

**CITY ATTORNEY ANALYSIS  
MEASURE FOR AUTHORIZATION OF LOW RENT HOUSING**

This measure was placed on the ballot by the City Council.

Article XXXIV of the California Constitution requires that a City's voters grant prior approval before any federal, state or local public entity can develop, construct or acquire certain types of low rent (below market rate) housing projects in that City. Berkeley citizens have voted to approve the development of 200 units of housing for low income persons in 1977, 300 units in 1981, and 500 units in 2000.

Since 2000, 421 units of housing subject to Article XXXIV has been developed in the City, and the City is anticipating the construction of a significant number of additional units in the next few years. Thus, additional voter authorization is required in order to develop additional units which are subject to Article XXXIV referendum requirements.

The proposed measure would authorize any public entity to develop, construct or acquire an additional 500 units of low income housing in the City of Berkeley for low income persons.

This measure grants only general authority for units to be developed, constructed or acquired and does not approve any individual project. All projects subject to this grant of authority would be required to comply with all applicable federal, state and local laws including land use, housing and building requirements.

Financial Implications

The financial implications of any specific housing project depends on the particular method of financing of that project. The financial implications are unknown at this time.

s/ZACH COWAN  
Berkeley City Attorney