsinki employ different strategies to maintain affordable pricing, all three use a combination of public land and publicly-funded infrastructure as the starting point.

Public Lands in Transit-Oriented Development Areas: A Tremendous Opportunity

The State of Hawai‘i is the largest landowner along the new 21-station rail system being built on O‘ahu. Between various state agencies, there are approximately 2,000 acres of land within a half a mile of the rail line.⁴⁰ Additionally, state and county land near bus transit corridors on neighbor islands offer opportunities for transit-oriented development and affordable housing.⁴¹ For example, Maui is developing a new bus transit hub on state lands, with the opportunity to build affordable housing on more than 5 acres of adjacent state lands. University of Hilo in Hawai‘i County, has land which could be used for student housing, and Kaua‘i is developing affordable housing on county lands at Lima Ola in ‘Ele‘ele.

Buyer Restrictions

The ALOHA Homes Bill proposes several restrictions related to the home purchaser. The following is the analysis of each restriction based on best practices from other jurisdictions.

Buyer owns no other real property. Home is primarily a place to live.

Purpose: When it takes considerable public resources to develop affordable housing, it is important that housing be **primarily** developed as a place for residents to live, not a wealth building vehicle. Restricting ownership to buyers with no other property supports the concept that housing is an essential human need and an important public purpose. Permitting the purchase of these units as second homes rather than as a primary residence, would subvert the purpose of public investment in housing as well as allowing a buyer to use them as investment vehicles.

Analysis: Provision is recommended. Limiting the amount of wealth generation from publicly subsidized housing is important for the long-term viability of a housing program. Restricting ownership as proposed is a standard requirement for most publicly-supported for-sale housing. Most jurisdictions in the United States include such a requirement for below-market for-sale housing offered under inclusionary zoning policies (See Appendix B for examples from other U.S. jurisdictions). Singapore, which has the largest owner-occupied public housing system in the world,

³⁹ 02/15/2019 “Vienna’s Affordable Housing Paradise,” by Adam Forrest, Huffington Post www.huffpost.com

⁴⁰ <http://planning.hawaii.gov/lud/state-tod/>

⁴¹ State Office of Planning and Hawaii Housing Finance and Development Corporation. (2018). State Strategic Plan for Transit-Oriented Development. Available at: https://planning.hawaii.gov/wp-content/uploads/State-TOD-Strategic-Plan_Dec-2017-Rev-Aug-2018.pdf

also has strict prohibitions about owning other property. Notably, Helsinki had a below-market homeownership program called HITAS, which allowed people to own other property. As purchasers increasingly used the program to build wealth by owning multiple homes, HITAS became unpopular and was considered a waste of public resources. It was discontinued in 2020.⁴²

Hawai'i considerations for fractional ownership of homestead and other properties: In Hawai'i, many residents have fractional ownership as a partial interest in a family owned property. These properties have significant cultural and family value but partial owners typically cannot use them as homes for themselves. Moreover, it can be difficult to divest from some partial ownership structures. It is, therefore, important to recognize and accommodate partial ownership of less than 50 percent when establishing restrictions to purchase state-sponsored housing.

Hawai'i Resident Requirement

Purpose: It is appropriate that the benefits of programs supported by state and local tax dollars are restricted to local residents. A failure to include such constraints could incentivize out-of-town residents to move Hawai'i for the benefit of affordable housing in such a desirable location.

Case Study: San Diego, CA

As part of their inclusionary zoning program, San Diego offers below-market for-sale homes to people up to 120 percent of area median income. Initially their program did not have a residency requirement, which prompted a significant number of applications from out-of-state residents. Since this was not the intended purpose of the program, the San Diego Housing Commission updated the rules in 2017 to **require two years of residency** in San Diego County, verified by three years of tax returns.⁴³ The policy has remained in place since then.

Legal Considerations: Durational-Residency Requirements Could Be Challenged

A durational-residency requirement for a public benefit which requires that a person live in a place for a certain length of time has generally been found by the courts to limit the "constitutional right to travel from one State another." The right to travel has been interpreted to refer to not just entering and exiting another State but to the right to be treated like other citizens of that State.

For example, a California law attempted to limit welfare benefits for newly-arrived residents to the amount paid by their previous state of residence for their first twelve months in California, at which point they were entitled to benefits at the California rate. In *Saenz v. Roe* (526 U.S. 489, 119 S.Ct. 1518, 143 L.Ed.2d 689 (1999)), the U.S. Supreme Court invalidated California's restriction.

However, courts have made an exception to the general rule of disallowing durational-residency requirements for "portable" benefits that a nonresident could obtain and take out of the state. (See, for example, *Martinez v. Bynum*, 461 U.S. 321, 332–33, 103 S.Ct. 1838, 75 L.Ed.2d 879 (1983)). In-state tuition requirements are an important example of a "portable" benefit.

⁴² <https://finrepo.fi/en/news-helsinki-is-going-to-close-hitas-system>

⁴³ <https://www.sdhc.org/housing-opportunities/affordable-for-sale-housing/>

“The state can establish such reasonable criteria for in-state [college tuition] status as to make virtually certain that students who are not, in fact, bona fide residents of the State, but who have come there solely for educational purposes, cannot take advantage of the in-state rates.”
Vlandis v. Kline, 412 U.S. 441, 453–54, 93 S.Ct. 2230, 37 L.Ed.2d 63 (1973)

Applicability to ALOHA Homes: One could argue that homeownership is a portable benefit as compared to renting. An owner builds equity in their home, which translates into a profit that can be taken out of state when the owner sells. However, before the sale of the home the benefit is not portable since it requires the owner to live in the home. Whether ownership is considered a portable benefit similar to college tuition or a non-portable benefit more similar to welfare has not yet been decided by the courts.

Analysis: The most conservative legal approach would be to require no specific length of time for residency but simply that a person be a current Hawai'i resident. Moreover, applicants to the ALOHA homes program would need to be on a pre-approved buyer list before construction begins. They would likely be waiting at least two years before construction is completed and they own a home. This reduces the likelihood that a person would establish residency in Hawai'i just for this program.

Recommendation: A current resident provision is likely to be sufficient to dissuade out-of-state residents from moving to Hawai'i just for this program. However, the requirement could be amended as a durational-residency requirement later if warranted.

Defining “Resident” by Voting Record

Description: The ALOHA homes bill states that a person “voting in the most recent primary or general election shall be an indication of residency in the State; provided further that not voting in any primary or general election creates a rebuttable presumption of non-residency.”

Purpose: This measure would disqualify non-voters from participating in the program and would presumably reward residents who do vote.

Legal Concerns: Voting is not a standard definition of residency and could be considered discriminatory. At the very least, it would discriminate against legal residents who are noncitizens and citizens who choose not to vote for personal or religious reasons.

The Hawai'i Supreme Court has adopted a common definition: “[a]ny person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature.”
(Citizens for Equitable & Responsible Gov't v. Cty. of Hawaii, 108 Haw. 318, 323, 120 P.3d 217, 222 (2005)).

Analysis: A standard definition of “resident” is someone who can demonstrate an intention to stay in Hawai‘i, which can be shown with a driver’s license, completed voter registration, or rental agreements with a Hawai‘i address etc.

Recommendation: Using a standard definition of “resident” will prevent legal challenges and still achieve goals of the program.

Income restrictions

Purpose: Having no income restrictions for buyers could make the program more popular among people who would not otherwise qualify. It would also support the idea that housing is a right which everyone is allowed to access.

Analysis: Not a best practice. A constrained housing supply requires prioritizing access, and higher income earners have options in the private market.

Our survey of affordable housing policies for for-sale homes shows that, to the extent the public is subsidizing the home, income limits and preferences are [typically](#) imposed. Even Singapore has income restrictions for who can qualify for their “new flat” program. As of 2019 the income limit was \$9,000 per month for a couple and \$4,500 for a single person in Singapore. An exception is Finland, where lower-income applicants have preferences but there is no set income limit.

Generally, the lesser the amount of affordable housing available, the stricter the income requirements. Places with large proportions of State-supported public housing, such as Singapore, Vienna and Finland, have relatively high income thresholds because there is enough housing to accommodate need. For example, Vienna’s income limits allow 80 percent of the population to buy state-supported homes. At the same time, they ensure that about 79 percent of the housing stock is affordable, with 50 percent owned directly by the City and 29 percent subject to rent control. However, in places without enough affordable housing to meet the demand, income requirements are stricter to ensure that housing is going to people with the greatest needs.

Factors to Consider when determining income limits:

- 1. Benefits of mixed income neighborhoods**
Good policy encourages mixed-income neighborhoods and discourages income segregation, which has forged many divisions and unequal access to opportunity.
- 2. Income limits high enough to qualify for a mortgage**
Where a publicly-supported project is designed to recoup the cost of units built, income limits for buyers must be high enough so that they can qualify for mortgages. For example, a one-bedroom affordable home at \$290,000 would still cost approximately \$1,800 a month in

housing costs, which would require a yearly salary of about \$65,000 or about 80 percent AMI for Honolulu⁴⁴.

3. **Income limits high enough that public workers can qualify: 140% AMI**

A state supported housing program should be available to teachers, police, firefighters and other public workers. An income limit of 120 percent AMI would disqualify many households with public sector workers. For example, the average teacher salary in Hawai'i for 2019 was \$65,800⁴⁵, so a household with two teachers would earn \$131,600 which is approximately 130 percent of the area median income for Honolulu. A limit of 140 percent AMI would include most public sector households.

4. **Offering opportunity to those with greatest need.**

Honolulu has a scarcity of affordable housing so publicly-supported housing should be allocated at least partly on the basis of need. This could be achieved by having preferences for qualified buyers who are lower-income for a portion of the homes.

Recommendation: Income limit of 140% AMI with some preferences for lower-income residents. Set an upper income limit of 140 percent AMI, with a goal of having some percentage of homes occupied by people earning 100 percent AMI and below. Lower-income residents could be provided a preference in a lottery system.

First-time Homebuyer

Purpose: The purpose of this provision is to allow more residents to access the program, including residents who have previously owned property or currently own property but would consider selling to purchase an affordable home.

Analysis: Many affordable for-sale programs do not require that a person be a first-time homebuyer, but do require that the person not own another home at the time of purchase.

Recommendation: First-time home buyer provision is not necessary. A first-time homebuyer provision could exclude people who previously owned property and are now priced out of private market ownership. The more important provision is that a person not own another home.

Owner Occupancy Enforcement

Owner-occupancy compliance has been a major concern with affordable housing units.

To address the potential of creating a “black market” of illegal rental units, we have examined two options for enforcing owner-compliance:

⁴⁴ <https://www.huduser.gov>

⁴⁵ January 2020, “Hawai'i Teachers Compensation Study and Recommendations” prepared for Hawaii Department of Education, pg. 42

1. **Biometric security systems**
Using iris, facial, or fingerprint scans to verify identities
2. **Stewardship specialist(s)**
Employing full- and part- time staff to monitor compliance

Biometric System

Benefits: Secure and Modern.

By requiring a retinal, facial, or fingerprint scan upon entry, a biometric system provides a highly secure form of owner occupancy enforcement. An automatic record is maintained of all entries to a home, which could have security benefits as well.

Focus Group Concerns: Privacy, Flexibility for Guests, and System Maintenance.

Though biometric systems are reliable, both providers and focus group participants raised concerns about privacy. While receiving quotes for biometric systems, the concern of whether biometrics have received the “sign off” was raised. Providers noted that tenant pushback is common with biometric systems and wondered if there are precedents for using them in owner-occupied housing. This apprehension was echoed by participants in our focus groups. While acknowledging that biometrics would ensure owner-occupancy, some participants expressed discomfort about having their data saved. Focus group participants also raised concerns about the effects of biometric systems on visiting friends or family members and about the overall flexibility of the system. Lastly, informants raised questions about the system’s performance during power outage or internet disruption, and what type of maintenance it would require.

Costs: \$1,500–\$2,800 for installation, on-going supervision and maintenance.

Quotes for biometric systems range between \$400 to \$600 per housing unit, exclusive of the cost to have a contractor install wiring or an internet connection and integrate it into a system.. Installation raises the price to \$1,500 to \$2,800 per unit⁴⁶. The system would also require staff to provide on-going oversight, manage connectivity problems, and enter system updates for guests and new residents.

Stewardship Specialist: Most common enforcement method

Affordable housing departments across the United States most commonly employ staff to manage enforcement. The Champlain Housing Trust in Vermont serves as one of the largest and most successful land trusts in the country. The Trust employs a staff of five to manage their inventory of more than 630 homes and enforce occupancy rules. The service is financed by monthly charges to each home, similar to an HOA fee. The Champlain Trust team handles not just owner-occupancy requirements but also compliance with re-sale restrictions, re-financing requests and disputes that may arise between owners. Enforcement is based on random checks and annual audits. The success of the Champlain Land Trust and many others is due to the stewardship specialist role and to adjusting the size of the team as the housing inventory grows.

Benefits: Flexible, Human Enforcement, Includes other services.

A stewardship approach would more easily accommodate guests or other changes in unit occupancy. It also makes enforcement feel less invasive than a high-tech approach. Lastly, a steward specialist helps with all aspects of the leasehold agreement including resales and conflicts between occupants.

⁴⁶ Based on quote from Fulcrum Biometrics, Iris Id 2020

Concerns: Human error, less predictable: Unlike biometric systems, the stewardship specialist system is human-operated and managed. This can lead to a higher margin for error and a greater variability in the quality of services, depending on the skill and training of the staff.

Costs: \$50–\$75 monthly fee per home. A stewardship specialist program is supported by monthly homeowner fees also referred to as “ground lease fees,” since they are used to ensure compliance with lease terms such as owner-occupancy. Many stewardship programs also use a software program called “HomeKeeper,” which has a one-time set-up fee of \$3,500 and an annual cost of approximately \$3,000.

Recommendation: We recommend a Stewardship approach.

While both owner occupancy enforcement methods have their benefits, a stewardship specialist would provide more services, including managing the resale process and dealing with lease disputes. This allows the position to be much more involved in the overall program and invested in its long-term success. When paired with substantial fines for breaking owner-occupancy rules, the stewardship model has proven to be effective for many below-market for-sale programs.

99-Year Leases and Use of State Lands

Affordable Housing on State Lands and Length of Lease Terms

The issues of affordable housing development and length of lease terms on State lands—crown and government lands of the Hawaiian Kingdom which had been designated as “ceded” to the Republic of Hawai’i and then the United States before being conveyed to the State of Hawai’i—are complex on many grounds: legal, financial, and moral. Additional engagement with key stakeholders is necessary to accurately convey the key perspectives on these issues. The study will be supplemented in a few weeks once the authors have gathered the necessary input.

Five Year Affordability Period

Purpose: The intent of this provision is to give the buyer an incentive to maximize the resale price by maintaining the home, and it prevents any incentive for a “black market” because the new buyer will be purchasing the unit at market price instead of a discounted price.

Example: The current ALOHA Homes bill states:

“If the corporation does not exercise its right to purchase the ALOHA home, the ALOHA home may be sold by the owner to an eligible buyer; provided that the corporation shall retain seventy-five per cent of all profits from the sale net of closing and financing costs, using the price at which the owner purchased the ALOHA home, plus documented capital improvements, as the cost basis.”

2010: Discount Purchase Price: **\$300,000** by qualified buyer. Market Price = **\$400,000**

2020: Market Selling Price: **\$590,000** (4% yr increase) Total Equity Gains: **\$290,000**
Buyer Equity: **\$72,500** (25%) Agency Equity: **\$217,500**

2020: Selling Price for next buyer: **\$590,000**

Several Concerns:

Home no longer affordable after first buyer.

In the above illustration, the affordable home is only affordable to the first buyer and any future buyers will be paying market price for the home. In this case, the affordability is lost to all subsequent buyers and the benefits of the public program accrue only to the first buyer.

Equity gained by the agency is not sufficient to replace the home.

In this example, the agency has gained \$217,500 from the sale, far less than the cost to replace the home that was lost. Not only will the agency need to pay for new construction, but it will need to undertake a new planning and permitting process and invest in the development of a new site.

Replacing the lost home is lengthy and costly, and unlikely to be in the same location.

The main downside of this model is that the affordable homes lost are **usually not replaced** in a meaningful timeframe. Providing affordable housing in desirable locations requires significant resources and often takes years -even decades - of planning, so it is both costly and difficult to replace units once lost. In addition, the State would have to continually provide new funding, which is not always feasible. Even if the agency gets funds to replace the homes at some point, completion is likely to be years or even decades later... if ever.

Case Study: Kaka'ako. Affordable homes lost have yet to be replaced.

From 2008–2019 Kaka'ako developed to 7,300 for-sale condominiums, of which 1,872 (26 percent) were priced below market rates. Most of those homes were required to remain affordable for only two to five years. As a result, today only 637 homes (9 percent) are still under an affordable price requirement. **By 2025 only 3 percent of for-sale homes will be under an affordability restriction,** and, without any new additions, by 2035 there will be no homes available at below-market prices.

Best Practices: Long term affordability periods.

Over the past few years, the trend in high-cost cities and counties across the U.S. is to extend the affordability period, with many requiring that the home stay affordable for the duration of the lease period. In San Diego, a below market home must stay affordable for 55 years, while in San Francisco, Washington D.C., and New York City, the affordability period is the life of the building.

Recommendation:

Maintain affordability for all subsequent buyers by restricting the resale price.

If the state invests funds to accomplish the public purpose of giving less-affluent people the opportunity to own their own homes, state policy should safeguard the supply of these homes so they'll be available to working families for years to come. We recommend that the sales price of affordable units be restricted so that subsequent buyers can purchase a home at the same area median income level as their predecessors. This way the home stays in the affordable pool, and the neighborhood maintains its affordability.

With this recommendation, the price appreciation is limited and will likely be lower than market price appreciation (unless the market price drops). However, the owners still enjoy significant equity gains that accrue as the owner pays down the mortgage—not to mention the security of owning one's

home. See Appendix C for models of gains made with equity sharing based on CPI. This model does not provide funds back to the agency, but it also does not require the agency to replace the home and it maintains affordable housing in that same neighborhood.

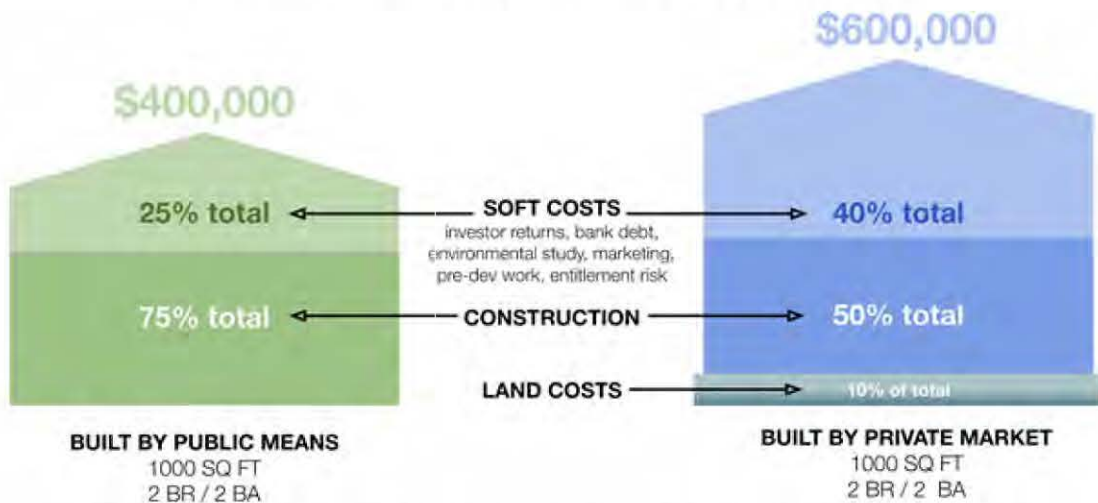
Analysis of Key Cost Savings Approaches

Estimated Cost is Significantly Below Market Prices

HOME TYPE	AVERAGE MARKET PRICE for all condos, Honolulu metro area only, 2019	STATE-SUPPORTED HOUSING COST RANGE for mid- to high-rise buildings	SQUARE FOOTAGE	STATE-SUPPORTED APPROXIMATE COST	SAVINGS
1bd / 1ba	\$395,000	\$280,000–\$325,000	600	\$300,000	24%
2bd / 2ba	\$569,000	\$385,000–\$425,000	830	\$405,000	30%
3bd / 2ba	\$744,000	\$460,000–\$530,000	1,000	\$500,000	33%

These savings arise from two main sources: State land contributions and reductions in all expenses that are not direct costs for vertical construction.

Public vs Private Development



Reducing all soft costs besides vertical construction is a best practice.

State-Supported Financing

The complexity and difficulty in securing financing contributes significantly to project delays and the overall cost of affordable housing.. Providing low-cost financing in a timely and straightforward manner would increase competition for projects and reduce development costs.

All three jurisdictions we researched provide access to low-cost funding to reduce the costs of affordable housing, as noted below:

Helsinki, Finland: Government-backed construction loans at 1 percent interest for 40 years

Vienna, Austria: Construction loans at 1 percent interest for 35 years.

Singapore: The Housing Development Board pays construction companies directly to build housing so no loans are needed.

After researching several financial tools, we recommend the following approach to minimize project financing costs and reduce risk for developers and the State.

1. **DURF for pre-development costs.** The Dwelling Unit Revolving Fund (DURF) is extremely flexible and could be used to cover pre-development costs such as due diligence, master planning, and a programmatic EIS.
2. **Streamline Entitlement: Environmental Impact Statements/Environmental Assessments.** Completing an EIS or an EA can add one to two years to a project timeline. In fact, this work can be done most efficiently if carried out directly by the State.
3. **Buyer Pipeline & Pre-Sales of Homes:** Ensuring a pipeline of qualified buyers and pre-sales is key to minimizing financial risk to the State and to developers. Every developer of lower-income for-sale housing emphasized the importance of programs that ready prospective buyers to take on a mortgage, for which an average of two years is needed. In addition to

buyers needing preparation, there is also likely a pool of *middle-income* buyers already mortgage qualified should a pilot project be developed.

4. **Issue taxable mortgage revenue bonds for construction.** These bonds affect the state budget less than general obligation (GO) bonds. The interest rate is currently 3–4%.

Fewer competing interests: Unlike GO bonds, taxable mortgage revenue bonds are not backed by the full faith and credit of the State of Hawai'i. They are, instead, secured by a pledge of mortgage payments and a deed of trust in the building. In this way, financing with mortgage revenue bonds does not compete with all the other State interests that are paid for with GO bonds, such as roads and schools, and are not a private activity bond.

Easy to sell bonds for affordable housing: Bonds backed by affordable housing projects in high cost areas such as Hawai'i are relatively easy to sell because investors know there is significant demand for below-market housing, and there is little risk that homes will go unsold. Catalyst Housing Group in California has partnered with local jurisdictions and the California Community Housing Authority to sell over \$550 million of limited obligation mortgage revenue bonds since 2017.⁴⁷ Currently, there are many times more buyers than available bonds and as a result the interest rate on these bonds is expected to continue to drop as this becomes a more common way to finance affordable housing for middle-income earners.

Efficient and straightforward: HHFDC could serve as the issuing authority for these bonds, which could be issued on a project-by-project basis. Since these bonds would not likely have to go through a complex budgetary or allocation process, they could be issued quickly, and that agility would reduce the time to secure project financing. The marginally higher interest rate cost compared to tax-exempt bonds is trivial.

Stand-alone financing or combined with other tools in the toolbox: A taxable mortgage revenue bond structured with a 3-year, interest-only, bullet maturity would act like a construction loan. It could fund all of the project costs or be combined with other sources of public or private financing, such as funding from nonprofit lenders or commercial banks offering community-based financing programs.

Bond issue example: Appendix D presents a high-level sample analysis of a 3-year taxable mortgage revenue bond. It would include two years of capitalized interest, which would allow debt service on the bonds to be fully covered for 2-½ of the three years, creating a real cash-flow advantage not available with many other sources of financing. At the end of the 3-year term only a small amount of debt service would remain, and it could be funded by the developer and rolled into the permanent financing, or, more likely, added to each homeowner's individual mortgage. With an average coupon of 3.5 percent, and an underwriter's discount and total issuance costs amounting to 2 percent of the bond issue, this form of financing would appear superior to many forms of private construction loans with higher rates and similar fees.

⁴⁷ Dec. 2020 Interview with Jordan Moss, founder of Catalyst Housing Group

Community Lending Options: Taxable municipal bonds could also be used in combination with commercial construction loans. Many banks have programs that are designed for community investment and would fund affordable housing construction. We spoke with several local banks that would be interested in partnering on this type of project.

Non-Profit Options: Many nonprofit lenders also have products designed to support affordable housing. Hawaiian Community Assets, among others, has funded affordable housing construction loans.

Off-Site Infrastructure part of District Plan

Off-Site Infrastructure Costs:

Individual Projects Paying for Off-Site Infrastructure is Inefficient and Drives Up Costs:

“Off-site” infrastructure costs are those not directly situated on the project site. It is more cost efficient and effective to have these costs paid for not by each project but as a publicly-supported district-wide infrastructure investment. Relieving developers of these requirements would allow them to be selected for what they do best: delivering housing. In fact, this is what all three jurisdictions—Vienna, Helsinki, and Singapore—do. There, the government has created the plan and put in the necessary backbone—roads, sewers, water and electrical services—before developers start building houses. These elements of the planned neighborhood are fairly standard and do not require much creative design. This model allows housing developers to compete on cost and design for the parts that customers will actually experience, such as the layout of the apartments and common area amenities. Also, when the public sector assumes the costs of basic infrastructure, the overall cost of building affordable housing is lower and homes can be sold at a lower price.

Public Infrastructure Investment best supports affordable housing in areas with public land

Market rate housing is affected less by savings in off-site infrastructure cost because its price is largely determined by the market, not by the cost to build. However, there are many places where even market rate housing cannot be built due to lack of infrastructure, and if the public sector provided the infrastructure, more houses would be built. This could lead to a reduction in price, although market rate housing would still not likely be as affordable as a publicly-supported housing project where the price is determined by the cost of building.

Two main ways for the public to pay for district infrastructure: GET or Property Assessment (Community Facilities District)

A July 2020 planning and implementation study prepared for the TOD Council⁴⁸ assessed various options to pay for infrastructure needed in TOD areas, and concluded that using General Excise Tax (GET) funding was preferable to other proposals. The study recommended that the State increase the GET rate by .01 percent on economic activity in the newly-developed area. It would dedicate the

⁴⁸ July 2020, “State Transit-Oriented Development Planning and Implementation Project for the Island of O‘ahu” Prepared for Office of Planning and Prepared by PBR Hawaii.

resulting revenue collected over 10 years to pay for state-supported infrastructure costs. In addition to GET, 30 percent of future property tax revenue from developed areas would be used to cover the costs.

We recommend considering a CFD model: More Equitable and can provide enough revenue

Although we appreciate that the authors of this study felt it was more politically feasible to use an increase in GET to pay for infrastructure, we believe that a Community Facilities District (CFD) model is more appropriate. In fact, such an approach might be more feasible since the COVID-19 pandemic recession has imposed new constraints on the State budget. The 2020 study *assumed a pre-COVID economy* when the State budget was not facing a \$2 billion budget shortfall, tourism was strong, and unemployment low. Additionally, the impacts of COVID have revealed a deeply inequitable economy: single family home prices keep increasing, while low- and middle-income workers are struggling with lost jobs and earnings.

Property assessments are a better tax: Can be adjusted to be progressive.

Property tax assessments tend to be progressive in nature (that is, wealthy households pay the most and low-income households pay the least) because the higher the value of the home, the larger the tax amount. The homeowner's exemption of \$100,000 (or more) makes these taxes more progressive because it disproportionately benefits households in lower priced homes. In many Hawai'i counties, property taxes are becoming more progressive with increased rates for **non-owner occupants** and marginally higher rates for more expensive homes.⁴⁹

Community Facilities District Approach is a Targeted Tax: Only properties in improvement areas are impacted, not the entire island. Also, permanently affordable homes can be exempted.

Another advantage of a CFD approach for infrastructure is that the added tax can be targeted to new developments that benefit from the public improvements. The tax can also be crafted to largely exempt affordable homes, while remaining in place for *market priced homes*.

Based on data from the July 2020 study for the TOD council here is an example of how a CFD can pay for district-wide infrastructure:

Iwilei-Kapalama TOD Plan Projections for Phase I and II:⁵⁰

Number of Homes to be Constructed between 2020- 2039: **16,661**
Public Housing (HPHA projects): 3,800
DHHL: 500
HHFDC (Liliha Civic Center): 200
Market Priced Homes: **12,161**

⁴⁹ See Maui County Property Tax Rates: <https://www.mauicounty.gov/DocumentCenter/View/122028/2020-Tax-Rate>

⁵⁰ "State Transit Oriented Development Planning and Implementation Project for the Island of Oahu" July 2020

Number of affordable homes, according to Honolulu County guidelines (15%) – 1,824
 Number of private homes sold at market prices: **10,337**

Using the above housing projections, an assessment could be implemented on the market rate property which would generate enough revenue to pay for both market rate and affordable housing.

Infrastructure Investment Needed for IK:⁵¹

Phase I: \$235 million Phase II: \$227 million **Total: \$512 million**

Based on some general assumptions, the following CFD assessments on *market rate homes* would produce funding adequate to support infrastructure investment needs.⁵²

Assessed Value	Current RPT Rate	Honolulu Infrastructure Tax	Total RPT Rate + CFD
0-500k	0.35%	0.5%	0.85%
500k- \$1M	0.35	1%	1.35%

Assumptions:

Annual CFD special tax revenues, in current dollars, would amount to \$33 million, assuming an average private market home value of \$569,000. Depending on future property value increases (we assumed 1–2 percent per year), the number of people claiming a homeowner’s exemption, and the timing of infrastructure requirements, ***this additional CFD revenue could generate approximately \$500M in net bond proceeds available to fund infrastructure.*** These CFD tax rate assumptions may be considered high, and lower CFD special tax rates would produce less funds, but that may be compensated for if private market home prices are higher than assumed in this simple example.

In this way, a Community Facilities District assessment on private market properties could subsidize the infrastructure costs needed for all homes, including the long-term affordable rental and for-sale.

Construction Methods

Our analysis determined that hard cost management for a state-supported affordable housing program should be ***the same*** as for market rate housing. We looked at three hard cost approaches and present our findings below:

- **Factory-built / Modular:** Savings begin only at an initial order of 4,000–5,000 homes
 Our interview with Factory OS indicated that, at this time, the only way modular construction of multi-story homes could save costs in Hawai'i would be if shipping costs were eliminated by having a factory built on O'ahu. In order for Factory OS to recover the costs of building a factory in Hawai'i, the state would need to approve and fund orders for 1,000–1,500 homes per year for four to five years.

⁵¹ Pg. 87-88 of “State Transit Oriented Development Planning and Implementation Project for the Island of Oahu” July 2020

⁵²Assumptions: Average price for 2bd condo in Honolulu Metro area in 2019: \$569,000, property value increase of 1.5% per year, no home-owners exemption.

At this time, with the concept of state-supported for-sale homes being a new approach to delivering affordable housing, it would be unwise to “guarantee” such a large order of homes. Funding a pilot project and testing the viability of the model should be the first priority. At a later time, if the price of a modular unit comes down, and the state-supported ownership housing model has proven effective, it could make sense to follow this route.

- **Artificial Intelligence (AI) Design:** Savings of 1–3%

According to two contractors who use Artificial Intelligence and Design, savings related to AI use are about 3–5 percent of hard construction costs or 1.5–2.5% of total project costs. Although it is not a significant amount of the final cost, it is one advancement that the state can take advantage of by providing financing for larger projects. While construction companies use this technology to gain a competitive edge over other companies, the State can directly pass these savings onto the buyer.

- **Limited Do-It-Yourself (DIY) Construction or “Shell Housing”** 5–10% savings

We interviewed several developers that have used sweat equity models in mid-rise dwellings, who report what future residents could have some significant savings by doing some of the finishing work themselves. Work that could be completed in a mid-rise includes installing floors, painting walls, hanging kitchen cabinets, and installing light and plumbing fixtures. Cost savings of even *just 5–10% would be significant* and especially if could be applied towards a down payment, as has sometimes been the case with Self-Help housing.

Streamlined Entitlement: Environmental Assessment

In TOD areas, the development of affordable housing and mixed-use developments could be expedited by the implementation of Programmatic Environmental Impact Statements (EIS) for regional areas. Further, there was a 2019 amendment to the Hawai'i Administrative Rules (HAR) regarding the waiver of an Environmental Assessment (EA) when developing affordable housing. An EA for each parcel adds significant time and costs to any development project. One way to save costs is for the state to complete a Programmatic EIS in TOD areas.

The utilization of the following HAR sections could expedite the development of affordable housing in TOD areas.

EA Waiver for affordable housing.

As stated in Hawai'i Administrative Rules:

“§11-200.1-15 General types of actions eligible for exemption:

(c) The following general types of actions are eligible for exemption:

(10) New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

(A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;

(B) As proposed conforms with the existing state urban land use classification;

- (C) As proposed is consistent with the existing county zoning classification that allows housing; and
- (D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200 .1-13 (b) (11).”

The above HAR can be used to expedite the development of affordable housing. The EA completion and process ranges from 8-12 months; hence, the waiver of an EA expedites the development process by approximately one year.

Programmatic EIS can be used in instances requiring a “larger total undertaking.” If the project or a series of projects within an area sited for future development is proposed and the approving agency determines that the “larger total undertaking” requires an Environmental Impact Statement (EIS), the following HAR section can be implemented: Section 11-200.1-10.

Example: Aloha Stadium. A recent mixed-use development in a TOD area implementing the HAR section stated above is the New Aloha Stadium Entertainment District (NASSED) EIS. This multi-phased project is utilizing this HAR provision to complete their EIS requirement and process. The NASSED project is essentially a Programmatic EIS as it’s a large-scale development to be completed in phases.

Recommendation: To achieve cost savings, an ALOHA Homes project should qualify for an EA waiver or be included as part of a larger programmatic EIS.

Developer Fees

Developer Fees and Overhead at 4–6% of Project Costs.

This housing delivery model significantly reduces risks and costs for the developer, which can translate into a lower development fee still being an attractive level of compensation. In a model where the State is providing construction loan financing, in the form of taxable mortgage revenue bonds supported by a mortgage interest in the property (not a private activity bond), and where entitlements and permits have been streamlined, the developer assumes less risk. For the purposes of our sample pro-forma, we have used a middle number of a 5% developer fee. A few relevant comparisons include:

1. In places with a similar housing delivery model, such as Finland, the developer fees are 4 percent.
2. Some non-profit developers in Hawai’i complete projects with a 3–5 percent developer fee.
3. Lastly, average LIHTC projects have developer fees and overhead largely in the 6–8 percent range, so 4–6 percent seems reasonable for a project with less risk and lower upfront costs.

Hard Construction Costs

For affordable housing, costs of \$325–375 per sq ft of leasable area is achievable.

Based on our interviews with local industry experts including both construction companies and developers, the actual costs of vertical concrete construction in TOD areas with land well-suited for housing is \$260–\$300 per gross square foot. For an affordable housing project with limited amenities, the common areas, not including parking, are about 20 percent of the total constructed space. This

translates into a cost of roughly \$325–\$375 per square foot of leasable space for the project. In addition to having fewer amenities, affordable housing can use less expensive construction methods such as tunnel form construction employed by Hawaii Dredging. For affordable housing construction of sound quality but not luxury, we estimate that a hard cost of \$350 per square foot of leasable space is reasonable and accurate.⁵³ These hard costs are lower than what is found in typical LIHTC projects for two reasons:

1. The conditions on construction and compliance with LIHTC requirements adds to the cost.
2. An extended pre-development process often results from complicated financing structures and circumstances.

Parking Separated from Housing Cost

Best Practice: Unbundling parking from the cost of housing. The cost for a parking stall can range from \$25,000 to \$40,000. In Vienna and Helsinki parking is always unbundled and one parking structure is often shared by multiple buildings. High cost jurisdictions such as San Francisco, New York and Seattle are increasingly separating the cost of parking from the cost of housing. Especially in areas near transit this is becoming standard practice. Parking becomes an option that homeowners can pay for with a monthly fee instead of automatically being incorporated into the purchase. To finance parking sometimes a developer will partner with a private parking operator that owns, operates and maintains the structure. In TOD areas where there are other transit options some people would choose to own fewer cars or choose a car sharing option, such as the Hawaii Hui Car Share program where you can reserve cars for personal use.⁵⁴

Focus Group Results: Residents are receptive as long as parking is available. When presented with the option to separate the cost of parking in order to lower the purchase price of a home, our focus group participants agreed it would be good to have a choice. The main concern was ensuring enough parking for those who wanted to pay for it.

Development Model to Increase Competition

We recommend the following for a development model: **Two-step RFQ/RFP process with third-party verification of financial documents**

To encourage competition among developers and to reduce costs for the state, it is recommended that proposals undergo a two-step vetting process and that in the final proposal developers be required to submit their pro-forma for third-party verification.

1. **Create a two-step process in which developers** first submit qualifications. Invite no more than three developers to submit a more detailed RFP. This is the process in use by the New Aloha Stadium Redevelopment Authority to maximize competition and initial interest in a project. However, expect detailed plans from only the top contenders.

⁵³ Based on interviews with several local developers and construction contractors.

⁵⁴ www.drivehui.com

2. **Engage private consultants to provide third-party analysis** of private development proformas as a prerequisite for the contribution of publicly-owned land. This helps to build trust in the process through accountability and transparency. This is a common practice in many jurisdictions and the cost—about \$20,000—is minimal compared to the cost of the overall project. Additionally, the developer can wrap the cost into the overall project budget if a development agreement is executed.

Benefits of Implementation:

Ownership Opportunities for 80%–140% AMI

This model provides a pathway to ownership for people earning average and above-average wages, but who can still not afford to purchase in the private market. Based on the recent Hawai'i Housing Planning Study, there are approximately 5,000 households in the 80%-140% who would like to purchase a home.⁵⁵

Leasehold ownership, even with shared-equity, offers significant benefits over rental housing.

There are long-lasting benefits of a leasehold ownership model when compared to rental housing. Some of these include:

- 1) **Greater stability and control over lease terms:** Leasehold owners, as members of the housing association, can set rules for the building, priorities for common area spaces and determine the schedule for maintenance of the building.
- 2) **Sense of Ownership, Improved well-being:** In the words of one focus group participant, “Owning a home would make me feel like more of a community member, more of a citizen.” Numerous studies have shown that homeowners are more likely to be invested in their local community and that there are significant health and educational improvements for homeowners.^{56, 57}
- 3) **Inheritance: Transfer property to children.** Under a long-term leasehold model, a property can be passed down from parents to their children in the same way as fee simple. The ability to transfer property and equity to future generations is a significant benefit over renting.
- 4) **Financial Gains: Price stability, wealth generation, and tax benefits.** With a fixed 30-year mortgage, a person's monthly housing costs are more stable over time, and not subject to annual increases that are allowable for most rental agreements. Also, even in a shared-equity model where the resale price is restricted, an owner can build up significant gains just by paying down their mortgage and benefiting from inflationary increases in home value. Lastly, tax benefits through the mortgage-interest deduction program amount to thousands of dollars in savings every year for homeowners. For residents with an income range of

⁵⁵ 2019, “Hawai'i Housing Planning Study”

⁵⁶ 2016, “Beneficial impacts of homeownership: A research summary”, Habitat for Humanity

⁵⁷ May 2012, “Homeownership and Civic Engagement in Low-Income Urban Neighborhoods: A longitudinal analysis.” Maturuk, Lindblad, Quercia Volume: 48 Issue 5

\$60,000 to \$90,000, who would most likely take advantage of this program, the savings would be approximately \$2,500-\$3,000 a year for the first five years of a mortgage.⁵⁸

None of the above advantages are available to renters.

Demand for State Supported Leasehold Housing: Focus Group Insights

After determining what a feasible price would be for this type of housing, we conducted focus groups to see if there would be interest in this housing model and what the concerns would be.

Methodology: To conduct the focus groups, we sent out messages via text and social media to the general public through our website and partner organizations including local unions. Over a period of four weeks over 160 people completed our survey. Ultimately, 18 people participated in either a one-on-one session or a group conversation.

We initially screened for people who had enough household or individual income to potentially qualify for a mortgage with our price assumptions. However, because approximately 66% percent of respondents would not be able to income qualify, we held one focus group with low-income participants to gauge interest in a rent-to-own model supported by low-income tax credits (LIHTC). This rent-to-own model is one of the few pathways to ownership for those below 80 percent of the area median income, and is something the state can facilitate through the existing LIHTC program. Because the ALOHA Homes model does not expressly contemplate a rent-to-own option, we conducted only one focus group with lower-income participants. Fourteen of our 18 focus group participants were income qualified.

Focus Groups' Key Input

- **Leaseholds: hesitation at first, receptive after learning details.**
Generally speaking, participants did not fully understand the limits and benefits of leasehold properties prior to participating in the focus groups. The focus group facilitator explained that leasing was a way to cut down costs, because “you don’t pay for the land, you only pay for the building.” While many participants were initially apprehensive about the idea of engaging in a leasehold agreement, most were open to it after better understanding the financial benefits of leaseholds.

Given the stigma of leasehold properties for many focus group participants, it was important to make a clear distinction between private-market leaseholds, and state-provided leaseholds, which offer a public benefit, and in some cases, operate similar to a public land trust.
- **Importance of pricing: low-monthly costs key to program interest.**

⁵⁸ Assumptions: 30 yr mortgage with 3% interest rate. Federal effective tax rate of 12%, Hawai'i rate of 7%.

Program participants who were initially very skeptical of a leasehold program became interested after being presented with monthly costs, including homeowners association (HOA) fees that are similar to market-rate rental prices. Even participants who strongly preferred fee simple ownership were interested in this option as an intermediate ownership strategy or a stepping stone. “I would do this for the next five years or so,” said one participant who was initially very skeptical. Three participants expressed concern that HOA fees would increase over time and wanted assurance that there were sufficient funds for maintenance.

- **Down payment assistance and mortgage readiness: critical for access.**

For most focus group participants, down payments were the greatest barrier to owning a property. Access to a lower down payment (3 percent or less) and potential down payment assistance was an important benefit to almost everyone. For some, it was the most attractive aspect of the entire program. Moreover, some participants indicated that financial literacy and mortgage readiness programs would be of great benefit to them, as they face credit score and debt barriers to receiving bank loans.

- **Shared equity: initial confusion, strong support after explanation.**

Similar to leaseholds, most participants did not fully understand the concept of shared equity prior to participating in the focus groups. The focus group facilitator used graphics to explain the concept, and the financial trade-offs of keeping housing affordable over the long-term. Once explained, participants almost unanimously supported the concept of shared equity. As one participant stated, “If I receive help buying a place, it only makes sense that I don’t make a lot of money if I sell the place.” Moreover, most participants felt it would be unfair for people to sell affordable units at market-rate value, at any time after the initial purchase.

- **99 yr lease vs 65 yr lease lengths.**

The main benefit people cited for longer leases was being able to pass the home onto their children.

- **Preferences and set-asides: Set asides perceived to be more fair.**

Focus group participants generally supported both preferences and set-asides for special groups in need of housing. However, some participants were hesitant about the idea of preferences because they thought “everyone should be equal.”

Notably, even the participants who were against preferences were in support of housing set-asides. A set-aside felt more fair to participants who were opposed to some applications receiving preference over others.

- **Sweat equity: highly popular option, 94% support.**

Nearly all focus group participants were in support of the sweat equity model and expressed interest in engaging in such a program if it could help reduce the cost of the home and the down payment. They also expressed interest in the fact that sweat equity would help create community among residents and provide homeowners with useful home maintenance skills. As one participant noted, “This [sweat equity] is a great way to solidify tenants’ commitment.”

- **Future resident involvement in planning: strong interest, once a month is feasible.**
Focus group participants believed future residents should be involved in the planning of the ALOHA Homes Program and the eventual design of affordable housing units. Many participants also expressed interest in participating themselves. However, there was some disagreement over the preferred frequency of involvement. Some participants indicated they would be interested in meeting on a monthly basis for about a year, while others said they would only participate a few times a year.
- **Housing amenities: gathering space desired, low HOA fees is priority.**
While focus group participants expressed a desire for amenities, such as recreation rooms and communal spaces with grills, there were few amenities which participants indicated would “make-or-break” their involvement in the ALOHA Homes Program. Instead, participants preferred lower HOA fees and fewer amenities. However, many participants indicated that having laundry machines within their own unit was critical; they would not live in a housing complex with shared laundry machines. Moreover, there was a general interest in having access to gardens or open green spaces.
- **Parking: support separating from cost of housing, concern there will be enough.**
The focus group facilitator began the discussion about parking by sharing information about how parking increases tenants’ mortgages. Many participants were surprised to learn the high costs associated with parking. Although participants generally desired the availability of parking, some participants were open to the idea of having a “one-car-family.” Others were open to not having parking, pending the availability of other transit options. Participants were particularly interested in the option of separating parking from the cost of housing by paying a separate monthly fee of approximately \$160 per stall in exchange for a lower mortgage. Participants appreciated the option to not have parking included in the cost of the mortgage.
- **Owner-occupancy enforcement: concerns with high-tech, management preferred.**
Focus group participants universally agreed that owner-occupancy must be a requirement of the ALOHA Homes Program and that it should be strictly enforced, including with high fines for residents who break the rules. Some participants, particularly single-women, felt this was important for ensuring safety.

Generally, participants were not in favor of technological solutions such as face-scanning and fingerprinting, as they felt it was an invasion of privacy, could be difficult to accommodate guests and was susceptible to technological error. As one participant put it, “I can’t even get my fob to work sometimes.” Participants were more in favor of solutions that involved a property manager enforcing the rules. They felt that the residents themselves should have an active role in monitoring and identifying tenants who are illegally renting their units. Lastly, participants expressed a need for flexibility in some cases where family and friends are visiting for extended periods.

- **Potential Pilot Project: Liliha Civic Center**
In order to make the program more tangible and relatable we suggested the Liliha Civic Center as a potential pilot project site. This site was selected because it is close to downtown

Honolulu, is nearby a future rail station and already has plans for affordable housing. Most participants were very interested in this location, with several commenting that it would save them significant time spent in their cars commuting to work. Some people were so enthusiastic that they asked when the project would start and to be kept informed of any progress.

- **Strong support for state-operated affordable leasehold housing.**

While there was disagreement over some of the potential elements of the ALOHA Homes program, focus group participants were generally supportive of the State pursuing this effort and felt that it was the responsibility of the State to provide affordable housing opportunities to its residents. Several participants expressed frustration that current properties being built were not affordable to local residents and one noted that “even the supposedly ‘affordable’ homes are not really affordable.”

Given the lack of affordable homeownership programs in Hawai‘i, focus group participants felt that many of their family members, friends and colleagues would be interested in this new and innovative opportunity. As one participant from Kaua‘i said, “I would actually move to Honolulu for this program.”

Conclusion:

There is likely high demand among local residents for leasehold affordable housing at the prices that are currently feasible with this model, especially if it is coupled with down payment assistance programs. Concerns that emerged about the model were the potential for HOA prices to increase, possible limits in being able to pass the property onto one’s children, and ensuring that the property be well-maintained and managed in the future.

The interest in affordable homeownership opportunities, even with shared equity and a restricted-resale price, mirrors the experiences in other high cost places shared with our research team. In San Francisco, there are 20 approved applications for every available below-market home, even with a permanent resale price restriction.⁵⁹ Other interviews with land trusts and local governments affirmed that ownership opportunities priced at least 25 percent below market have strong demand even with resale price and buyer restrictions.⁶⁰

Other Affordable Leasehold Program Considerations

State Land Contributions are Key: Mission Alignment of State Agencies

For this housing delivery model to be successful, it is critical that land is contributed at a minimal cost. Otherwise, the housing will require further subsidies in order to be affordable at 80–140 percent of area median income. It is also crucial that the housing projects are part of a larger mixed-use area plan where market rate housing and commercial properties can help subsidize the affordable homes.

⁵⁹Interview with San Francisco Mayor’s Office of Housing and Community Development

⁶⁰ Interviews with Grounded Solutions Network and several Community Land Trusts

Although the state has significant land holdings in TOD areas, the land is often owned by different state agencies whose missions do not include affordable housing. For example, the Department of Education must prioritize education goals and the Department of Accounting and General Services must provide office space for state agencies. However, for affordable housing to be built near rail or other transportation hubs, some of the lands controlled by these departments should be repurposed for housing.

The difficulty is determining which lands should be used for affordable housing, and then facilitating the transfer of development rights to an agency such as HHFDC or HCDA which can deliver the affordable housing. Also, landowning agencies which do not have housing missions, such as the Department of Education, should be compensated for their contribution of land towards affordable housing. Otherwise the goal of affordable housing will always be competing with the primary mission of other agencies. A land contribution can and should be a win-win.

Fortunately, the process of bringing agencies together to create a plan for affordable housing in TOD areas has already been started by the Hawaii Interagency Council for Transit Oriented Development. Created in 2016, the council has encouraged agency collaboration and has initiated important planning efforts for TOD areas. However, it does not have the authority to implement an affordable housing plan or the structure necessary to hold agencies accountable for moving a plan forward. To assist the TOD council and the state in reaching the goals of affordable housing, the following actions are recommended:

1. **Establish a TOD subcabinet under the governor's executive office.** The subcabinet would be responsible for advising the governor and guiding the planning and coordination of state agency TOD implementation. The governor should regularly attend TOD subcabinet meetings to assess progress towards housing goals and offer assistance with obstacles that emerge. To demonstrate that affordable housing is a top priority for the state, the governor must be visibly involved in ensuring that benchmarks are reached.
2. **Create the position of Director of Affordable Housing, who would report directly to the governor and ensure that progress is being made across departments and agencies.** The director would create a set of housing goals and report on progress towards them regularly to the governor. This position would emphasize the importance of affordable housing and require greater accountability from the state in progressing toward its goals.
3. **Support funding for the TOD council and the Director of Affordable Housing to provide seed money for planning efforts and hiring consultants as needed.** Even an annual budget of \$1–2 million for affordable housing planning and implementation efforts would create efficiencies in how hundreds of millions of state and county dollars are spent, and ensure that affordability is prioritized in future development plans.

Expanding the availability of affordable housing will depend on many agencies collaborating and working together towards this common purpose. Unfortunately, collaboration cannot be mandated or simply passed into law. Instead, it needs to be incentivized by providing resources and plans that advance affordable housing goals, compensating non-housing agencies that contribute land, and by continuous assessment of progress. There are no short-cuts to effective collaboration, or to achieving long-range, ambitious goals such as providing quality affordable housing to Hawai'i residents.

Mortgage Assistance: Down Payment Support and Mortgage Readiness

Down payment support is one of the most referenced hurdles for people trying to purchase a home. According to the Hawai'i Housing Planning Study of 2019, when researchers asked people for their top reasons for not buying a home, the overall price of the house was the response for 56 percent of respondents, followed by the down payment for 31 percent.⁶¹

This data aligns with our focus group research, which indicated that **the ability to obtain a 3 percent down payment** and other forms assistance such as grant or matched savings programs, was a significant benefit to interested residents. All of our focus group participants could afford the monthly house payments at our projected sales prices; it was simply the down payment and loan qualification requirements that would prevent homeownership.

Savings & Down Payment Programs in Hawai'i:

Hawaiian Community Assets (HCA) provides a MATCH Savings Program. HCA matches savings for individuals to put towards an identified savings goal. HCA also provides micro loans of up to \$10,000 that a buyer can put toward a down payment.

Local Banks: 3% down payment options. We spoke with three local lenders and all offered mortgage products with a 3% down payment.⁶²

Department of Hawaiian Home Lands: Pilot program.

As of December 2020, the Department of Hawaiian Home Lands (DHHL) approved a pilot program for down payment assistance to help those on the housing waitlist to make payments toward fee-simple residences not situated on Hawaiian Home Lands. By accepting this assistance, the applicant is removed from the list. Should the fee-simple property be sold, DHHL has first right of refusal. It is anticipated that applicants would have to pay for some portion of the down payment, but it is not yet clear how much.

PMI is not required for some below-market mortgages.

Private Mortgage Insurance (PMI) is required in most mortgages where the borrower contributes less than 20% for the down payment. Both Freddie Mac and Fannie Mae have adjustable or cancelable PMI based on the loan-to-market value amount achieved by the borrower. Other municipalities that provide below market housing suggested that this provision can be used to waive PMI if a home is sold for more than 20% below market, because the mortgage loan is already 80% loan to value without a down payment.

Future Resident Engagement in Planning and Design

Best Practice: Vienna, Helsinki and other European cities are adopting the practice. Involving future residents in project planning adds value to a project and creates a sense of community.

⁶¹ 2019 "Hawai'i Housing Planning Study" prepared for HHFDC

⁶² Interviews with Bank of Hawaii, Central Pacific Bank, and American Savings Bank

Over the past few decades, standards have increased for how future residents can be involved in the design and management of affordable housing projects. Below are some case studies:

Local Case Study: Community Involvement in Pu'uhonua O Wai'anae

With a community of nearly 250 people, Pu'uhonua O Wai'anae is one of the oldest and most established houseless encampments on O'ahu.⁶³ Although the residents are technically houseless, Pu'uhonua O Wai'anae is an established village on 19.5 acres of land, where residents grow their own food, share resources with one another, engage in community services, and plan community events.⁶⁴ Pu'uhonua O Wai'anae is organized into sections of 20 to 25 people, forming "communities within the community." Each section is appointed a village "captain" to help enforce rules and settle disputes.

In 2020, Pu'uhonua O Wai'anae succeeded in raising \$1.5 million in private donations to purchase a 20-acre parcel of land in Wai'anae Valley to relocate their village. The initial design concept for the new village included a cluster of tiny homes based on the village sections, and shared spaces at the center of the community, including restrooms, kitchens, cooking areas and gardens.

Village residents were then invited to participate in design charrettes to provide input on the design of proposed community spaces and the homes. Once the relocation site was selected and purchased, organizers and future residents began site visits, clearing rubbish, and building relationships with neighbors of the future village, establishing a sense of responsibility for the land before the building starts. Moreover, the selected design of the homes, A-frame structures, is simple enough to install that residents can actively participate in the process once construction begins. The simple design, communal kitchens and bathrooms, and villagers' demonstrated ability to perform functions like groundskeeping and security, help keep development and operating costs down- savings that will be passed on to residents in the form of rents below \$300 per household.

International Case Studies: Co-Determination in Vienna, Participation model in Helsinki

Vienna has a long history of government-sponsored housing. Today, 62 percent of residents in the city live in public housing.⁶⁵ The developers of public housing actively engage future tenants through a process of "co-determination." Through this process, residents can provide input on housing design, as well as on the use of and decoration of communal areas. The level of collected input varies by development, with some projects allowing residents to choose a floor plan, while others allow input on only common areas.

Helsinki multi-family housing developers are working with buyers during pre-construction to get design input especially for amenities and community spaces. Meeting with future occupants is seen by some developers as a way to add value to a project and have residents help with resource

⁶³ Friedheim, N. (2018, September 30). "This Waianae Homeless Camp Is Going Legit". Honolulu Civil Beat. Available at: <https://www.civilbeat.org/2018/09/this-waianae-homeless-camp-is-going-legit/>

⁶⁴ HCA. (2020). "Affordable Housing Development Training" Webinar. Available at: <https://www.dropbox.com/s/cs0dk5ofixdyvfd/Affordable%20Housing%20Development%20Training%20-%20Nov%202020.mp4?dl=0>

⁶⁵ Dudley (2020)

choices: should we have less parking and more car sharing options? How should communal space be used? Involving future occupants in these conversations can create better design and also save on project costs.⁶⁶

International Case Study: Senakw Development in Vancouver

In January, 2020, Squamish Nation members approved the construction of a new district, called Sedakw, in Vancouver that would house 11 towers with 6,000 total dwelling units for more than 10,000 residents.⁶⁷ The future development sits on 11.7 acres of former railway lands within one of Canada's smallest First Nations reserves.

Since Sedakw is on federal land and not city land, the planners of the future development have the flexibility to work outside of Vancouver's design standards. While the city typically mandates one parking stall per unit, only 10 percent of Sedakw apartments will include parking. Sedakw buildings will also forgo the podium-and-tower design that has become iconic in Vancouver.⁶⁸ Instead, the apartments will be slender high-rises with a density of 500 units per acre, on par with the density in cities such as Hong Kong.

The future Sedakw development challenges the notion that indigenous communities must be low-density, rural, and located on the outskirts of cities. Revery Architecture, the architecture firm responsible for the Sedakw design, worked with members of the Squamish Nation to ensure the design paid tribute to the site's history and relationship to the natural environment. For example, apartments near the Burrard Street Bridge, have been designed to emulate the feeling of entering a forest.⁶⁹

Lessons for the ALOHA Homes Program

- Engage future residents early: Consider ways for future residents to become involved with project design before construction begins. This builds a sense of community and adds value.
- Dense, urban design can still pay tribute to the area's history and natural environment.

Cost Recovery Principle: State Funding is Recycled

One advantage of an ownership model for affordable housing is that state funding for the project can be recovered and recycled for another project when new residents secure mortgages that cover the costs of development. Note that this is for the cost of the building only and not for all the offsite infrastructure, community-wide amenities, and other costs that go into a larger community plan. However, recycling the money for just the vertical construction costs helps create a sustainable path to expanding affordable homeownership in Hawai'i.

⁶⁶ New York Times (2020, October 14th) "Helsinki makes sustainability a guiding principle for development", by Dorn Townsend Available at: <https://www.nytimes.com/2020/10/14/todaysinyt/helsinki-makes-sustainability-a-guiding-principle-for-development.html>

⁶⁷ Halliday, M. (2020, January 3). "The bold new plan for an Indigenous-led development in Vancouver." The Guardian (Cities). Available at: <https://www.theguardian.com/cities/2020/jan/03/the-bold-new-plan-for-an-indigenous-led-development-in-vancouver>

⁶⁸ Halliday (2020)

⁶⁹ Halliday (2020)

Proposed Action Items

Legislative

Most of the tools needed to implement this model for affordable home-ownership already exist within current state laws and administrative rules.

Community Facility Districts for Infrastructure Financing

One area that might require some legislative change is allowing the state to be re-paid for infrastructure investments through Community Facilities Districts implemented by the counties. In this arrangement the state would put in the initial bond funding and the counties would repay the bond financing with increased property assessments in the various improvement districts. Further research is needed to assess whether this arrangement would require any changes in the HRS or if it simply requires a memorandum of understanding between the state and the county.

Affordable Housing Facilitator

Access to affordable housing is such a key issue for Hawai'i residents that it deserves high level attention and direct communication with the Governor's Office. This position would coordinate efforts across multiple agencies and work towards a long-term strategic plan.

Taxable Mortgage Revenue Bonds

This financing tool could be used by HHFDC to provide low-cost and efficient construction financing on a project-by-project basis without impacting the state budget or the private activity bond cap. Further legal research is being conducted to determine if the current HRS 201H provisions for Taxable Mortgage Securities Programs are sufficient for the purposes of financing affordable leasehold housing.

Lease end game issues

We are awaiting further input from important stakeholders and will amend this section.

Leadership

A new leasehold housing program would require high-level state leadership to facilitate negotiation and collaboration between multiple state agencies and departments. Although each department has a separate mission, there are ways for all stakeholders to benefit from providing affordable housing to Hawai'i residents.

Conclusion

In more than 5,000 households in Hawai'i, there are residents earning good wages, who want to purchase a home but find prices to be out of reach. We spoke with some of these residents—teachers, hotel workers, even real estate agents—and they all believe the state should play a role in expanding affordable ownership opportunities. This study provides an initial blueprint for one way to accomplish this without impacting general fund revenue. The model does require a state subsidy in the form of land use and access to expedited entitlements and financing. It also requires negotiation and collaboration across departments.

Adopting a leasehold ownership model faces significant obstacles and will not be easy. If it was, it would have been done already. As a case in point:

In 1970 the Hawai'i legislature passed Act 105 for the purpose of enabling the Hawai'i Housing Authority to develop affordable ownership opportunities. The act stated:

“The legislature has also determined that decent shelter and the responsibility of home ownership contributes to the pride and dignity of man and makes him a greater asset to the community and that lack of decent shelter and the *responsibility of home ownership* contributes to harmful frustration in our community. The home is the basic source of shelter and security in society, and the center of our society which provides the basis for the development of our future citizens. **Frustration in the basic necessity of decent shelter, in the satisfaction of the basic drive in man to provide a decent home for his family, provokes an unrest in our community that is harmful to the overall fiber of our society.**”

For more than fifty years the Hawai'i legislature has struggled to provide home-ownership opportunities to lower- and middle-income residents. The problem is arguably more pressing now than ever before: Hawai'i's population has declined each of the past four years, and one of the main reasons is the cost of housing. While the ALOHA Homes model needs work, the concept of affordable leasehold housing has great potential to fulfill an important housing need for local residents.

Appendix A: Interviewees

Local Developers and Construction Companies

Hawai'i Dredging
Albert C. Kobayashi Inc.
Stanford Carr
Hawai'i Island Community Development Corporation
Alaka'i Development
Mark Development Inc.
Self-Help Housing
Artspace
Hunt Co. Hawai'i
Ahe Group

Local Government

Office of Planning
OHA
DHHL
City and County of Honolulu, Planning Department
City and County of Hawai'i, Planning Department

Local Housing Organization

LURF
BIA

Lenders

Bank of Hawai'i
American Savings Bank
Central Pacific Bank
Hawai'i Community Assets

Financial Consultants

UH Office of Budget and Finance
280CapMarkets

Other Housing Organizations and Agencies

City of Burlington Department of Planning and Zoning
Portland Housing Bureau
San Diego Housing Commission
City and County of San Francisco
DC Department of Housing and Community Development
Champlain Housing Trust
Na Hale O Maui Land Trust
Grounded Solutions
ARA - Housing Finance and Development Centre of Finland
Habitat for Humanity NYC, Habitat for Humanity Maui
Catalyst Housing Group
Factory OS
Center for Budget and Policy Priorities

Interviewed People

Jonathan Huskey - Deputy Director for State Campaign Communications, Center for Budget and Policy Priorities

Bernie Bergmann - State Data and Campaigns Senior Manager, Center for Budget and Policy Priorities

Claudia Shay - Executive Director, Self-Help Housing

Craig Watase - President, Mark Development Inc.

Jarmo Linden - Director, The Housing Finance and Development Centre of Finland

Jeremy McComber - Development Manager, Hawaii Island Community Development Corporation

Keith Kato - Executive Director, Hawaii Island Community Development Corporation

Jon Wallenstrom - Principal, Alaka'i Development

Greg Handberg - Senior Vice President, Artspace

Naomi Chu - Vice President of Asset Management, Artspace

Juliana Bernal - Project Manager, Habitat for Humanity NYC

Kevin Brown - President, Factory OS

Paul Silen - Vice President - Commercial Division, Hawaiian Dredging

Stanford Carr - President, Stanford Carr Development

Paul Kay - Executive Vice President & COO, Hunt Development Group - Hawai'i Division

Thomas Lee - Senior Vice President of Development, Hunt Development Group - Hawai'i Division

Sharon Gi - Vice President of Development, Hunt Development Group - Hawai'i Division

Steve Colón - President, Hunt Development Group - Hawai'i Division

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Dean Uchida - President, Building Industry Association

Jessica Leorna - CEO of Building Industry Association

Sherri Dodson - Executive Director, Habitat for Humanity Maui

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Robert Leuchs - Director of Homeownership Center, Champlain Land Trust

Kalbert Young - Vice President and Chief Financial Officer, UH Office of Budget and Finance

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Sujata Raman - Vice President, Single-Family Housing Finance - San Diego Housing Commission

Maria Benjamin - San Francisco housing department

Appendix B: Other Jurisdictions

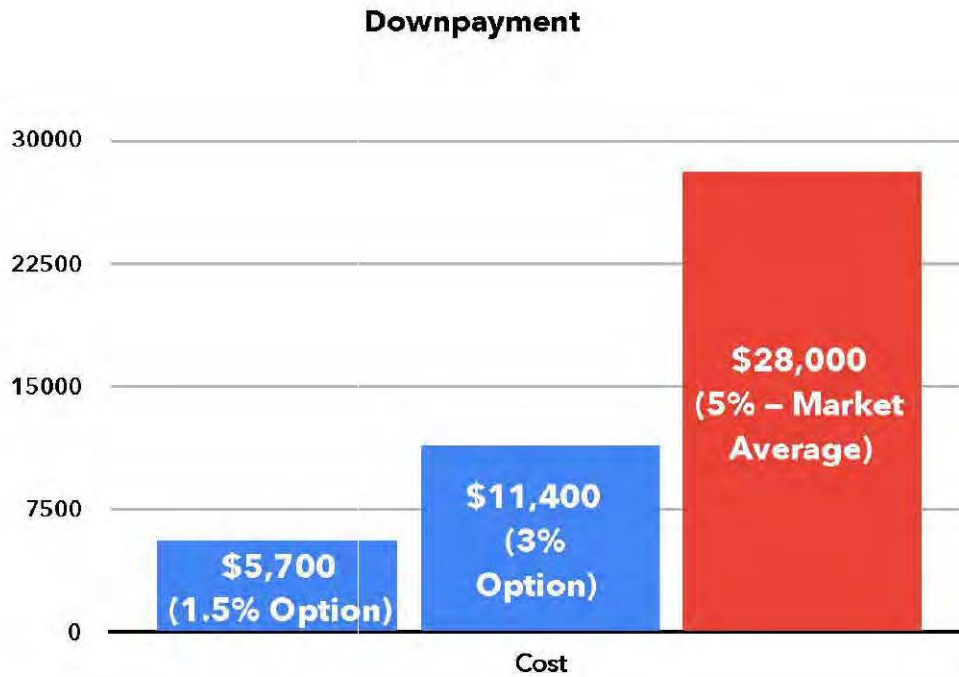
	Washington DC	Portland, OR	San Francisco, CA	San Diego, CA
Managed by	Department of Housing and Community Development	Portland Housing Bureau	Mayor's Office of Housing and Community Development	San Diego Housing Commission
AMI Range	50–80%	60–80%	80–130%	100–120%
% Units Affordable	8–10%	10–20%	12%	20%
Affordability Period	Life of the building	99 years	Life of the building	45–55 years
Owner-occupancy	Yes	Yes		Yes
Residency Requirement	Current Resident	Current resident	Current Resident	Live/work 2 years
Own Other Property	No other residential	No liquid assets > \$20,000	No residential	No other property

	Aspens, CO	Naples, FL (Collier County)	Boston, MA	New York, NY
Managed by	Aspen Pitkin County Housing Authority		City of Boston	New York City Department of Housing Preservation and Development
AMI Range	<205%	80–150%	Varies, <100%	80–130%
Affordability Period	Property Unique	15 years	50 years	Max 40 years
Owner-occupancy	Yes		Yes	Yes
Residency Requirement	Work full-time in Pitkin County or 75% of Income	Yes	Preference	Resident, Local area preference
Own Other Property	No residential			

Other Requirements	Occupy unit at least 9 months out of the year		Preferences (depending on unit) for Veterans, senior citizens, first time homebuyers, approved professional artists, Boston residents	Sell to income-qualifying buyers at 2% appreciation
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Appendix C: Equity Share Model

**Cost Difference: Affordable versus Market Rate (FOR SALE)
(Two-Bedroom, Two-Bath Units)**



Mortgage Payments: Affordable Leasehold \$380,000 vs. Market Rate \$570,000

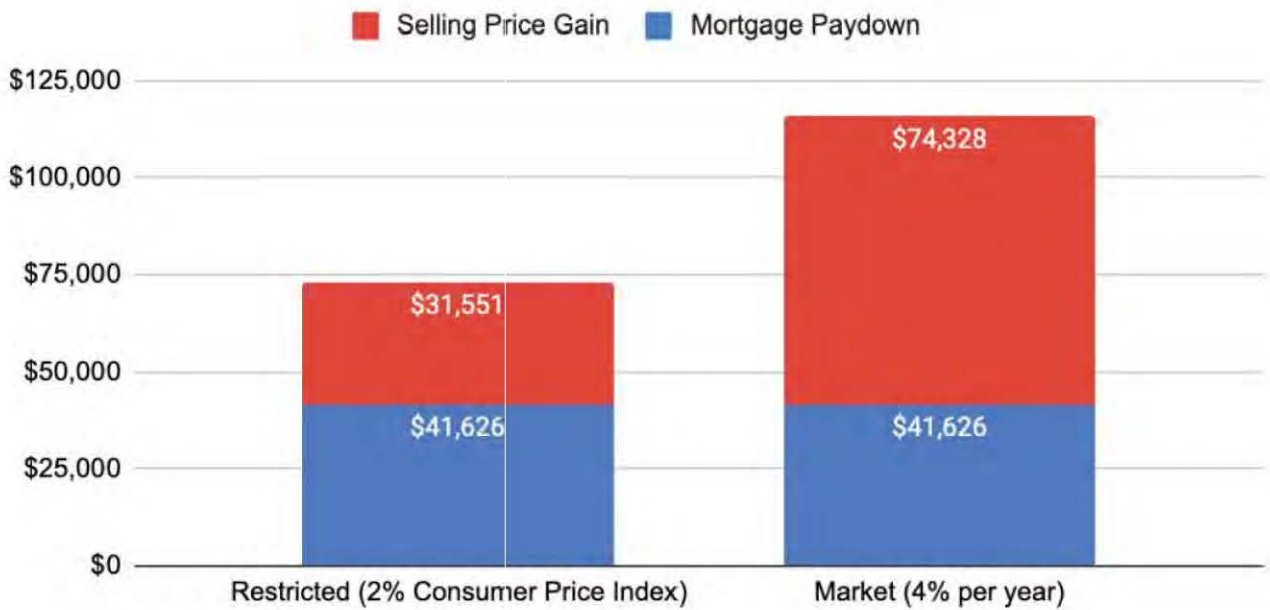


2 Bed/ 2 bath: Affordable Leasehold \$380,000 vs. Market Rate Rental

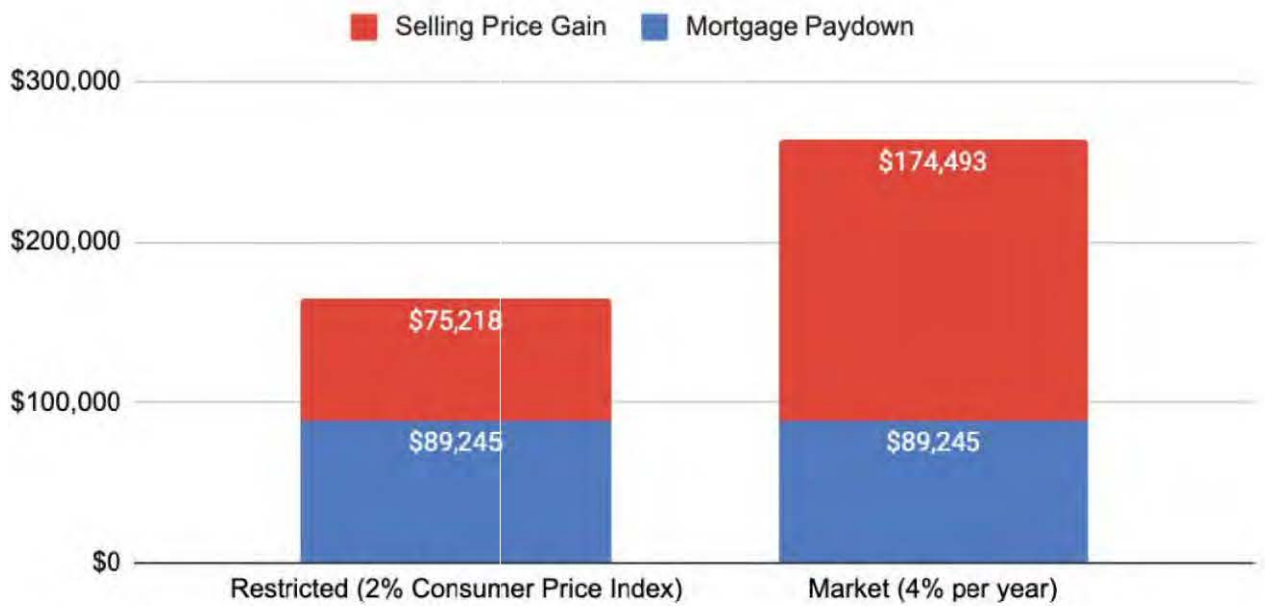


**Equity-Share Difference: Affordable versus Market Rate (FOR SALE)
(Two-Bedroom, Two-Bath Units)**

After 5-Years



After 10-Years



Appendix D: Hawai'i Three-Year Taxable Bonds

TABLE OF CONTENTS

Hawaii Housing Authority Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

<i>Report</i>	<i>Page</i>
Sources and Uses of Funds	1
Bond Summary Statistics	2
Bond Pricing	3
Bond Debt Service	4
Bond Solution	5
Net Debt Service	6

SOURCES AND USES OF FUNDS

Hawaii Housing Authority
Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

Sources:

Bond Proceeds:	
Par Amount	50,000,000.00
	<u>50,000,000.00</u>

Uses:

Project Fund Deposits:	
Project Fund	44,883,811.81
Other Fund Deposits:	
Capitalized Interest Fund	4,116,188.19
Delivery Date Expenses:	
Cost of Issuance	500,000.00
Underwriter's Discount	500,000.00
	<u>1,000,000.00</u>
	<u>50,000,000.00</u>

Notes:

Cost of Issuance includes market study, appraisal, Financial Advisor, Bond Counsel, Disclosure Counsel, Issuer Fees, HOA Counsel, Trustee, Environmental Assessment, Construction Manager Consultant
30 months of capitalized interest
2023 bullet maturity

BOND SUMMARY STATISTICS

Hawaii Housing Authority
Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

Dated Date	12/16/2020
Delivery Date	12/16/2020
Last Maturity	12/01/2023
Arbitrage Yield	3.470403%
True Interest Cost (TIC)	3.831217%
Net Interest Cost (NIC)	3.808028%
All-In TIC	4.196439%
Average Coupon	3.470000%
Average Life (years)	2.958
Duration of Issue (years)	2.836
Par Amount	50,000,000.00
Bond Proceeds	50,000,000.00
Total Interest	5,132,708.33
Net Interest	5,632,708.33
Total Debt Service	55,132,708.33
Maximum Annual Debt Service	51,735,000.00
Average Annual Debt Service	18,636,408.45
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	10.000000
Total Underwriter's Discount	10.000000
Bid Price	99.000000

<i>Bond Component</i>	<i>Par Value</i>	<i>Price</i>	<i>Average Coupon</i>	<i>Average Life</i>
Bond Component	50,000,000.00	100.000	3.470%	2.958
	50,000,000.00			2.958

	TIC	All-In TIC	Arbitrage Yield
Par Value	50,000,000.00	50,000,000.00	50,000,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-500,000.00	-500,000.00	
- Cost of Issuance Expense		-500,000.00	
- Other Amounts			
Target Value	49,500,000.00	49,000,000.00	50,000,000.00
Target Date	12/16/2020	12/16/2020	12/16/2020
Yield	3.831217%	4.196439%	3.470403%

BOND PRICING

**Hawaii Housing Authority
Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)**

<i>Bond Component</i>	<i>Maturity Date</i>	<i>Amount</i>	<i>Rate</i>	<i>Yield</i>	<i>Price</i>
Bond Component:	12/01/2023	50,000,000	3.470%	3.470%	100.000
		50,000,000			

Dated Date	12/16/2020		
Delivery Date	12/16/2020		
First Coupon	06/01/2021		
Par Amount	50,000,000.00		
Original Issue Discount			
Production	50,000,000.00	100.000000%	
Underwriter's Discount	-500,000.00	-1.000000%	
Purchase Price	49,500,000.00	99.000000%	
Accrued Interest			
Net Proceeds	49,500,000.00		

BOND DEBT SERVICE

Hawaii Housing Authority
 Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

<i>Period Ending</i>	<i>Principal</i>	<i>Coupon</i>	<i>Interest</i>	<i>Debt Service</i>
12/01/2021			1,662,708.33	1,662,708.33
12/01/2022			1,735,000.00	1,735,000.00
12/01/2023	50,000,000	3.470%	1,735,000.00	51,735,000.00
	50,000,000		5,132,708.33	55,132,708.33

BOND SOLUTION

Hawaii Housing Authority
 Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

<i>Period Ending</i>	<i>Proposed Principal</i>	<i>Proposed Debt Service</i>	<i>Total Adj Debt Service</i>
12/01/2021		1,662,708	1,662,708
12/01/2022		1,735,000	1,735,000
12/01/2023	50,000,000	51,735,000	51,735,000
	50,000,000	55,132,708	55,132,708

NET DEBT SERVICE

Hawaii Housing Authority
 Hawaii Housing Finance Authority, Mortgage Revenue Bonds, Series 2021 (3-Year)

<i>Period Ending</i>	<i>Total Debt Service</i>	<i>Capitalized Interest Fund</i>	<i>Net Debt Service</i>
12/01/2021	1,662,708.33	1,662,708.33	
12/01/2022	1,735,000.00	1,735,000.00	
12/01/2023	51,735,000.00	934,972.22	50,800,027.78
	55,132,708.33	4,332,680.55	50,800,027.78

Mid-Rise / High-Rise Building on 1.5 Acres- With Parking					
Type	# Homes	Area (gross sq sf per home)	Total Sq Ft	Parking Stalls	Site Sq Ft
2 Bedroom / 2 Bath Unit	150	830	124,500	120	65,340

Project Costs					
	Basis	Explanation	Cost	Per Home	Per Sq Ft
Due Diligence, Entitlements, Etc.	Estimate	Reduced since State will complete a portion	\$250,000	\$1,667	\$2
Environmental Assessment	Not Applicable	State conducts analysis			
Off-Site Infrastructure	\$3,000	Part of District Wide Plan (\$3000 per home estimate)	\$450,000	\$3,000	
Land and Closing Costs/Commissions	Not Applicable	State/County contributes land			
On-Site Infrastructure, Site Prep, Etc (per site sq	\$10	Recent HI pro formas	\$653,400	\$4,356	\$5
Vertical Construction GMP (per bldg sq ft)	\$350	Input from HI developer ctntractors	\$43,575,000	\$290,500	\$350
Parking Structure (per stall)	\$35,000	Traditional Parking Structure	\$4,200,000	\$28,000	\$34
Hard Cost Contingency	5%	Average contingency for LIHTC and other projects	\$2,388,750	\$15,925	\$19
Permits and Fees	Estimate	Reduction or exemption for most fees	\$510,000	\$3,400	\$4
Design and Engineering	4% of hard costs	Work with general/subs from start; standardization	\$2,006,550	\$13,377	\$16
Developer Fee (5%) includes overhead	5% of subtotal	Less than typical due to lower risk and State financing	\$2,898,422	\$19,323	\$23
Construction Management and Inspection	2% of hard costs	Fee seen in other pro-formas	\$1,003,275	\$6,689	\$8
Taxes	Exempt	GET, RPT, and other tax exemptions			
Legal	set fee per project	Using State lawyers/consultants where possible	\$200,000	\$1,333	\$2
Insurance	1% of hard costs	Lower premiums if State supports/guarantees	\$501,638	\$3,344	\$4
Homebuyer Preparation and Pre-Sales	Set Fee per unit	High demand; Developer non-profit for pipeline	\$750,000	\$5,000	\$6
Construction Loan Origination Fee	1.5% of funding	Recent HI pro formas	\$677,211	\$4,515	\$5
Construction Interest- 100%	4% of hard costs	Low-Cost Financing through Revenue Bonds	\$802,620	\$5,351	\$6
Subtotal			\$60,866,865	\$405,779	\$489
Additional Contingency	3% of subtotal		\$1,826,006	\$12,173	\$15
TOTAL COST			\$62,692,871	\$417,952	\$504

65

ASSEMBLY BILL

No. 387

**Introduced by Assembly Member Lee
(Coauthor: Assembly Member Wicks)**

February 2, 2021

An act relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 387, as introduced, Lee. Social Housing Act of 2021.

Existing law establishes the Department of Housing and Community Development and sets forth its powers and duties. Existing law establishes various programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, homeownership for very low and low-income households, and downpayment assistance for first-time homebuyers.

This bill would declare the intent of the Legislature to subsequently amend this bill to include provisions that would enact the Social Housing Act of 2021 to establish the California Housing Authority for the purpose of developing mixed-income rental and limited equity homeownership housing and mixed-use developments to address the shortage of affordable homes for low and moderate-income households.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to subsequently
- 2 amend this measure to include provisions that would enact the
- 3 Social Housing Act of 2021 to establish the California Housing

AB 387

— 2 —

- 1 Authority for the purpose of developing mixed-income rental and
- 2 limited equity homeownership housing and mixed-use
- 3 developments to address the shortage of affordable homes for low
- 4 and moderate-income households.

O



UN HABITAT

The Right to Adequate Housing



Human Rights

Fact Sheet No.

21
(Rev. 1)



Office of the United Nations
High Commissioner
for Human Rights

UN  HABITAT

The Right to Adequate Housing

Fact Sheet No. **21**/Rev.1

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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* *

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CONTENTS

	<i>Page</i>
Abbreviations	iv
Introduction	1
I. WHAT IS THE RIGHT TO ADEQUATE HOUSING?	3
A. Key aspects of the right to adequate housing	3
B. Common misconceptions about the right to adequate housing	6
C. The link between the right to adequate housing and other human rights	9
D. How does the principle of non-discrimination apply ?	10
E. The right to adequate housing in international human rights law	10
II. HOW DOES THE RIGHT TO ADEQUATE HOUSING APPLY TO SPECIFIC GROUPS?	16
A. Women	16
B. Children	18
C. Slum-dwellers	20
D. Homeless persons	21
E. Persons with disabilities.....	23
F. Displaced persons and migrants.....	24
G. Indigenous peoples	27
III. WHAT ARE THE OBLIGATIONS ON STATES AND THE RESPONSIBILITIES OF OTHERS?.....	29
A. General obligations.....	30
B. Three types of obligations	33
C. The responsibilities of others	34

IV. MONITORING THE RIGHT TO ADEQUATE HOUSING AND HOLDING STATES ACCOUNTABLE	37
A. National accountability and monitoring	37
B. Regional accountability	42
C. International monitoring	43
<i>Annex: Selected international instruments and other documents related to the right to adequate housing.....</i>	<i>47</i>

ABBREVIATIONS

IDPs	internally displaced persons
ILO	International Labour Organization
NGOs	non-governmental organizations
NHRI	national human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
UN-Habitat	United Nations Human Settlement Programme
UNHRP	United Nations Housing Rights Programme
UNICEF	United Nations Children’s Fund

Introduction

International human rights law recognizes everyone's right to an adequate standard of living, including adequate housing. Despite the central place of this right within the global legal system, well over a billion people are not adequately housed. Millions around the world live in life- or health-threatening conditions, in overcrowded slums and informal settlements, or in other conditions which do not uphold their human rights and their dignity. Further millions are forcibly evicted, or threatened with forced eviction, from their homes every year.

Adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one's home and privacy.

The right to adequate housing is relevant to all States, as they have all ratified at least one international treaty referring to adequate housing and committed themselves to protecting the right to adequate housing through international declarations, plans of action or conference outcome documents. Several constitutions protect the right to adequate housing or outline the State's general responsibility to ensure adequate housing and living conditions for all. Courts from various legal systems have also adjudicated cases related to its enjoyment, covering, for instance, forced evictions, tenant protection, discrimination in the housing sphere or access to basic housing-related services.

Increased international attention has also been paid to the right to adequate housing, including by human rights treaty bodies, regional human rights mechanisms and the Commission on Human Rights (now replaced by the Human Rights Council), which created the mandate of "Special Rapporteur on adequate housing as a component of the right to an adequate standard of living" in 2000. These initiatives have helped to clarify the scope and content of the right to adequate housing.

This Fact Sheet starts by explaining what the right to adequate housing is, illustrates what it means for specific individuals and groups, and then elaborates upon States' related obligations. It concludes with an overview of national, regional and international accountability and monitoring mechanisms.

This joint OHCHR/UN-Habitat Fact Sheet is the second in a series of joint publications by the Office of the United Nations High Commissioner for Human Rights with other United Nations partners to focus on economic, social and cultural rights. The first was the *Fact Sheet on the Right to Health*, issued jointly with the World Health Organization, and a joint fact sheet with the Food and Agriculture Organization of the United Nations on the right to food is forthcoming.

I. WHAT IS THE RIGHT TO ADEQUATE HOUSING?

A. Key aspects of the right to adequate housing

The United Nations Committee on Economic, Social and Cultural Rights has underlined that the right to adequate housing should not be interpreted narrowly. Rather, it should be seen as the right to live somewhere in security, peace and dignity. The characteristics of the right to adequate housing are clarified mainly in the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.¹

- **The right to adequate housing contains freedoms.** These *freedoms* include:
 - Protection against forced evictions and the arbitrary destruction and demolition of one's home;
 - The right to be free from arbitrary interference with one's home, privacy and family; and
 - The right to choose one's residence, to determine where to live and to freedom of movement.
- **The right to adequate housing contains entitlements.** These *entitlements* include:
 - Security of tenure;
 - Housing, land and property restitution;
 - Equal and non-discriminatory access to adequate housing;
 - Participation in housing-related decision-making at the national and community levels.
- **Adequate housing must provide more than four walls and a roof.** A number of conditions must be met before particular forms of shelter can be considered to constitute "adequate housing." These elements are just as fundamental as the basic supply and availability of housing. For housing to be adequate, it must, *at a minimum*, meet the following criteria:

¹ General comments are adopted by the treaty bodies based on their monitoring experience. They offer expert guidance to States on their obligations arising under a particular treaty.

- *Security of tenure*: housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
 - *Availability of services, materials, facilities and infrastructure*: housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.
 - *Affordability*: housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.
 - *Habitability*: housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
 - *Accessibility*: housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
 - *Location*: housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.
 - *Cultural adequacy*: housing is not adequate if it does not respect and take into account the expression of cultural identity.
- **Protection against forced evictions.** Protection against forced evictions is a key element of the right to adequate housing and is closely linked to security of tenure.

Forced evictions are defined as the "permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."² According to the United Nations Human Settlements Programme (UN-Habitat), at least 2 million people in the world are forcibly evicted every year, while millions are threatened with forced evictions.³

² General comment 7, which goes on to note that "the prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights" (para. 4).

³ UN-Habitat, *Global Report on Human Settlements 2007: Enhancing Urban Safety and Security* (Nairobi, 2007).

Forced evictions are carried out in a variety of circumstances and for a variety of reasons, for instance, to make way for development and infrastructure projects, urban redevelopment or city beautification, or prestigious international events, as a result of conflicts over land rights, armed conflicts or societal patterns of discrimination. Forced evictions tend to be violent and disproportionately affect the poor, who often suffer further human rights violations as a result. In many instances, forced evictions compound the problem they were ostensibly aimed at solving.

Regardless of their cause, forced evictions may be considered a gross violation of human rights and a prima facie violation of the right to adequate housing. Large-scale evictions can in general be justified only in the most exceptional circumstances and only if they take place in accordance with the relevant principles of international law.

Safeguards in the case of evictions

If eviction may be justifiable, because the tenant persistently fails to pay rent or damages the property without reasonable cause, the State must ensure that it is carried out in a lawful, reasonable and proportional manner, and in accordance with international law. Effective legal recourses and remedies should be available to those who are evicted, including adequate compensation for any real or personal property affected by the eviction. Evictions should not result in individuals becoming homeless or vulnerable to further human rights violations.

In general, international human rights law requires Governments to explore all feasible alternatives before carrying out any eviction, so as to avoid, or at least minimize, the need to use force. When evictions are carried out as a last resort, those affected must be afforded effective procedural guarantees, which may have a deterrent effect on planned evictions. These include:

- An opportunity for genuine consultation;
- Adequate and reasonable notice;
- Availability of information on the proposed eviction in reasonable time;
- Presence of Government officials or their representatives during an eviction;

- Proper identification of persons carrying out the eviction;
- Prohibition on carrying out evictions in bad weather or at night;
- Availability of legal remedies;
- Availability of legal aid to those in need to be able to seek judicial redress.

B. Common misconceptions about the right to adequate housing

- **The right to adequate housing does NOT require the State to build housing for the entire population.** One of the most common misconceptions associated with the right to adequate housing is that it requires the State to build housing for the entire population, and that people without housing can automatically demand a house from the Government. While most Governments are involved to some degree in housing construction, the right to adequate housing clearly does not oblige the Government to construct a nation's entire housing stock.

Rather, the right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups, ensure security of tenure to all, and guarantee that everyone's housing is adequate. These measures can require intervention from the Government at various levels: legislative, administrative, policy or spending priorities. It can be implemented through an enabling approach to shelter where the Government, rather than playing the role of housing provider, becomes the facilitator of the actions of all participants in the production and improvement of shelter. Policies, strategies and programmes based on the enabling approach have been promoted by the United Nations since 1988 within the framework of the Global Strategy for Shelter to the Year 2000.

In specific cases, however, the State may have to provide direct assistance, including housing or housing allowances, notably to people affected by disasters (natural or man-made) and to the most vulnerable groups in society. On the other hand, several measures necessary to guarantee the right to adequate housing require the Government only to refrain from certain practices or actions.

- **The right to adequate housing is NOT only a programmatic goal to be attained in the long term.** Another misunderstanding is that the right to adequate housing does not impose immediate obligations on the State. On the contrary, States must make every possible effort, within their available resources, to realize the right to adequate housing and to take steps in that direction without delay. Notwithstanding resource constraints, some obligations have immediate effect, such as the undertaking to guarantee the right to adequate housing in an equal and non-discriminatory manner, to develop specific legislation and plans of action, to prevent forced evictions or to guarantee a certain degree of security of tenure to all.
- **The right to adequate housing does NOT prohibit development projects which could displace people.** It is sometimes believed that the protection against forced evictions prohibits development or modernization projects that entail displacement. There are inevitable needs for the redevelopment of certain areas in growing cities and for public agencies to acquire land for public use and infrastructure. The right to adequate housing does not prevent such development from taking place, but imposes conditions and procedural limits on it. It is the way in which such projects are conceived, developed and implemented that is important. Very often, they are carried out with little or no consultation with those affected, limited consideration of their needs and little attempt to develop solutions which minimize the scale of the eviction and the disruption caused.
- **The right to adequate housing is NOT the same as the right to property.** It is sometimes believed that the right to adequate housing equates to a right to property or property rights. Some also argue that the right to adequate housing threatens the right to property. The right to own property is enshrined in the Universal Declaration of Human Rights and other human rights treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (d)(v)) and the Convention on the Elimination of All Forms of Discrimination against Women (art. 16 (h)), although absent from the two Covenants.⁴

The right to adequate housing is broader than the right to own property as it addresses rights not related to ownership and is

⁴ The right to property is also enshrined in the American Convention on Human Rights (art. 21), the African Charter on Human and Peoples' Rights (art. 14), and the Charter of Fundamental Rights of the European Union (art. 17).

intended to ensure that *everyone* has a safe and secure place to live in peace and dignity, including non-owners of property. Security of tenure, the cornerstone of the right to adequate housing, can take a variety of forms, including rental accommodation, cooperative housing, lease, owner-occupation, emergency housing or informal settlements. As such, it is not limited to the conferral of formal legal titles.⁵ Given the broader protection afforded by the right to adequate housing, a sole focus on property rights might in fact lead to violations of the right to adequate housing, for instance, by forcibly evicting slum-dwellers residing on private property. On the other hand, protection of the right to property might be crucial to ensure that certain groups are able to enjoy their right to adequate housing. The recognition of spouses' equal rights to household property, for instance, is often an important factor in ensuring that women have equal and non-discriminatory access to adequate housing.

- **The right to adequate housing is NOT the same as the right to land.** It is sometimes argued that the right to adequate housing equates to a right to land. Access to land can constitute a fundamental element of the realization of the right to adequate housing, notably in rural areas or for indigenous peoples. Inadequate housing or the practice of forced evictions can be the consequence of being denied access to land and common property resources. As such, the enjoyment of the right to adequate housing might require, in certain cases, securing access to and control over land. Nevertheless, international human rights law does not, currently, recognize a self-standing right to land.⁶
- **The right to adequate housing includes ensuring access to adequate services.** The right to adequate housing does not just mean that the structure of the house itself must be adequate. There must also be sustainable and non-discriminatory access to facilities essential for health, security, comfort and nutrition. For example, there must be access to safe drinking water, energy for cooking, heating, lighting, sanitation and washing facilities, means

⁵ The work of the Global Land Tool Network (GLTN), facilitated by UN-Habitat, aims to take a more holistic approach to land issues by improving global coordination, including through the establishment of a continuum of land rights, rather than just focus on individual land titling. See www.gltn.net.

⁶ "Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari" (A/HRC/4/18, paras. 26 and 31). The Special Rapporteur recognized and emphasized the importance of land as a "critical element" of the right to adequate housing, and called on the Human Rights Council to ensure "the recognition in international human rights law of land as a human right."

of storing food, refuse disposal, site drainage and emergency services.

C. The link between the right to adequate housing and other human rights

Human rights are interdependent, indivisible and interrelated. In other words, the violation of the right to adequate housing may affect the enjoyment of a wide range of other human rights and vice versa.

Access to adequate housing can be a precondition for the enjoyment of several human rights, including the rights to work, health, social security, vote, privacy or education. The possibility of earning a living can be seriously impaired when a person has been relocated following a forced eviction to a place removed from employment opportunities. Without proof of residency, homeless persons may not be able to vote, enjoy social services or receive health care. Schools may refuse to register slum children because their settlements have no official status. Inadequate housing can have repercussions on the right to health; for instance, if houses and settlements have limited or no safe drinking water and sanitation, their residents may fall seriously ill.

Forced evictions can have implications for the enjoyment of several human rights, including the right to education and the right to personal security. Forced evictions often result in children's schooling being interrupted or completely stopped. The trauma experienced following a forced eviction can also impair a child's capacity to attend classes. During forced evictions, people are frequently harassed or beaten and occasionally even subjected to inhumane treatment or killed. Women and girls are particularly vulnerable to violence, including sexual violence, before, during and after an eviction.

At the same time, the right to adequate housing can be affected by the extent to which other human rights are guaranteed. Access to housing is most at risk for those denied the right to education, work or social security. Improving housing conditions and protecting against forced evictions are often dependent on claims made by those affected. Where the rights to freedom of expression, assembly or association are not respected, the possibility for individuals and communities to advocate better living conditions is significantly reduced. Human rights defenders working to protect the right of individuals and communities to adequate housing have been subjected to violence, arbitrary arrest, and arbitrary and prolonged detention.

D. How does the principle of non-discrimination apply?

Discrimination means any distinction, exclusion or restriction made on the basis of the specific characteristics of an individual such as race, religion, age or sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms. It is linked to the marginalization of specific population groups and is generally at the root of structural inequalities within societies.

In housing, discrimination can take the form of discriminatory laws, policies or measures; zoning regulations; exclusionary policy development; exclusion from housing benefits; denial of security of tenure; lack of access to credit; limited participation in decision-making; or lack of protection against discriminatory practices carried out by private actors.

Non-discrimination and equality are fundamental human rights principles and critical components of the right to adequate housing. The International Covenant on Economic, Social and Cultural Rights, in its article 2 (2), identifies the following non-exhaustive grounds of discrimination: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. According to the Committee on Economic, Social and Cultural Rights, “other status” may include disability, health status (e.g., HIV/AIDS) or sexual orientation. The Special Rapporteur on adequate housing has also emphasized that discrimination and segregation in housing can result from poverty and economic marginalization.

The impact of discrimination is compounded when an individual suffers double or multiple discrimination—for instance, on the basis of sex *and* race, national origin or disability. The Committee has stressed the importance of addressing this type of discrimination in its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

States have an obligation to prohibit and eliminate discrimination on all grounds and ensure de jure and de facto equality in access to adequate housing and protection against forced eviction.

E. The right to adequate housing in international human rights law

The right to adequate housing is a human right recognized in international human rights law as part of the right to an adequate standard of living.

One of the first references to it is in article 25 (1) of the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights, widely considered as the central instrument for the protection of the right to adequate housing, refers to *the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions* (art. 11).

As mentioned above, the Committee has adopted general comments on the right to adequate housing and housing-related issues which provide authoritative guidance on the Covenant's provisions, in particular its general comments Nos. 4, 7 and 16.

Other international human rights treaties have addressed the right to adequate housing in different ways. Some are of general application while others cover the human rights of specific groups, such as women, children, indigenous peoples, migrant workers and members of their families, or persons with disabilities.

Other international human rights treaties that recognize the right to adequate housing

- The 1951 Convention Relating to the Status of Refugees (art. 21)
- The International Labour Organization's 1962 Convention No. 117 concerning Basic Aims and Standards of Social Policy (art. 5 (2))
- The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e)(iii))
- The 1966 International Covenant on Civil and Political Rights (art. 17)
- The 1979 Convention on the Elimination of All Forms of Discrimination against Women (arts. 14 (2) and 15 (2))
- The 1989 Convention on the Rights of the Child (arts. 16 (1) and 27 (3))
- The International Labour Organization's 1989 Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (arts. 14, 16 and 17)
- The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 43 (1)(d))
- The 2006 Convention on the Rights of Persons with Disabilities (arts. 9 and 28)

At the regional level, the right to adequate housing is recognized in the European Convention on the Legal Status of Migrant Workers (1977), the African Charter on the Rights and Welfare of the Child (1990) and the revised European Social Charter (1996). While the European Convention for the Promotion of Human Rights and Fundamental Freedoms (1950), the European Social Charter (1961), the American Convention on Human Rights (1969) and the African Charter on Human and Peoples' Rights (1981) do not explicitly refer to the right to adequate housing, in the jurisprudence its protection has been derived from the enjoyment of other human rights, such as the right to privacy, the right to property and peaceful enjoyment of possessions, and the right to protection of the family.

The right to adequate housing under the African Charter on Human and Peoples' Rights

In the Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria (communication No. 155/96), the African Commission on Human and Peoples' Rights found that, while the right to adequate housing was not explicitly recognized in the Charter, it could be inferred from other rights:

Although the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, ..., the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected. It is thus noted that the combined effect of articles 14, 16 and 18 (1) reads into the Charter a right to shelter or housing....

Several international guidelines and principles also set out specific provisions related to the right to adequate housing. While not legally binding, they provide useful guidance regarding the implementation of the right to adequate housing, notably for specific groups such as workers, refugees and internally displaced persons, old persons, and indigenous peoples.⁷ Of particular relevance are the *Basic principles and guidelines*

⁷ United Nations Principles for Older Persons, Principles on Housing and Property Restitution for Refugees and Displaced Persons, Guiding Principles on Internal Displacement; ILO Recommendation No. 115 concerning Workers' Housing, and United Nations Declaration on the Rights of Indigenous Peoples.

on *development-based evictions and displacement* developed under the mandate of the Special Rapporteur on adequate housing. They outline States' obligations to protect against forced evictions, along with specific obligations before, during and after development-based evictions.

Basic principles and guidelines on development-based evictions and displacement

22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. ...

32. ... Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based evictions and displacement, "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm.

37. Urban or rural planning and development processes should involve all those likely to be affected....

38. States should explore fully all possible alternatives to evictions. ...

52. ... At a minimum, ..., competent authorities shall ensure that evicted persons or groups, ..., have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; (g) education for children and childcare facilities. ...

55. Identified relocation sites must fulfil the criteria for adequate housing according to international law. ...

Numerous conferences, declarations and plans of action, such as the Vancouver Declaration on Human Settlements (1976), Agenda 21 (1992), the Istanbul Declaration on Human Settlements (1996), the Habitat Agenda (1996) and the Millennium Declaration and Millennium Development Goals (2000) have also helped clarify various aspects of the right to adequate housing and have reaffirmed States' commitments to its realization.

The Habitat Agenda

The outcome of the Habitat II Conference—the Istanbul Declaration and the Habitat Agenda—constitutes a framework for linking human settlements development to the realization of human rights in general and housing rights in particular. The Habitat Agenda states that, *within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing* (para. 61).

International humanitarian law also entails specific protection of the right to adequate housing during international and non-international armed conflicts.⁸ The Rome Statute of the International Criminal Court recognizes as a war crime the extensive destruction and appropriation of property that is not justified by military necessity and carried out unlawfully and wantonly (art. 8).

Finally, several constitutions explicitly refer to the right to adequate housing, including those of Belgium, Seychelles, South Africa and Uruguay.⁹ Other constitutions suggest a general responsibility of the State for ensuring adequate housing and living conditions for all.¹⁰

⁸ Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (art. 53); Protocol I (art. 69); and Protocol II (art. 17).

⁹ See also the constitutions of Ecuador, Guyana, Haiti, Honduras, Iran (Islamic Republic of), Maldives, Mali, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Russian Federation, Sao Tome and Principe, and Spain.

¹⁰ See the constitutions of Argentina, Bangladesh, Brazil, Burkina Faso, Colombia, Costa Rica, Dominican Republic, El Salvador, Finland, Guatemala, Nepal, Netherlands, Nigeria, Pakistan, Philippines, Poland, Republic of Korea, Sri Lanka, Sweden, Switzerland, Turkey, Venezuela (Bolivarian Republic of) and Viet Nam.

The right to adequate housing in selected national constitutions

Constitution of Mexico, 1917 (as amended in 1983)

Article 4

[...] Every family has the right to enjoy decent and proper housing. The law shall establish the instruments and necessary supports to reach the said goal. [...]

Constitution of Portugal, 1976 (fourth revision based on Constitutional Law No. 1/97 of 20 September 1997)

Article 65. Housing and Urban Planning

(1) All have the right, both personally and for their family, to a dwelling of adequate size that meets satisfactory standards of hygiene and comfort and preserves personal and family privacy.

Constitution of the Russian Federation, 1993

Article 40

(1) Everyone has the right to a home. No one may be arbitrarily deprived of a home.

Constitution of South Africa, 1996

Article 26. Housing

(1) Everyone has the right to have access to adequate housing.

(2) The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.

(3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Article 28. Children

(1) Every child has the right to... shelter....

See United Nations Housing Rights Programme, "Report No. 1: Human rights legislation: Review of international and national legal instruments" (2002).

II. HOW DOES THE RIGHT TO ADEQUATE HOUSING APPLY TO SPECIFIC GROUPS?

Some groups or individuals have a particularly hard time exercising their right to adequate housing as a result of who they are, discrimination or stigma, or a combination of these factors. To protect the right to housing effectively, it is necessary to pay attention to the specific situation of individuals and groups, in particular those living in vulnerable situations. States should adopt positive measures to ensure that they are not discriminated against in purpose or effect. For instance, they should tailor their housing laws and policies to those most in need rather than merely targeting majority groups.

Discussion on the particular groups outlined below is intended to help illustrate what the standards related to the right to adequate housing mean in practice.

A. Women

Although data are lacking and figures are hard to estimate, it is widely thought that women represent an important proportion of those who

The Convention on the Elimination of All Forms of Discrimination against Women

Article 14 (2)

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: [...]

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15 (2)

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

are inadequately housed. Women face discrimination in many aspects of housing because they are women, or because of other factors such as poverty, age, class, sexual orientation or ethnicity. In many parts of the world, and especially in rural areas, women's enjoyment of the right to adequate housing often depends on their access to and control over land and property.

Discrimination against women in the housing sphere can be caused, for instance, by: discriminatory statutory laws; gender-neutral laws and policies that fail to take into account women's special circumstances (such as their vulnerability to sexual and gender-based violence); the predominance of customary laws and practices which discriminate against women; bias in the judiciary and public administration; lack of access to remedies, information or decision-making processes; and lack of awareness of rights. This discrimination is underpinned by structural and historical factors.

Women and inheritance

In many parts of the world, women and girls face entrenched discrimination in inheritance, which can seriously affect their enjoyment of the right to adequate housing. Such discrimination can be enshrined in statutory laws as well as in customary laws and practices that fail to recognize women's equal rights to men in inheritance. As a result, women are either entitled to a lesser share than male relatives, or are simply dispossessed from any heritage of their deceased husbands or fathers.

Violence is common within the context of inheritance, as a woman's property can be forcibly seized by relatives, an attempt that often involves physical and psychological violence, and long-lasting trauma. Relatives often abuse widows with impunity, as these matters are seen as a private family affair.

If a woman decides to fight for her inheritance, she may also face violence from her in-laws or even from the community at large. In general, women's claims for inheritance can result in social exclusion, not only from the family but also from the community.

See "Women and adequate housing: Study by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari" (E/CN.4/2005/43, paras. 59–61).

Women face severe discrimination regarding security of tenure. Regardless of its form, tenure is often understood, recorded or registered in the name of men, leaving women dependent on their male relatives for tenure security. Moreover, while collective forms of tenure can include women, the decision-making processes are often dominated by men.

Without control over housing, land or property, women enjoy little personal or economic autonomy and are more vulnerable to abuse within the family, community and society at large. When women's access to housing, land or property depends on a third person—their husbands, brothers, fathers or other male relatives—they become vulnerable to homelessness, poverty and destitution if this relationship comes to an end.

While forced evictions have an impact on both men and women, women tend to be disproportionately affected. Women are often exposed to violence and intense emotional stress before, during and after an eviction, because of their close ties to the home and their role as caregivers for the entire family.¹¹ During evictions, verbal abuse, beatings and rape may take place. Following an eviction, women are often more vulnerable to abuse, particularly if they have been forced to move to inadequate housing, often in informal settlements. The lack of shelter and privacy in such settlements can lead to increased exposure to sexual and other forms of violence. When housing conditions are inadequate, women are often disproportionately affected. For instance, women are usually responsible for collecting water if water and sanitation services are inadequate, and often spend up to 4 hours a day walking, queuing and carrying water.

Domestic violence has been identified as a major cause of women and children becoming homeless, especially when there is insufficient protection by law enforcement officials or by the legal system itself. Conversely, fear of homelessness might compel women to remain in abusive relationships.

B. Children

Children's health, educational advancement and overall well-being are deeply influenced by the quality of housing in which they live. Lack of adequate housing, forced evictions or homelessness tend to have a profound impact on children due to their specific needs, affecting their growth, development and enjoyment of a whole range of human rights, including the right to education, health and personal security.

¹¹ "Economic and social policy and its impact on violence against women" (E/CN.4/2000/68/Add.5).

The Convention on the Rights of the Child

Article 16 (1)

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. [...]

In its *State of the World's Children 2005* report, the United Nations Children's Fund (UNICEF) revealed that more than one out of every three children in the developing world—over 640 million children—does not live in adequate housing. Given the pervasiveness and the impact of homelessness and inadequate housing on children, the United Nations Committee on the Rights of the Child has emphasized the universal character of the right to adequate housing, stressing that it applies to every child without distinction or restriction of any kind.

While the existence of millions of street children is often the most visible sign of children's lack of shelter, other situations also have specific ramifications for their enjoyment of the right to adequate housing. Cramped, crowded, noisy or run-down housing conditions seriously undermine children's development and health, as well as their capacity to learn or play. Studies have highlighted that the lack of adequate housing increases mortality rates for children under five, while the most significant form of chemical pollutant affecting children's health in

low- and middle-income countries is indoor pollution resulting notably from poor-quality stoves and inadequate ventilation.¹²

Access to basic services attached to the home, such as safe drinking water and adequate sanitation, is fundamental to ensuring children's health. Diarrhoeal diseases claim the lives of nearly two million children every year; 80 to 90 per cent of these cases are the result of contaminated water and inadequate sanitation. Particularly for girls, lack of safe drinking water within or close to the home can mean long journeys to collect water at remote water points, often to the detriment of their education, along with the risk of being subjected to harassment and other threats along the way.

The location of housing is also crucial to ensuring children's access to childcare, schools, health care and other services. If settlements are far away from schools, or if transport is either non-existent or too expensive, it is hard for children to get an education or health care.

Homelessness has particular effects on children, compromising their growth, development and security. Homeless children can be vulnerable to a range of emotional problems, including anxiety, sleeplessness, aggression and withdrawal. Their access to basic services, such as health care and education, can also be seriously impaired if they have no fixed address. Children living and working in the street are particularly vulnerable to threats, harassment and violence by private individuals and the police.

Forced evictions tend to affect the entire family but have a particular impact on children. Following forced evictions, family stability is often jeopardized and livelihoods threatened. The impact of forced evictions on children's development is considered to be similar to that of armed conflict.¹³

C. Slum-dwellers

By the end of 2008, half of the world's population was thought to be living in cities, many without adequate infrastructure and services. UN-Habitat notes that the most insecure urban residents are the world's 1 billion poor people living in slums. More than 930 million slum-dwellers live in developing countries, where they constitute 42 per cent of the

¹² UNICEF, *Poverty and exclusion among urban children*, Innocenti Digest No. 10 (Florence, 2002), p. 10.

¹³ T. Rahmatullah, *The Impact of Evictions on Children: Case Studies from Phnom Penh, Manila and Mumbai* (New York, United Nations Economic and Social Commission for Asia and the Pacific and The Asian Coalition for Housing Rights, 1997).

urban population. This proportion is particularly high in Sub-Saharan Africa, where slum-dwellers make up 72 per cent of the urban population, and in Southern Asia, where they represent 59 per cent.

Slums are blighted by a lack of durable housing, insufficient living space, a lack of clean water, inadequate sanitation, etc. Due to the informal nature of their settlements, slum-dwellers often lack tenure security, which makes them vulnerable to forced evictions, threats and other forms of harassment. UN-Habitat reports that around 2 million people, most of them slum-dwellers, are forcibly evicted every year. The effects of forced evictions on slum-dwellers are often disastrous, leaving them homeless and forcing them deeper into poverty.

Authorities—national or local—are often reluctant to extend basic services to slums precisely because they are informal. As a result, slum-dwellers rarely have access to safe drinking water, adequate sanitation or electricity, and refuse collection is limited or non-existent. As slums are not connected to the piped water systems, slum-dwellers often end up paying 5 to 10 times more for water than higher-income urban residents.¹⁴

Slum upgrading is acknowledged as an effective means of improving the housing conditions of slum-dwellers. It has been defined by the Cities Alliance—a global alliance of cities launched by the World Bank and UN-Habitat in 1999—as consisting of “physical, social, economic, organizational and environmental improvements undertaken cooperatively and locally among citizens, community groups, businesses and local authorities.”¹⁵ Slum upgrading programmes can contribute to the realization of the right to adequate housing for slum-dwellers if they ensure tenure security to all, including tenants; take into account women’s rights and ensure non-discrimination in tenure schemes; and guarantee the full and meaningful participation of affected communities.

D. Homeless persons

The Special Rapporteur on adequate housing has called homelessness “perhaps the most visible and most severe symptom of the lack of respect for the right to adequate housing.”

¹⁴United Nations Development Programme, *Human Development Report 2006, Beyond scarcity: Power, Poverty and the Global Water Crisis* (New York, 2006), pp. 52–53.

¹⁵World Bank and UNCHS (Habitat), *Cities Alliance for Cities Without Slums: Action Plan for Moving Slum Upgrading to Scale*, Special Summary Edition (1999), p. 2 (available at: www.citiesalliance.org).

There is no internationally agreed definition of homelessness. Definitions range from the narrow—equating homelessness with “rooflessness”—to the broad, based on the adequacy of the dwelling, the risk of becoming homeless, the time exposed to homelessness and responsibilities for taking alleviating action. For statistical purposes, the United Nations has defined homeless households as “households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them, sleeping in the streets, in doorways or on piers, or in any other space, on a more or less random basis.”¹⁶ The Special Rapporteur on adequate housing has noted that narrow definitions are inadequate and that in developing countries the most common definitions recognize that an element of social exclusion is part of the experience of the homeless. UN-Habitat underlines in this respect that homelessness implies belonging nowhere rather than simply having nowhere to sleep. Given the lack of a globally agreed definition of homelessness, limited data are available about the scale of this phenomenon, which in turn impedes the development of coherent strategies and policies to prevent and address it.

The Special Rapporteur on adequate housing has highlighted that poverty is a common denominator in the experience of the homeless. Other causes or factors which make people more vulnerable to homelessness are unemployment, a lack of social security systems, a lack of affordable housing, forced evictions, non-availability of social housing, conflicts and natural disasters, as well as a lack of attention to the needs of the most vulnerable.

The “deinstitutionalization” of mental health care, which first started in many countries during the 1960s and 1970s, led to persons with disabilities swelling the ranks of the homeless unless it was accompanied by a parallel growth in community or other support.

Besides the violation of their right to adequate housing, homeless persons may be deprived of a whole range of other human rights. Laws that criminalize homelessness, vagrancy or sleeping rough, along with street cleaning operations to remove homeless people from the streets, have a direct impact on their physical and psychological integrity. Merely by not having a secure place to live, nor any privacy, homeless persons are much more vulnerable to violence, threats and harassment.

¹⁶ *Principles and Recommendations for Population and Housing Censuses* (United Nations publication, Sales No. 07.XVII.8 P), para 1.328.

States' obligations towards the full realization of the right to adequate housing include taking measures to prevent homelessness. Among the steps to be taken immediately, general comment No. 4 (paras. 10–13) mentions determining the extent of homelessness, as well as adopting a national housing strategy which should reflect extensive genuine consultation with the homeless. General comment No. 7 (para. 17) also emphasizes that forced evictions should not result in individuals being made homeless.

E. Persons with disabilities

There are more than 650 million persons with disabilities in the world, of whom approximately 80 per cent are living in developing countries. They generally experience several barriers to the enjoyment of their right to adequate housing, including lack of physical accessibility; ongoing discrimination and stigmatization; institutional hurdles; lack of access to the labour market; low income; and lack of social housing or community support.

Accessibility remains a key issue. Housing, housing-related facilities and neighbourhoods are traditionally designed for people without disabilities. The frequent exclusion and marginalization of persons with disabilities often mean that they are rarely consulted when new housing structures or neighbourhoods are developed or slums upgraded. They are also vulnerable to associated violations of their rights. For instance, the lack of adequate sanitation facilities in informal settlements can pose severe challenges to them.

Security of tenure is another challenge for persons with disabilities, in particular those with an intellectual or psychosocial disability. The frequent lack of recognition of their legal capacity, often coupled with requirements for applications in person, means that persons with such disabilities are rarely able to enter into any type of formal housing contract (lease, ownership, etc.) and, therefore, have to rely on less formal avenues to secure housing. Those arrangements, in turn, make them more vulnerable to forced evictions.

In general, where stigmatization remains unaddressed and social or community services are unavailable—including social housing—persons with disabilities continue to face discrimination when seeking housing, or more general challenges in securing the resources necessary for obtaining

adequate housing. Such challenges inevitably make them more vulnerable to forced evictions, homelessness and inadequate housing conditions.

The **Convention on the Rights of Persons with Disabilities** requires States to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, including their right to adequate housing.

Article 1 requires States to promote respect for their inherent dignity.

Article 9 further demands that States adopt measures to identify and eliminate obstacles and barriers to accessibility, notably in relation to housing.

Article 12 recognizes that persons with disabilities enjoy legal capacity on an equal basis with others and requires States to take appropriate measures to enable persons with disabilities to exercise legal capacity.

Article 28 recognizes the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate housing, and demands that States take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability, for instance by ensuring that persons with disabilities have access to public housing programmes.

General comment No. 4 provides that persons with disabilities must be accorded full and sustainable access to adequate housing resources, and that housing law and policy should take into account their special needs. In its general comment No. 5 (1994), the Committee on Economic, Social and Cultural Rights reaffirmed that the right to adequate housing includes accessibility for persons with disabilities. The Special Rapporteur on adequate housing has also underlined not only that housing should be physically and economically accessible to persons with disabilities, but that they should be able to effectively participate in the life of the community where they live.

F. Displaced persons and migrants

People on the move, whether they are refugees, asylum-seekers, internally displaced persons (IDPs) or migrants, are particularly vulnerable to a

range of human rights violations, including violations of the right to adequate housing. Displaced persons are also particularly vulnerable to discrimination, racism and xenophobia, which can further interfere with their ability to secure sustainable and adequate living conditions. People who have been forcibly displaced will often have suffered trauma during their flight, and will have lost familiar coping strategies and support mechanisms.

Refugee and IDP camps around the world, particularly when displacement is protracted, are often dilapidated and overcrowded, providing inadequate shelter and services. Sometimes their inhabitants enjoy no basic services at all. Displaced women and girls living in camps can be subject to sexual and gender-based violence, for instance because not enough attention is paid to their specific needs and vulnerabilities in the design and layout of the camp.

In urban areas, urban refugees, asylum-seekers and IDPs can fare little better. Often unable in practice or because of their legal status to rent adequate accommodation, many are forced to live in overcrowded and insecure conditions. Migrants will also often end up living in precarious and unsafe conditions in cities and urban areas. Employers may oblige migrant domestic workers or factory workers to live at their place of work. Many will end up living in overcrowded dormitories, sleeping in shifts and without access to adequate sanitation. Domestic workers can be made to sleep in poorly ventilated rooms, storerooms or common living areas with no regard for their dignity, privacy or personal security.

Irregular or undocumented migrants, including rejected asylum-seekers, are particularly vulnerable to human rights abuses, including violation of their right to adequate housing. Irregular migrants are often homeless, as an inability to pay rent usually results in immediate eviction. Their lack of legal status, and the criminalization of irregular migration in many countries, means that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and seek legal remedies. National housing strategies rarely include migrants, and will practically never include irregular migrants.

In the context of durable solutions, an emerging norm of housing and property restitution guarantees rights for refugees and IDPs who have decided voluntarily to return to their original homes. Voluntary repatriation/return has in recent years been expanded to mean more than the mere return to one's country for refugees or one's city or region for IDPs. It is increasingly taken to mean the return to and reassertion of control over

one's original home, land or property. Refugees and IDPs who choose not to return to their homes must be protected against forced return in all circumstances, and should be enabled to resettle in conditions that respect, inter alia, their right to adequate housing.

Under the **Convention Relating to the Status of Refugees**, State parties are obliged to provide refugees with treatment as favourable as possible, and not less favourable than that accorded to aliens generally in the same circumstances, with regard to housing (art. 21).

Article 43 of the **International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families** guarantees equal treatment in access to housing, including social housing schemes, and protection against exploitation in respect of rents to regular migrants and their families.

ILO Convention No. 97 concerning Migration for Employment (Revised) (1949) addresses the accommodation of migrant workers.

The **Guiding Principles on Internal Displacement**, issued by the Representative of the Secretary-General on internally displaced persons, recall that all IDPs have the right to an adequate standard of living and that, at a minimum, regardless of the circumstances and without discrimination, the competent authorities shall provide IDPs with and ensure safe access to basic shelter and housing (principle 18).

General recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination calls on State parties to "guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices."

This change has been increasingly reflected in international, regional and national laws and other instruments which explicitly recognize housing and property restitution as a human right. In August 2005, the United Nations Sub-Commission on the Protection and Promotion of Human Rights adopted the Principles on housing and property restitution for refugees and displaced persons, also known as the "Pinheiro Principles". These provide specific policy guidance to ensure the right to housing and property restitution in practice, and the implementation

of restitution laws, programmes and policies based on existing international human rights, humanitarian and refugee law, and on national standards.¹⁷

The “Pinheiro Principles”

Principle 2: The right to housing and property restitution

2.1 All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived [...].

Principle 12: National procedures, institutions and mechanisms

12.1 States should establish and support equitable, timely, independent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims. [...]

Principle 13: Accessibility of restitution claims procedures

13.1 Everyone who has been arbitrarily or unlawfully deprived of housing, land and/or property should be able to submit a claim for restitution and/or compensation to an independent and impartial body [...].

Principle 18: Legislative measures

18.1 States should ensure that the right of refugees and displaced persons to housing, land and property restitution is recognized as an essential component of the rule of law. States should ensure the right to housing, land and property restitution through all necessary legislative means, including through the adoption, amendment, reform or repeal of relevant laws, regulations and/or practices. States should develop a legal framework for protecting the right to housing, land and property restitution which is clear, consistent and, where necessary, consolidated in a single law.

G. Indigenous peoples

Indigenous peoples are more likely than other groups to live in inadequate housing conditions and will often experience systemic discrimination

¹⁷ “Housing and property restitution in the context of the return of refugees and internally displaced persons: Final report of the Special Rapporteur, Paulo Sérgio Pinheiro” (E/CN.4/Sub.2/2005/17). See also Food and Agriculture Organization of the United Nations and others, *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the “Pinheiro Principles”* (2007).

in the housing market.¹⁸ Of particular concern is their generally poor housing situation (especially compared to majority populations), including inadequate basic services, their vulnerability as groups affected by displacement, the insecure tenure they often have over their traditional lands, and the culturally inappropriate housing alternatives often proposed by the authorities. Indigenous peoples suffer discrimination in almost all aspects of housing: laws and policies discriminate against them for instance by failing to take account of their specific circumstances; there is discrimination in the allocation of resources for housing, including credits and loans; and private landlords discriminate against them in the rental market.

While the majority of indigenous peoples around the world still live in rural areas, increasing numbers are, voluntarily or involuntarily, migrating to urban areas, leaving behind their traditional lands, territories and resources, and often facing increased poverty. As a result, the housing conditions of many indigenous peoples and individuals in urban areas are inadequate. Indigenous women often bear the brunt of poor housing conditions. Considering that in some countries more than half the indigenous population now lives in cities, their right to adequate housing poses a new challenge to Governments.¹⁹

Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights stipulates that the right to adequate housing extends to everyone. In addition, article 2 (2) provides that all of the rights in the Covenant must be exercised without discrimination. This means that indigenous peoples are entitled to enjoy the right to adequate housing without discrimination and on an equal footing with the majority population.

¹⁸ United Nations Housing Rights Programme, "Report No. 7: Indigenous peoples' right to adequate housing. A global overview" (2005).

¹⁹ UN-Habitat, *Housing Indigenous Peoples in Cities: Policy Guide to Housing for Indigenous Peoples in Cities*, Urban Policy Guides for Indigenous Peoples (Nairobi, 2009).

The **United Nations Declaration on the Rights of Indigenous Peoples** (2007) sets out the minimum international standards for the protection and promotion of the rights of indigenous peoples necessary for their survival, well-being and dignity. The rights of particular relevance to the right to adequate housing contained in this Declaration include the right to self-determination, rights related to lands, resources and territories, social and economic rights, and rights related to non-discrimination. Violations of indigenous peoples' right to self-determination and rights related to lands, resources and territories often lead to violations of their rights to adequate housing. Article 21 (1) recognizes the right to, inter alia, improved housing. Moreover, the Declaration further underscores the importance of indigenous peoples' right to determine their own housing institutions, programmes and policies.

In its general recommendation No. 23 (1997), the **Committee on the Elimination of Racial Discrimination** reflects explicitly on discrimination against indigenous peoples, and calls on States parties to recognize and protect their rights "to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories."

ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) calls on Governments to ensure that indigenous workers are not discriminated against with respect to housing (art. 20 (2)(c)).

III. WHAT ARE THE OBLIGATIONS ON STATES AND THE RESPONSIBILITIES OF OTHERS?

States have the primary obligation to protect and promote human rights. Human rights obligations are defined and guaranteed by international customary law (evidence of a general practice of States accepted as law and followed out of a sense of legal obligation) and international human rights treaties, creating binding obligations on the States that have ratified them to give effect to these rights.

A. General obligations

Through their ratification of human rights treaties, States are required to give effect to these rights within their jurisdictions. Some obligations are of *immediate effect*, including the fundamental undertaking to guarantee that the right to adequate housing is exercised on the basis of *non-discrimination*.

Under the International Covenant on Economic, Social and Cultural Rights, States have the obligation to achieve progressively the full realization of the right to adequate housing. In other words, the Covenant acknowledges that States have resource constraints and that it may take time to ensure the right to adequate housing to everyone. Some components of the right to adequate housing are, therefore, deemed *subject to progressive realization*. However, obligations such as non-discrimination are *not* subject to progressive realization.

The International Covenant on Economic, Social and Cultural Rights, article 2 (1)

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

While not all aspects of the right to adequate housing can or may be realized immediately, States must, at a minimum, show that they are making every possible effort, within available resources, to better protect and promote this right. Available resources refer to those existing within a State as well as those available from the international community through international cooperation and assistance, as outlined in articles 2 (1), 11 and 23 of the Covenant.

Article 3 of the Covenant further obliges each State party to ensure the equal right of men and women to the enjoyment of the rights set forth in it.

**The International Covenant on Economic, Social and Cultural Rights,
article 2 (2)**

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

There is also an immediate obligation to *take steps*, which should be concrete, deliberate and targeted, to fulfil the right to adequate housing. Each State should guarantee at least minimum essential levels of this right. For instance, it should ensure that significant numbers are not deprived of basic shelter and housing. If a State cannot do so, it must demonstrate that it has made every effort to use all available resources to satisfy, as a matter of priority, these minimum essential levels. Likewise, if it adopts a retrogressive measure, i.e., one that weakens the protection of the right to adequate housing, it will have to demonstrate that it carefully weighed all the options, considered the overall impact on all human rights of the measure and fully used all its available resources. As the most feasible measures to implement the right to adequate housing will vary from State to State, international treaties do not offer set prescriptions. The Covenant simply states that the full realization of the rights contained in it must be achieved through "all appropriate means, including particularly the adoption of legislative measures."

The Committee has also stated that certain measures must be taken immediately, for instance those aimed at conferring legal security of tenure to those lacking such protection; effectively monitoring the housing situation, notably to ascertain the full extent of homelessness and inadequate housing; protection against forced evictions; and the provision of effective legal or other appropriate remedies for violations of the right to adequate housing.

Progressive realization of the right to adequate housing in practice

With reference to the Dominican Republic, the Committee on Economic, Social and Cultural Rights stressed that: "In order to achieve progressively the right to housing, the Government is requested to undertake, to the maximum of available resources, the provision of basic services (water, electricity, drainage, sanitation, refuse disposal, etc.) to dwellings and ensure that public housing is provided to those groups of society with the greatest need. It should also seek to ensure that such measures are undertaken with full respect for the law. In order to overcome existing problems recognized by the Government in its dialogue with the Committee, the Government is urged to give consideration to initiatives designed to promote the participation of those affected in the design and implementation of housing policies. Such initiatives could include: (a) a formal commitment to facilitating popular participation in the urban development process; (b) legal recognition of community-based organizations; (c) the establishment of a system of community housing finance designed to open more lines of credit for poorer social sectors; (d) enhancing the role of municipal authorities in the housing sector; (e) improving coordination between the various governmental institutions responsible for housing and considering the creation of a single governmental housing agency" (E/C.12/1994/20, paras. 332–333).

The role of international assistance and cooperation is reflected in other instruments as well, such as the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Rights of the Child. It is not a substitute for domestic obligations, but it becomes relevant if a State is unable to give effect to economic, social and cultural rights on its own, and requires assistance from other States to do so. International cooperation is particularly incumbent upon those States that are in a position to assist others in this regard. States should thus have an active programme of international assistance and cooperation, and provide economic and technical assistance to enable other States to meet their obligations in relation to the right to adequate housing. This general obligation to cooperate internationally is reflected in the Committee's general comments No. 3 (1990) on the nature of States parties' obligations and No. 14 (2000) on the right to the highest attainable standard of health.

B. Three types of obligations

State obligations fall into three categories, namely the obligations to *respect*, *protect* and *fulfil*.

The obligation to respect

The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of the right to adequate housing.

For example, States should refrain from carrying out forced evictions and demolishing homes; denying security of tenure to particular groups; imposing discriminatory practices that limit women's access to and control over housing, land and property; infringing on the right to privacy and protection of the home; denying housing, land and property restitution to particular groups; or polluting water resources.

The obligation to protect

The obligation to protect requires States to prevent third parties from interfering with the right to adequate housing.

States should adopt legislation or other measures to ensure that private actors—e.g., landlords, property developers, landowners and corporations—comply with human rights standards related to the right to adequate housing. States should, for instance, regulate the housing and rental markets in a way that promotes and protects the right to adequate housing; guarantee that banks and financial institutions extend housing finance without discrimination; ensure that the private provision of water, sanitation and other basic services attached to the home does not jeopardize their availability, accessibility, acceptability and quality; ensure that third parties do not arbitrarily and illegally withdraw such services; prevent discriminatory inheritance practices affecting women's access to and control over housing, land and property; ensure that landlords do not discriminate against particular groups; ensure that private actors do not carry out forced evictions.

The obligation to fulfil

The obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing.

States must, for instance, adopt a national housing policy or a national housing plan that: defines the objectives for the development of the

housing sector, with a focus on disadvantaged and marginalized groups; identifies the resources available to meet these goals; specifies the most cost-effective way of using them; outlines the responsibilities and time frame for the implementation of the necessary measures; monitors results and ensures adequate remedies for violations.

Under the obligation to fulfil, States must also, progressively and to the extent allowed by their available resources, prevent and address homelessness; provide the physical infrastructure required for housing to be considered adequate (this would include taking steps towards ensuring universal and non-discriminatory access to electricity, safe drinking water, adequate sanitation, refuse collection and other essential services); or ensure adequate housing to individuals or groups unable, for reasons beyond their control, to enjoy the right to adequate housing, notably through housing subsidies and other measures.

C. The responsibilities of others

The obligation on States to protect human rights includes ensuring that non-State actors do not infringe upon the right to adequate housing. This is the obligation to protect described above. In addition, there is an increasing debate about the extent to which other actors in society—individuals, intergovernmental and non-governmental organizations (NGOs), and business—have responsibilities with regard to the promotion and protection of human rights.

This section explores the role of United Nations agencies and the private sector.

United Nations agencies

According to the Charter of the United Nations, one of the purposes of the United Nations is to promote respect for human rights. International human rights treaties also envisage a particular role for United Nations agencies in their implementation. In general comment No. 2 (1990) on international technical assistance measures, the Committee on Economic, Social and Cultural Rights also underlined that all United Nations organs and agencies involved in any aspect of international development cooperation should ensure that the rights contained in the Covenant are fully taken into account at each phase of a development project.

The United Nations Human Settlements Programme (UN-Habitat)

UN-Habitat is the United Nations agency for human settlements. It is mandated by the General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. To rise to this challenge, UN-Habitat is implementing its Medium-term Strategic and Institutional Plan for 2008-2013. The Plan aims for sustainable urbanization which can be achieved only if slum upgrading and prevention are addressed through adequate approaches that enable the provision of pro-poor land and housing as well as equitable access to infrastructure and services. The expected key results in the focus area "pro-poor land and housing" are:

- Effective gender- and age-sensitive shelter strategies and improved regulatory frameworks and capacities that provide for progressive realization of housing, land and property rights and for slum upgrading and prevention adopted and implemented by Member States;
- Membership-based community organizations for housing, land acquisition and urban infrastructure development formed/strengthened;
- Improved access to land, housing and property with special focus on the urban poor and populations affected by human settlements in crisis;
- Sustainable gender-sensitive shelter relief and reconstruction models in post-disaster and post-conflict areas developed and implemented;
- Achievement of security of tenure through improved measurement of security of tenure, also for women and youth, in conjunction with the establishment and effective operations of a global monitoring and evaluation mechanism on progress in realization of housing, land and property rights.

The work of UN-Habitat is directly related to the United Nations Millennium Declaration, particularly Millennium Development Goal 7, target 7.D, to improve the lives of at least 100 million slum-dwellers by the year 2020, and target 7.C, which calls for the reduction by half of the number of people without sustainable access to safe drinking water and basic sanitation by 2015.

Source: www.unhabitat.org

In recent years, reforms of the United Nations by the Secretary-General (in 1997, 2002 and 2005) have highlighted the role and responsibilities of United Nations agencies and international financial institutions with respect to human rights. Both the World Bank and the Organisation for Economic Co-operation and Development (OECD) have adopted guidelines on relocation and/or resettlement to limit the scale of human suffering associated with forced evictions. In 2003, United Nations agencies, in a common understanding, affirmed that all development programmes and assistance should realize human rights and be guided by human rights principles and standards.

United Nations agencies have been working increasingly on housing-related issues and human rights. Particularly relevant is the United Nations Housing Rights Programme (UNHRP), launched jointly by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UN-Habitat in 2002, to support the efforts by Governments, civil society and national human rights institutions (NHRIs) towards the realization of the right to adequate housing.

The private sector

Businesses and the private sector are important players. The private sector—e.g., property developers, construction firms and infrastructure providers—is directly involved in the construction of a significant portion of the housing stock. Companies are also involved in the management and maintenance of buildings and housing. In many countries, rental agreements and sales contracts between private parties cater for a significant proportion of the housing needs.

At the same time, the private sector can have a negative impact on the right to adequate housing. This may be particularly true in the context of the construction of large dams and other development projects, especially those involving resource extraction such as gas and oil, which may force residents to move or cause environmental degradation. Landlords, private owners, housing agencies or estate agencies can also affect the enjoyment of the right to adequate housing, notably if they carry out forced evictions or discriminate against particular groups, for instance by charging prohibitive rents.

The private sector can also have an impact on the enjoyment of the right to adequate housing in cases where housing is provided by the employer. ILO Recommendation No. 115 concerning Workers' Housing (1961) underlines that it is generally not desirable that employers should provide

housing for their workers directly. In exceptional circumstances where accommodation is provided by the employer, the fundamental human rights of workers must be recognized, and rents charged should not cost the worker more than a reasonable proportion of income and should not include a speculative profit. It further underlines that the provision by employers of accommodation and communal services in payment for work should be prohibited or regulated to the extent necessary to protect the interests of the workers.

While States retain the primary responsibility for ensuring that private actors respect human rights, according to the Special Representative of the United Nations Secretary-General on business and human rights, business enterprises have a responsibility to respect all human rights, including the right to adequate housing. This responsibility is the basic expectation society has of business, and it is recognized in a broad range of soft law instruments. It is also invoked by global business organizations and individual companies worldwide.

Various voluntary initiatives on business and human rights have also been launched. For example, the United Nations Global Compact²⁰ defines 10 principles related to human rights, labour standards, environment and anti-corruption that signatory companies pledge to respect. Some companies have developed their own human rights policies, programmes and tools to incorporate human rights into their business operations.

IV. MONITORING THE RIGHT TO ADEQUATE HOUSING AND HOLDING STATES ACCOUNTABLE

Mechanisms of accountability are crucial for ensuring that States respect their obligations in relation to the right to adequate housing. Monitoring takes place at national, regional and international levels, and involves a variety of actors, such as the State itself, civil society, NHRIs and international human rights mechanisms.

A. National accountability and monitoring

Accountability compels a State to explain what it is doing and why and how it is moving towards the realization of the right to adequate housing for all as expeditiously and effectively as possible. International human rights law does not prescribe an exact formula for domestic mechanisms of

²⁰ <http://www.unglobalcompact.org>

accountability and redress. At a minimum, all accountability mechanisms must be accessible, transparent and effective.

Administrative, policy and political mechanisms

Administrative and political mechanisms are complementary or a parallel means to judicial mechanisms of accountability. For instance, the development of a national housing policy or strategy, linked to work plans and participatory budgets, plays an important role in ensuring Government accountability. Human rights-based indicators support the effective monitoring of key housing outcomes and some of the processes to achieve them. Furthermore, assessments of various kinds, such as human rights impact assessments, offer a way for policymakers to anticipate the likely impact of a projected policy and later to review its actual impact on the enjoyment of the right to adequate housing.

Political mechanisms, such as democratic processes, and monitoring and advocacy by independent actors also contribute to accountability. Civil society organizations and others are increasingly using monitoring methods based on indicators, benchmarks, impact assessments and budgetary analysis to hold Governments accountable in relation to the right to adequate housing. Indicators, especially when disaggregated by prohibited grounds of discrimination (e.g., sex), provide useful information on how the right to adequate housing is realized in a particular national context. OHCHR has developed a conceptual and methodological framework for using indicators to promote and monitor the implementation of human rights—both civil and political as well as economic, social and cultural.

A proposed framework for human rights indicators

The framework adopted by OHCHR and more specifically its set of indicators should bring to the fore an assessment of steps taken by a State in addressing its obligations—from its acceptance of international human rights standards (*structural* indicators) to its efforts to meet the obligations that flow from the standards (*process* indicators), and on to the results of those efforts from the perspective of the affected population (*outcome* indicators). Examples of indicators for the right to adequate housing are the date of the inclusion of the right to adequate housing in the constitution (*structural* indicator); the share of public expenditure on social or community housing (*process* indicator); the proportion of the urban population living in slums and/or the reported cases of forced evictions (*outcome* indicator). It is also crucial to produce indicators that are disaggregated by relevant group and possible grounds of discrimination.

This framework has been validated through workshops and consultations organized by OHCHR with national and international human rights stakeholders, including experts from the international human rights treaty bodies, United Nations special rapporteurs, United Nations specialized agencies, NHRIs, statistics agencies and NGOs. See “Report on indicators for promoting and monitoring the implementation of human rights” (HR/HC/2008/3). For the right to housing, the framework also builds on the results of a previous initiative by the United Nations Housing Rights Programme to establish a global monitoring mechanism for the progressive realization of the right to adequate housing. United Nations Housing Rights Programme, “Working Paper No. 2: Housing rights indicators: Measuring the progressive realization of the right to adequate housing” (forthcoming).

Judicial mechanisms

Judicial mechanisms are a crucial component of domestic enforcement measures, providing adequate remedies to individuals if their right to adequate housing is violated.

The incorporation in domestic laws of international instruments recognizing the right to adequate housing can significantly broaden and improve remedial measures. It enables courts to adjudicate violations by direct reference to the International Covenant on Economic, Social and Cultural Rights, the constitution or specific laws recognizing or

incorporating elements of the right to adequate housing. Domestic courts are increasingly hearing such cases.

A notable example came from the **Constitutional Court of South Africa** in the case *The Government of the Republic of South Africa and others v. Grootboom and others*.

Ms. Grootboom and others, evicted from private property and living on the edge of a sports field in appalling conditions, launched a legal action for immediate relief when winter rains made their temporary shelter unsustainable. The Court determined that, although there was a comprehensive housing legislation and policy in place aimed at the progressive realization of the right to adequate housing, these failed to take into account the situation of people in desperate need. The Court applied a test of reasonableness to the housing policy and concluded that it did not meet this test, as a reasonable part of the national housing budget was not devoted to people in desperate need. While the Court found that the State had no obligation to provide housing immediately upon demand, it did hold that the State must provide relief for those in desperate need. Additionally, the Court held that the obligation to progressively provide housing included the immediate obligation to draft and adopt a plan of action to devote reasonable resources towards the implementation of that plan.

Legal aid and access to remedies

Victims of violations of the right to adequate housing often belong to the most marginalized and discriminated groups, such as the urban and rural poor, racial or ethnic minorities, indigenous peoples, irregular migrants, internally displaced persons or women. Providing legal aid can ensure that victims have access to remedies in cases related to the violation of the right to adequate housing. Otherwise, they might, for instance, have to choose between paying court fees and sending their children to school.

To ensure that judicial remedies are effective, an independent and functioning judiciary is vital. Judges and lawyers must be able to conduct their work impartially, on the basis of facts and in accordance with the law, without any improper influences, threats or interference. Members of

the judiciary, lawyers and other legal professionals must be competent to perform their role and accountable for poor performance.

National human rights institutions

National human rights institutions (NHRIs) advise the Government and recommend policy or legislative changes, handle complaints, undertake investigations, ensure the ratification and implementation of international human rights treaties, and provide training and public education.²¹ NHRIs sometimes have quasi-judicial functions and a mandate allowing them to contribute to the development of legislation. Most institutions are called commissions or ombudsmen.

National human rights commissions and the right to adequate housing: some examples

The *Australian Human Rights and Equal Opportunity Commission* has a well-developed practice of inquiry into systemic violations of human rights, especially economic, social and cultural rights. The first inquiry concerned the rights of homeless children. In its 1989 report *Our Homeless Children: Report of the National Inquiry into Homeless Children*, the Commission made a series of detailed recommendations to the national and State Governments of Australia and to private and community organizations. It recommended, for instance, that “where children and young people leave or ought to leave home because of serious neglect or abuse, the Commonwealth should meet the obligation to support them, regardless of their age, in conditions where they are protected and can develop as required by the Declaration of the Rights of the Child”. The report raised community awareness of child homelessness as a human rights issue and raised public expectations of more effective Government action to address the needs of the children concerned.

The *Kenya National Commission on Human Rights* has a specific programme to monitor the realization of economic, social and cultural rights; promote them; address violations of these rights; and conduct research and produce reports on issues related to their enjoyment. As part of this focus, the Commission has notably been working on forced evictions and informal settlements. It has also been working with ministries and organizations active in housing to develop national guidelines to prevent and remedy evictions.

²¹ See General Assembly resolution 48/134 on national institutions for the protection and promotion of human rights (“Paris Principles”).

In some countries NHRIs are increasingly focusing their work on ensuring protection of economic, social and cultural rights. As such, they can provide another avenue for the protection of the right to adequate housing.

In addition to the work of NHRIs, some States have instituted other innovative ways to protect and promote housing rights in practice.

National rapporteur on the right to adequate housing

Inspired by the United Nations system of special procedures (described below), Brazil established national rapporteurs to monitor the implementation of economic, social and cultural rights throughout the country. One of these national rapporteurs focuses on the right to adequate housing and urban land, and can receive complaints from individuals and communities about alleged violations, conduct missions to investigate violations and make specific recommendations related to the right to adequate housing to the Brazilian Government.

*See OHCHR, *Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions*, Professional Training Series No. 12 (United Nations publication, Sales No. E.04.XIV.8).*

B. Regional accountability

Some regional human rights conventions and treaties recognize the right to adequate housing.

The treaties' monitoring bodies and courts, in particular the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the European Committee of Social Rights, play an important role in protecting the right to adequate housing and have developed specific jurisprudence related to it.

The Ituango Massacres v. Colombia

The case of *the Massacres of Ituango v. Colombia* dealt with the forced eviction, displacement and housing destruction in the municipality of Ituango (La Granja and El Aro districts) in Colombia by paramilitaries aligned with the Government. It was brought by two NGOs and involved serious human rights violations, including forced evictions accompanied by high levels of violence.

In July 2006, the Inter-American Court found that the forced evictions and destruction of housing violated article 11 (2) (the right to be free from arbitrary or abusive interference with the home) and article 21 (the right to property) of the American Convention on Human Rights. The Court considered that the effect of the housing destruction was the loss not only of material possessions but also of the social frame of reference of the inhabitants. It also stated that it constituted a grave, unjustified and abusive interference in the victims' private life and home.

The Council of Europe's Commissioner for Human Rights, mandated to promote awareness of and respect for human rights in its member States, has also addressed the enjoyment of the right to adequate housing, notably in connection with discrimination against specific groups.

C. International monitoring

United Nations treaty bodies

Implementation of the United Nations core human rights treaties is monitored by committees of independent experts, often referred to as *treaty bodies*, such as the Committee on Economic, Social and Cultural Rights. These committees issue both *concluding observations* on the regular reports of States parties, as well as thematic *general comments*.

Concluding observations that address the right to adequate housing have been issued by several committees in addition to the Committee on Economic, Social and Cultural Rights. The Human Rights Committee has considered the right to adequate housing in relation to the principle of non-discrimination and protection against unlawful interference with one's privacy.²² The Committee on the Elimination of Racial Discrimination

²² See, for example, "Concluding observations of the Human Rights Committee: Portugal"

has highlighted cases of racial discrimination in preventing minority populations from enjoying effective access to adequate housing.²³ The Committee on the Rights of the Child has addressed a number of issues surrounding the right of all children to adequate housing, including the situation of street children and displaced children.²⁴ The Committee against Torture has raised concerns about the way in which forced evictions and relocation of Roma communities have been conducted, and has made recommendations.²⁵

In addition, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances (yet to be established) have *individual complaints mechanisms*. In some cases brought before it, the Committee against Torture, for instance, has expressed the view that forced evictions could be considered cruel, inhuman and degrading treatment or punishment.²⁶ In December 2008, the General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It allows complaints in relation to *all* aspects of the right to adequate housing, rather than being limited, as was the case hitherto, to housing discrimination or to issues addressed by other treaties. The Optional Protocol will enter into force once it has been ratified by 10 States.

The United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living

“Special procedures” is the generic name given to the mechanisms established and mandated by the Commission on Human Rights and by the Human Rights Council since March 2006 to address issues of concern in all parts of the world. Although their mandates vary, they usually monitor, examine and report publicly on human rights situations in either specific countries or on major thematic human rights issues worldwide.

(CCPR/CO/78/PRT).

²³ See, for instance, “Concluding observations of the Committee on the Elimination of Racial Discrimination: Ukraine” (CERD/C/UKR/CO/18).

²⁴ See, for example, “Concluding observations of the Committee on the Rights of the Child: Colombia” (CRC/C/15/Add.137).

²⁵ See, for instance, “Conclusions and recommendations of the Committee against Torture: Greece” (CAT/C/CR/33/2).

²⁶ See Committee against Torture, decision on communication No. 161/2000, *Hajrizi Dzemajli et al. v. Serbia and Montenegro*, 21 November 2002 (A/58/44).

In its resolution 2000/9, the Commission created the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, which was renewed by Human Rights Council resolution 6/27. Miloon Kothari was appointed as the first Special Rapporteur in 2000. His successor, Raquel Rolnik, was appointed in 2008 by the Human Rights Council.

Mandate of the Special Rapporteur on the right to adequate housing

- Promote the full realization of adequate housing as a component of the right to an adequate standard of living
- Identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard
- Give particular emphasis to practical solutions with regard to the implementation of the rights relevant to the mandate
- Apply a gender perspective, including through the identification of gender-specific vulnerabilities in relation to the right to adequate housing and land
- Facilitate the provision of technical assistance

The Special Rapporteur's *methods of work* include conducting country missions; investigating issues of concern; reviewing communications from individuals or groups alleging violations of the right to adequate housing and intervening, when appropriate, with Governments in connection with alleged violations; and reporting annually to the General Assembly and the Human Rights Council.

The work of the Special Rapporteur has focused so far on: the legal status and content of the right to adequate housing; homelessness; forced evictions; globalization and the right to adequate housing; discrimination and the enjoyment of the right to adequate housing; the development of indicators; access to water and sanitation as elements of the enjoyment of the right to adequate housing; and women's right to adequate housing.

The Special Rapporteur receives information from individuals and groups, and responds to them as appropriate. She may be contacted at OHCHR:

United Nations Special Rapporteur on adequate housing
OHCHR-UNOG
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CH–1211 Geneva 10
Switzerland
E-mail: urgent-action@ohchr.org

The right to adequate housing is also a concern of many other special procedures and several have taken up the issue in relation to their specific mandates.²⁷

The Advisory Group on Forced Evictions

In 2004, UN-Habitat established the Advisory Group on Forced Evictions to monitor unlawful evictions and identify and promote alternatives such as in situ upgrading and negotiated resettlement. The Advisory Group reports to the Executive Director of UN-Habitat. It includes experts from intergovernmental organizations, local authorities, central Governments, civil society and professionals in developed and developing countries.

Since its creation, the Advisory Group has been conducting fact-finding missions to Accra, Buenos Aires, Curitiba (Brazil), Istanbul (Turkey), New Orleans (United States of America), Port Harcourt (Nigeria), Rome and Santo Domingo. In its first two biennial reports, *Forced Evictions – Towards Solutions?*, published in 2005 and 2007, the Advisory Group documented cases of imminent or ongoing forced evictions in several countries and presented alternative approaches.²⁸

²⁷ For a list of all special procedures, and information on their mandates and contact details, see <http://www.ohchr.org>

²⁸ Both reports are available at: <http://www.unhabitat.org/unhrp>

ANNEX

SELECTED INTERNATIONAL INSTRUMENTS AND OTHER DOCUMENTS RELATED TO THE RIGHT TO ADEQUATE HOUSING (IN CHRONOLOGICAL ORDER)

International treaties

Charter of the United Nations (1945)

Convention Relating to the Status of Refugees (1951)

International Covenant on Economic, Social and Cultural Rights (1966) and its Optional Protocol (2008)

International Covenant on Civil and Political Rights (1966) and its two Optional Protocols (1966 and 1989)

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1984) and its Optional Protocol (2002)

ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989)

Convention on the Rights of the Child (1989) and its two Optional Protocols (2000)

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999)

Convention on the Rights of Persons with Disabilities (2006) and its Optional Protocol (2006)

Regional treaties

African Charter on Human and Peoples' Rights (1981)

African Charter on the Rights and Welfare of the Child (1990)

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

European Social Charter (1961)

European Convention on the Legal Status of Migrant Workers (1977)

Revised European Social Charter (1996)

American Convention on Human Rights (1969)

International declarations and other instruments

Universal Declaration of Human Rights (1948)

United Nations Principles for Old Persons, General Assembly resolution 46/91 (1991)

Guiding Principles on Internal Displacement (1998)

ILO Recommendation No. 115 concerning Workers' Housing (1961)

United Nations Declaration on the Rights of Indigenous Peoples, General Assembly resolution 61/295 (2007)

Guidance by expert human rights mechanisms

Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations (E/1991/23)

Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing (E/1992/23)

Committee on Economic, Social and Cultural Rights, general comment No. 5 (1994) on persons with disabilities (E/1995/22)

Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on the right to adequate housing: forced evictions (E/1998/22, annex IV)

Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water (E/C.12/2002/11)

Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women (A/47/38)

Committee on the Elimination of Racial Discrimination, general recommendation No. 23 (1997) on indigenous peoples (A/52/18, annex V)

Principles on Housing and Property Restitution for Refugees and Displaced Persons (E/CN.4/Sub.2/2005/17/Add.1)

Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I)

Resolutions of the Commission on Human Rights and the Human Rights Council

Commission resolutions 2000/9, 2001/28, 2002/21, 2003/27, 2004/21 on adequate housing as a component of an adequate standard of living

Commission resolution 1993/77 on forced evictions

Commission resolutions 2000/13, 2001/34, 2002/49, 2003/22, 2004/21, 2005/25 on women's equal ownership of, access to and control over land and equal rights to own property and to adequate housing

Council resolution 6/27 on adequate housing as a component of the right to an adequate standard of living

International conference outcome documents

Istanbul Declaration on Human Settlements (1996)

Habitat Agenda (1996)

United Nations Millennium Declaration, adopted by the United Nations General Assembly "Millennium Assembly of the United Nations" (2000)

Vancouver Declaration on Human Settlements (1976)

Rio Declaration on Environment and Development and Agenda 21 of the United Nations Conference on Environment and Development (1992)

Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (1993)

Selected websites

Intergovernmental organizations

Office of the United Nations High Commissioner for Human Rights: <http://www.ohchr.org>

(This website contains general information and resources on economic, social and cultural rights, and the web pages of the human rights treaty bodies and special procedures, including the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.)

United Nations Human Settlements Programme (UN-Habitat): <http://www.unhabitat.org>

United Nations Housing Rights Programme (UNHRP): <http://www.unhabitat.org/unhrp>

Advisory Group on Forced Evictions to the Executive Director of UN-Habitat (AGFE): <http://www.unhabitat.org/unhrp>

Housing the Urban Poor (a project by the United Nations Economic and Social Commission for Asia and the Pacific): <http://www.housing-the-urban-poor.net>

Council of Europe's Commissioner for Human Rights: <http://www.coe.int/t/commissioner>

International non-governmental organizations

Amnesty International: <http://www.amnesty.org>

Asian Coalition for Housing Rights (ACHR): <http://www.achr.net>

Centre on Housing Rights and Evictions (COHRE): <http://www.cohre.org>

European Federation of National Organisations Working with the Homeless (FEANTSA): <http://www.feantsa.org>

European Roma Rights Centre (ERRC): <http://www.errc.org>

FoodFirst Information and Action Network (FIAN): <http://www.fian.org>

Habitat International Coalition (HIC): <http://www.hic-net.org>

Homeless International: <http://www.homeless-international.org>

Housing and Land Rights Network (HLRN): <http://www.hlrn.org/english/home.asp>

Human Rights Watch (HRW): <http://www.hrw.org>

International Commission of Jurists (ICJ): <http://www.icj.org>

International Federation for Human Rights (FIDH): <http://www.fidh.org>

International Network for Economic, Social and Cultural Rights (ESCRNet): <http://www.escr-net.org>

International Union of Tenants (IUT): <http://www.iut.nu>

Shack/Slum Dwellers International (SDI): www.sdinet.org

Social Watch: <http://www.socialwatch.org>

World Organisation Against Torture (OMCT): <http://www.omct.org>

Human Rights Fact Sheets:*

- No. 2 The International Bill of Human Rights (Rev.1)
- No. 3 Advisory Services and Technical Cooperation in the Field of Human Rights (Rev.1)
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- No. 7 Complaint Procedures (Rev.1)
- No. 9 The Rights of Indigenous Peoples (Rev.1)
- No. 10 The Rights of the Child (Rev.1)
- No. 11 Extrajudicial, Summary or Arbitrary Executions (Rev.1)
- No. 12 The Committee on the Elimination of Racial Discrimination
- No. 13 International Humanitarian Law and Human Rights
- No. 14 Contemporary Forms of Slavery
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- No. 16 The Committee on Economic, Social and Cultural Rights (Rev.1)
- No. 17 The Committee against Torture
- No. 18 Minority Rights (Rev.1)
- No. 19 National Institutions for the Promotion and Protection of Human Rights
- No. 20 Human Rights and Refugees
- No. 21 The Right to Adequate Housing (Rev.1)
- No. 22 Discrimination against Women: The Convention and the Committee
- No. 23 Harmful Traditional Practices Affecting the Health of Women and Children
- No. 24 The International Convention on Migrant Workers and its Committee (Rev.1)
- No. 25 Forced Evictions and Human Rights
- No. 26 The Working Group on Arbitrary Detention
- No. 27 Seventeen Frequently Asked Questions about United Nations Special Rapporteurs
- No. 28 The Impact of Mercenary Activities on the Right of Peoples to Self-determination
- No. 29 Human Rights Defenders: Protecting the Right to Defend Human Rights
- No. 30 The United Nations Human Rights Treaty System - An Introduction to the Core Human Rights Treaties and the Treaty Bodies
- No. 31 The Right to Health
- No. 32 Human Rights, Terrorism and Counter-terrorism
- No. 33 Frequently Asked Questions on Economic, Social and Cultural Rights

* Fact sheets Nos. 1, 5 and 8 are no longer issued. All fact sheets are available online at <http://www.ohchr.org>.

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