



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting

Thursday, March 1, 2018
7:00 pm

South Berkeley Senior Center

2939 Ellis Street
Secretary Amy Davidson
HAC@cityofberkeley.info

All agenda items are for discussion and possible action.

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

1. Roll Call
2. Agenda Approval
3. Public Comment
4. Approval of the February 1, 2018 Regular Meeting Minutes (*Attachment 1*)
5. **Discussion and Possible Action on Officer Elections – Staff/Thomas Lord**
(*Attachment 2 & 3*)
6. **Discussion and Possible Recommendation on Second Substantial Amendment to the Annual Action Plan for PY 2017 (FY 2018) to Add Community Development Block Grant (CDBG) Funding for Public Facility Improvements to the Mental Health Clinic – All/Staff** (*Attachment 4*)
https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/04-24-18_PY17AAPSubAmend2_April2018.pdf
7. **Discussion and Possible Recommendation on the Draft PY 2018 (FY 2019) Annual Action Plan – All/Staff**
<https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>
8. **Review HAC's Meeting Process Guidelines – All** (*Attachment 5*)
9. **Subcommittee Appointments – All/Staff** (*Attachment 6*)
 - a. Student Housing
 - b. Request for Proposals (RFP) for Housing Development at 1281 University Avenue
<https://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>
10. **Discussion and Possible Recommendation on a Home Share Pilot Program – Marian Wolfe** (*Attachment 7*)
11. **Discussion and Possible Recommendation on the Small Sites Program – Thomas Lord**
(*Attachment 8 & 9*)

12. Update on Council Items – All/Staff

- a. Letter of Support for SB 831 (Wieckowski) Land Use: Accessory Dwelling Units (February 27, 2018 continued from February 13, 2018)
[https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-13_Item_27_Letter_of_Support_for_SB_831_\(Wieckowski\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-13_Item_27_Letter_of_Support_for_SB_831_(Wieckowski).aspx)
- b. Housing Advisory Commission's U1 Recommendations (February 27, 2018 continued from February 13, 2018)
https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-27_Item_20_Housing_Advisory_Commission%E2%80%99s_U1.aspx
- c. Discussion and Direction Regarding Potential Ballot Measures for the November 6, 2018 General Municipal Election
https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-27_Item_21_Discussion_and_Direction.aspx

13. Announcements/Information Items

- a. Adeline Community Open House and Workshops (Attachment 10)
- b. Housing Bond Working Group – *Marian Wolfe*

14. Future Items

15. Adjourn

Attachments

1. Draft February 1, 2018 Regular Meeting Minutes
2. Correspondence on Officer Elections
3. Lord, Motion to Correct Officer Elections
4. HHCS, Substantial Amendment to the City of Berkeley's PY2017 (FY2018) Annual Action Plan to Allocate \$893,333 in Community Development Block Grant (CDBG) Funding and Allocate an Estimated \$362,335 of PY2018 (FY2019) CDBG Funding for Public Facility Improvements to the Mental Health Clinic Meeting Process Guidelines
5. HAC's Adopted Meeting Process Guidelines
6. Current Subcommittee Appointments and Assignments
7. Wolfe, Home Share Program Recommendation
8. City's Adopted Housing Action Plan (Staff Referrals), May 30, 2017
9. Lord, Advice Regarding Apartment Sale First Right of Refusal (Small Sites Program Memo)

Information Items

10. Adeline Community Open House and Workshops

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or

981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor during regular business hours. Agenda packets and minutes are posted online at:

https://www.cityofberkeley.info/Housing_Advisory_Commission/

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HOUSING ADVISORY COMMISSION
Regular Meeting
Thursday, February 1, 2018

Housing Advisory Commission

Time: 7:05 pm

South Berkeley Senior Center
2939 Ellis Street – Berkeley
Secretary – Amy Davidson, (510) 981-5406

DRAFT MINUTES

1. Roll Call

Present: Luis Amezcua, Xavier Johnson, Rashi Kesarwani (7:19), Matthew Lewis, Thomas Lord, Darrell Owens (7:15), Igor Tregub, Marian Wolfe, and Amir Wright.

Absent: None.

Commissioners in attendance: 9 of 9

Staff Present: Amy Davidson, Mike Uberti

Members of the public in attendance: 2

Public Speakers: 2

2. Agenda Approval

Action: M/S/C (Wolfe/Wright) to move Agenda Item #5 after Agenda Item #7 and approve the agenda.

Vote: Ayes: Amezcua, Johnson, Lewis, Lord, Tregub, Wolfe, and Wright. Noes: None. Abstain: None. Absent: Kesarwani (unexcused), Owens (unexcused).

3. Public Comment

There were no speakers during public comment.

4. Approval of the January 18, 2018 Regular Meeting Minutes

Action: M/S/C (Amezcua/Wolfe) to approve the minutes.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Lord, Owens, Tregub, Wolfe, and Wright. Noes: None. Abstain: None. Absent: None.

5. Discussion on First Draft Annual Action Plan (AAP) PY 2018

6. Discussion and Possible Action on Subcommittee Appointments

Action: M/S/C (Lewis/Wright) to appoint Commissioner Wolfe to the Student Housing subcommittee.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Lord, Owens, Tregub, Wolfe, and Wright. Noes: None. Abstain: None. Absent: None.

7. Officer Elections

Action: M/S/C (Wolfe/Lewis) to elect Commissioner Tregub as chair.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Owens, Tregub, Wolfe, and Wright.
Noes: Lord. Abstain: None. Absent: None.

Action: M/S/C (Wolfe/Amezcua) to elect Commissioner Wolfe as vice-chair.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Owens, Tregub, Wolfe, and Wright.
Noes: Lord. Abstain: None. Absent: None.

Action: M/S/C (Wright/Amezcua) to close nominations.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Lord, Owens, Tregub, Wolfe, and Wright. Noes: None. Abstain: None. Absent: None.

8. Discussion and Possible Action on Recommendations to the Berkeley City Council on Supply of Rent Controlled Units Following Disaster and Possible Areas of Collaboration with Disaster and Fire Commission

Action: M/S/C (Owens/Johnson) to adopt the proposed recommendations.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Owens, Tregub, Wolfe, and Wright.
Noes: Lord. Abstain: None. Absent: None.

9. Discussion and Possible Action on a Home Share Program

10. Discussion and Possible Recommendation to City Council to Refer a "First in Time" Rental Ordinance to the City Manager and Housing Advisory Commission

Public Speakers: 2

11. Update on Council Items

12. Announcements/Information Items

13. Future Items

14. Adjourn

Action: M/S/C (Johnson/Amezcua) to adjourn the meeting at 8:59 pm.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Lord, Owens, Tregub, Wolfe, and Wright. Noes: None. Abstain: None. Absent: None.

Approved on March 1, 2018

_____, Amy Davidson, Secretary

From: Davidson, Amy
Sent: Tuesday, February 20, 2018 1:09 PM
To: 'Thomas Lord'; Igor Tregub
Cc: Uberti, Michael
Subject: RE: elections problem

Hi Thomas and Igor,

Thanks for your patience while I followed up on this. I consulted with both the Clerk's Department and the City Attorney's Office. The conclusion is that the election is not void but could have followed a cleaner process. If the HAC wants to act with caution and be abundantly clear, the election can be affirmed by HAC vote at the March meeting, as Thomas submitted for the agenda. The Commissioners' Manual does not require the use of Robert's Rules of Order and simply states that elections are to be completed "by motion". The Commissioners' Manual also includes a procedure for who acts in the Chair's place (Transfer of Chair, page 26).

To help prevent a future issues, I recommend the following actions:

1. I will place this correspondence in the March agenda packet.
2. I recommend that the HAC discuss the process to be used before taking any action to affirm the election. Similarly, I recommend the HAC agree on a process for holding the election prior to the election in 2019.
3. All Commissioners should review the procedures for Transfer of Chair in the manual.
4. If the new Commissioners' Manual is finalized prior to the February 2019 elections, Commissioners should review it prior to the 2019 election. It is expected to include more specific guidance on elections.

Amy

AMY DAVIDSON

Senior Community Development Project Coordinator and Secretary to the Housing Advisory Commission City of Berkeley
Dept. of Health, Housing & Community Services
510.981.5406

PLEASE NOTE: The City of Berkeley is closed the 2nd Friday of every month as a cost-saving measure. For the latest City Closures and Holidays please check the City of Berkeley Homepage at www.ci.berkeley.ca.us

-----Original Message-----

From: Thomas Lord [mailto:lord@basiscraft.com]
Sent: Friday, February 02, 2018 3:16 PM
To: Igor Tregub <itregub@gmail.com>; Davidson, Amy <ADavidson@cityofberkeley.info>
Subject: elections problem

Mr. Tregub and Secretary Davis,

I object to recording Mr. Tregub as the elected chair of the Housing Advisory Commission.

The election was conducted in a manner that violates our rules of procedure and the Commissioner's manual. The violations are significant in relation to the intent of our by-laws, the rights of commissioners, the rights of councilmembers to equality of representation on the commission, and the interests of the public.

"No motion is in order that conflicts with the laws of the nation, or state, or with the assembly's constitution or by-laws, and if such a motion is adopted, even by a unanimous vote, it is null and void." -- Robert's Rules of Order Revised, Chapter 47.

I request both of your assistance in trying to repair the harm without further damaging the Commission and the Commission's performance of its duties. I am concerned about furthering the appearance or reality of strife within the commission, but I am also duty bound to try to protect the public interest as I see it.

Facts
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In his final act as the Chair elected in 2017, Mr. Tregub asked Secretary Davis, in opposition to her suggestion otherwise, to chair the election of a new Chair ("to make this completely impartial").

Secretary Davis erred. In a 10 second process, Secretary Davis recognized only one commissioner for nominations, accepted an out of order second, silently ended nominations, and moved abruptly to a vote. Voting began approximately 16 seconds after the election began. The timestamps on this transcript refer to an audio recording of the meeting:

20m32s [Davis]: Alrighty.

20m33s [Davis]: Would anyone like to make a motion.

20m35s [Davis]: Marian?

20m36s [Wolfe]: I'd like to move that Igor be re-elected chair of the HAC.

20m40s [Lewis]: Second

20m43s [Davis]: OK, let's do a roll-call vote.

20m48s [Uberti]: OK, Igor as chair, motion by Marian and seconded by Matthew. [roll call commences]

Mr. Tregub was not innocently naive of these errors. Moments later, during the election of Vice Chair, Mr. Tregub explained:

22m05 [Tregub]: I think technically [a nomination] just needs a motion. It doesn't require a second. There will be a motion later, in a second, to close nominations. I am required to call if there are any other nominations? Seeing none I will entertain a motion to close nominations. [...]

Analysis

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The Commissioner's manual and Robert's Rules give open-ended, flexible guidance for the election of officers. In spite of this, under no interpretation was the election as conducted permissible under these by-laws. We can see this by examining the proceedings and rules while trying to interpret the rules in the light most favorable to the election, and noting that nevertheless, the election violated the rules.

Commission elections: nominations

"Before proceeding to an election to fill an office it is customary to nominate one or more candidates." (Robert's, chapter 66). Robert's rules allows that sometimes nominations are not necessary, that nominations may be made by the chair, that nominations may be made by a nominating subcommittee, or that nominations may be accepted from the floor.

Berkeley Commissions customarily and of necessity only permit nominations from the floor for the election of officers. Other possibilities allowed by Robert's rules are not applicable to Berkeley commissions:

1. Under Robert's Rules, nominations are **not** necessary if members will vote by naming, or writing on secret ballot, the nominee they prefer (Robert's, chapter 66). Neither voting scheme is appropriate or used in Berkeley Commissions. Members of a Berkeley commission can not know, absent nominations, who is willing and wishes to serve. The Brown Act and as well the stricter Berkeley rules regarding commissioner discussions outside of meetings, prohibit private campaigning for commission office. Consequently, in Berkeley Commissions, the entire election process -- including the identification and discussion of candidates -- must be conducted during open session.
2. Although Robert's Rules allow nominations to be the privilege of the Chair, Berkeley rules do not. The executives of Berkeley Commissions do not have unequal power to make nominations ("It is the duty of the Chair of a Berkeley commission to "ensure that all viewpoints are heard and are considered in a fair and impartial manner." - Commissioner's Manual II(C)(3)) Berkeley commission executives have neither more or less power than others to make nominations. (Commissioner's Manual, V(B)(5)(c))
3. The HAC does not, nor does any Berkeley commission, have a nominating subcommittee for officer elections.

That leaves only nominations from the floor. It is both a by-law necessity and customary practice in Berkeley to receive nominations from the floor. The conduct of the HAC's election of chair must be interpreted in this light.

The Procedure of Nominations and Elections

An election of this sort has the general form of a proposition containing a blank ("The HAC elects _____ as its chair.").

"Nominations are treated like filling blanks; any number may be pending at the same time, not as amendments of each other, but as independent propositions to be voted on in the order in which they were made until one receives a majority vote. [See 66]" (Robert's, chapter 33)

The procedure for filling blanks is a two phase process. First, the nominations are offered in the form of alternative, concurrent amendments. Second, a vote may be called on the nominations in the order received until the position is filled by majority vote. ("Propositions for filling blanks are treated somewhat differently from other amendments, in that any number of members may propose, without a second, different names or numbers for filling the blanks, no one proposing more than one name or number for each place, unless by general consent. These are treated not as amendments, one of another, but as independent propositions to be voted on successively. If the blank is to be filled with a name, the chair repeats the names as they are proposed so all may hear them, and finally takes a vote on each name, beginning with the first proposed, until one receives a majority vote." -- Roberts, chapter 33).

Nominations certainly precede election. "Before proceeding to an election to fill an office it is customary to nominate one or more candidates." (Roberts, chapter 66) and "When the nominations are completed the assembly proceeds to the election, the voting being by any of the methods mentioned under Voting, [46], unless the by-laws prescribe a method." (ibid.)

Nominations are a debatable motion.

The HAC election was flawed because it lacked a call for nominations, only one nomination (made by an outgoing executive) was entertained, a second was improperly recorded, and the chair moved to the election without permitting discussion or debate.

Consequences

The majority of the members of the HAC are new to Commission service and/or, judging by their questions during proceedings, reliant on the chair for guidance as to Commission procedures and their meaning.

In this instance, the majority was introduced to the election as if it were something else - a vote of confidence in the sitting chair - and

the vote was taken almost as if it were a vote of confidence. (Even an actual vote of of confidence would have required opportunity for discussion and debate, however, and that did not occur in this case.)

It is difficult to see how to proceed without damaging the morale of the Commission. It is not a simple matter to explain in a fair and impartial way to the Commission why the vote taken was error.

It is just as difficult to see how to proceed on the basis of an election that should be recognized as null and void, of a chair who has more than once been significantly neglectful of our by-laws.

It would, as well, be utterly inappropriate and damaging to attribute this situation to the fault of Secretary Davis. The full audio makes clear that Secretary Davis and Mr. Uberti acted in good faith, that against her suggestion otherwise, Secretary Davis was called upon by Mr. Tregub to chair this election, and that Mr. Tregub, though aware in the moment of what was wrong, did not act to correct the mistake.

Lastly, my own ability to function effectively as a Commissioner is diminished if I am continuously assigned the role of calling out the gross procedural and legal errors of a popular, even if rule-breaking, chair. At the same time, my rights to be an equal member of the Commission are damaged if I do not object to these errors.

Moving forward

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The harm done is in some ways irreparable.

Had the floor been opened for nominations on February 1, I would surely have nominated myself. I accept that - indeed I think it likely that -- I would not have won the election, but we could have had a fair, equal, and open conversation contrasting our visions for how the commission ought be chaired.

Now that the other commissioners have already voted, even in a faulty process, no such fair hearing or discussion is possible. I would not subject them or myself to the humiliation of standing against Igor for election now.

I am dismayed that almost immediately after this election, Mr. Tregub first embarked on a lengthy, disorderly, meandering conversation with Ms. Wolfe on the matter her Home Share item. And then, as per usual, was stricter limiting the time of other commissioners.

I am further dismayed that, almost immediately after this election, Mr. Tregub had to be reminded (again) that private discussion about legislative matters coming before the commission comprises an ad hoc subcommittee which, under Berkeley rules, may only hold discussions in noticed public meetings. That private, back-room lobbying must stop!

What remains are three questions:

Will the Commission, for formality sake, retake the election vote which ought be null and void?

Will our fellow Commissioners be informed of the error and its impact on me in a way that does not prejudice them against me or Secretary Davis?

Will Mr. Tregub significantly change what I view as his discriminatory and rule-flouting conduct as chair in ways? What will he do that might restore my trust in his leadership?

-t

Housing Advisory Commission

1 March 2018

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Motion to correct officer elections**

Background

At the February meeting, during the election of officers

1. The floor was not opened for nominations for Chair.
2. In lieu of nominations, a motion to appoint Igor Tregub chair was quickly made and seconded.
3. Without debate, a roll call vote on that motion commenced **16 seconds** after the elections were taken up.
4. The election of Vice Chair followed a somewhat more regular order, but still without discussion or debate.

This Commission operates, loosely, under Roberts Rules of Order. Our elections, minimally, require a nomination period, discussion, a vote to close nominations, and an election.

The advantage to the Commission of following those by-laws is that the Commission is assured an opportunity to discuss the election before a vote is taken. In this case, the Commission was deprived of that opportunity.

Votes not in accordance to the by-laws, say Roberts Rules, are *technically* null and void, though such strict interpretation may be hard to make stick, here.

Motion

That this Commission hold a brief discussion about our hopes and concerns for the management of the Commission this coming year, and then either take no action or vote to affirm the elections.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Rhianna Babka, Community Service Specialist III

Date: February 20, 2018

Subject: **Substantial Amendment to the City of Berkeley's PY2017 (FY2018) Annual Action Plan to Allocate \$893,333 in Community Development Block Grant (CDBG) Funding and Allocate an Estimated \$362,335 of PY2018 (FY2019) CDBG Funding for Public Facility Improvements to the Mental Health Clinic**

RECOMMENDATION

Staff is requesting that the Housing Advisory Commission support the City Manager recommendation that Council 1) approve an amendment to the PY2017 Annual Action Plan to allow for a one-time allocation of \$893,333 in CDBG funds and 2) allocate the estimated \$362,335 PY2018 CDBG Community Facility Improvements funds for one public facility improvement project at the City of Berkeley Mental Health Clinic. The City's Mental Health Clinic at 2640 Martin Luther King Junior (MLK Jr.) Way will be undergoing major renovations. This recommendation of one-time funding is being made outside of the City's normal funding allocation process in order for the City to be responsive to an emergent need for renovations to a City building the serves vulnerable Berkeley residents and provide matching funds to ensure the project can be implemented.

CURRENT SITUATION

The City of Berkeley's Adult Mental Health Clinic at 2640 Martin Luther King, Jr. Way is uninhabitable. The clinic needs major renovations so that it can be reopened and used to treat severely mentally ill people from Berkeley and Albany. The initial total renovation project cost was significantly underestimated at \$3.5 million. Additionally, costs have increased substantially, and the total project cost has now doubled to \$7 million. Prior funding allocated for the project includes \$3.3 million from The Health, Housing and Community Services Department's Mental Health Division, and \$700,000 from the general fund. On January 23, 2018 Council adopted a Resolution to authorize

the allocation of \$2 million of Phase 1 Measure T1 funds for the renovations. This leaves a \$1 million gap that unless filled makes the renovations impossible. Construction costs are continuing to rise and the \$7 million estimate is at current cost but does not include any additional increases during the life of the project.

Staff propose adding \$893,333 in PY2017 and \$362,335 (estimate) in PY2018 CDBG funding for renovations to 2640 MLK Jr. Way. The City's Mental Health Division will relocate all adult mental health services to 1521 University Avenue for three years while major renovations to 2640 MLK Jr. Way are made. The MLK Jr. Way requires substantial improvements in order to make it suitable for delivering mental health services.

In October 2017, Council authorized an amendment of our Annual Action Plan specifically regarding CDBG expenditures. The final FY2018 funds available for the Community Facility Improvement Program is \$893,333. The estimated FY2019 funds for the Community Facility Improvement Program is \$362,335 (final amount to be confirmed upon federal allocation confirmation). These funds are typically administered through a Request for Proposal (RFP) process, unless there is an emergent and substantial need with a City of Berkeley facility serving CDBG eligible recipients. Allocating the FY2018 & 2019 Community Facility Improvement Program funds will fill the funding gap for the renovations at 2640 MLK Jr. Way, which has a demonstrated need.

BACKGROUND

The City of Berkeley Adult Mental Health Clinic at 2640 Martin Luther King, Jr. Way was closed to staff and clients on Monday, June 27, 2016 due to an ongoing and persistent infestation of fleas, rodents and raccoons, as well as water intrusion and related attendant health and safety concerns. Staff have been working out of various City facilities since that time, moving from place to place as demands on the temporary work spaces have changed and providing the majority of services to clients in the field. The City of Berkeley Mental Health Adult Clinic provides invaluable mental health and related social services to Berkeley and Albany community members and their families living with serious and persistent mental illness. Program efforts include case management and support services, coordination and consultation with other agencies and groups, providing linkages and referrals to community resources, assessments and crisis response. Some clients are seen on a daily basis, when necessary, to obtain assistance with multiple and complex needs that put them at critically high risk for mental health emergencies. Some of the work of Mental Health staff is conducted outside of the clinic when staff meet clients in the community for service provision. The Adult Clinic provides comprehensive services that maintain personal and community stability, supporting over 300 adults with ongoing clinical case management services per year.

The Adult Mental Health Clinic at 2640 MLK is scheduled for a major reconstruction beginning in the summer of 2018 and ending in the summer of 2019. In addition to the staff from 2640 MLK, all staff in the adjoining building at 2636 Martin Luther King, Jr. Way will also be relocated.

There have been significant problems with the building at 2640 MLK for many years. Throughout 2015 and 2016, these included issues with air quality and infestations of fleas and rodents. The building had many treatments for these issues, and the problems were ultimately deemed so systemic that the building was closed in June 2016 pending major rehabilitation. The rehabilitation work is significant and will result in a clean, well lit, but not fancy clinic that will be used to help seriously mentally ill Berkeley and Albany residents live better lives. Improving the quality of care by having all adult clinic staff in one facility that is accessible to, and respectful of, the people needing care is the goal of this renovation project.

The City of Berkeley receives an annual allocation of federal funding through the federal Department of Housing and Urban Development (HUD). Council allocates this federal funding to specific projects each year in April and authorizes the submission of an Annual Action Plan to HUD which outlines how funds will be spent.

HUD regulations require that the City of Berkeley follow a Citizen Participation Process in allocating federal funding, which requires that the city enlist input from the general public when developing the spending plan and when any major changes to the spending plan are proposed. Major changes to the spending require the submission of a "Substantial Amendment" to the Annual Action Plan. These changes must be accompanied by a public hearing.

The HAC previously recommended a first Substantial Amendment to the PY2017 (City FY2018) Annual Action Plan. This recommendation was adopted by Council in October 2017, resulting in \$893,333 remaining to be spent for Community Facility Improvements.

At the March 1, 2018 HAC meeting, the HAC will discuss and recommend the PY2018 (FY2019) Annual Action Plan, for Council adoption in April 2018. This includes the allocation of estimated \$362,335 funds for the Community Facility Improvement program.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Amy Davidson, Senior Community Development Project Coordinator

Date: March 1, 2018

Subject: **Review of Meeting Process Guidelines**

The Housing Advisory Commission took the following actions regarding meeting process guidelines.

Appointment Review 9/22/2017 Brown Act Violation Cure and Correct Demand Letter from Thomas Lord and Proposed Actions in Response
Adopted by Commission on November 2, 2017

Demand 3 – Meeting process guidelines

Proposed response action: Schedule check in on the meeting process guidelines in March 2018 to ensure the concerns raised regarding misuse and discouraging full discussion have not come to fruition

Action: M/S/C (Amezcuca/Johnson) to adopt the proposed response actions under Demand 3.

Vote: Ayes: Amezcua, Johnson, Kesarwani, Lewis, Tregub, Wolfe, and Wright. Noes: None. Abstain: Owens. Absent: None. Recused: Lord.

HAC Meeting Process Guidelines

Adopted by Commission on September 7, 2017

Action: M/S/C (Johnson/Amezcuca) to adopt the following guidelines to the Commission's meeting process with friendly amendments from Chair Tregub:

1. Major agenda items to come through a subcommittee when appropriate and not directly to the Commission.
2. Adopt a standard end time (9 p.m.) and require a simple majority to extend the meeting to 9:30 p.m. If needed, another vote can be taken to extend the meeting to 10 p.m.
3. Introduce a motion as soon as possible for further discussion.
4. Encourage a time limit on each commissioner's comments. Presenter of an item shall get four minutes. The question and answer segment following the presentation of the item has no time limit. In the first round of comments, each commissioner shall receive three minutes. In the subsequent round of discussion, each commissioner shall receive two minutes.
5. Nothing in these guidelines is intended to be in conflict with the HAC's rules as a quasi-judicial body.

Vote: Ayes: Amezcuca, Johnson, Lewis, Slaughter, Tregub, Wolfe, and Wright (substitute for Vasquez). Noes: None. Abstain: Lord. Absent: Kesarwani (excused) and Vasquez (excused).

HAC Subcommittee Appointments
March 1, 2018

Name	Appointed by	Current Subcommittee Appointments
Rashi Kesarwani	Maio/ District 1	<ul style="list-style-type: none"> ▪ CDBG ▪ Measure U1
Thomas Lord	Davila/ District 2	<ul style="list-style-type: none"> ▪ CDBG ▪ Moderate Income Housing ▪ Smoke-Free Housing
Igor Tregub	Bartlett/ District 3	<ul style="list-style-type: none"> ▪ Accessory Dwelling Unit Pilot Program to House the Homeless ▪ HTF ▪ Low Income ▪ Measure U1 (Alternate) ▪ Moderate Income Housing
Luis Amezcua	Harrison/ District 4	<ul style="list-style-type: none"> ▪ HTF ▪ Measure U1 ▪ Student Housing
Xavier Johnson	Hahn/ District 5	<ul style="list-style-type: none"> ▪ Homelessness ▪ HTF ▪ Low Income ▪ Smoke-Free Housing
Marian Wolfe	Wengraf/ District 6	<ul style="list-style-type: none"> ▪ Accessory Dwelling Unit Pilot Program to House the Homeless ▪ Density Bonus ▪ Homelessness ▪ Low Income ▪ Measure U1 ▪ Student Housing
Amir Wright	Worthington/ District 7	<ul style="list-style-type: none"> ▪ Student Housing
Darrell Owens	Droste/ District 8	<ul style="list-style-type: none"> ▪ Accessory Dwelling Unit Pilot Program to House the Homeless
Matthew Lewis	Arreguin/ Mayor	<ul style="list-style-type: none"> ▪ Accessory Dwelling Unit Pilot Program to House the Homeless ▪ HTF ▪ Low Income ▪ Measure U1 ▪ Student Housing

HAC Subcommittee Appointments
March 1, 2018

Notes on ad hoc subcommittees:

Subcommittee	Assignment	End date
Accessory Dwelling Unit Pilot Program to House the Homeless	Review and make recommendations to the City Council referral regarding a Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless	June 30, 2018
CDBG	Advise the HAC on the current CDBG funding cycle	Upon completion of current CDBG funding cycle
Homeless	Coordinate with the Homeless Commission on matters of mutual interest	June 30, 2018
Housing Trust Fund	Advise the HAC on Housing Trust Fund related matters	June 30, 2018
Low Income Housing*	<ul style="list-style-type: none"> Explore and make recommendations on the low income housing strategies identified in the HAC's FY2018 work plan 	June 30, 2018
Measure U1	<ul style="list-style-type: none"> Develop recommended guidelines for the use of U1 funds; Provide advice for the HAC for Council on anti-displacement programs and affordable housing to be funded with U1; and Possibly discuss specific projects, avoiding overlap with other subcommittees of the HAC. 	June 30, 2018
Moderate Income Housing*	<ul style="list-style-type: none"> Explore and make recommendations on the moderate income housing strategies identified in the HAC's FY2018 work plan 	June 30, 2018
Smoke-Free Housing	<ul style="list-style-type: none"> Consider updates to the City's Smoke-Free Housing Ordinance and existing implementation of the ordinance Propose revisions to these to improve the accessibility and effectiveness of the ordinance Propose methods for obtaining public input into the needs of the ordinance. 	December 7, 2018

HAC Subcommittee Appointments
March 1, 2018

<p>Student Housing</p>	<ul style="list-style-type: none"> • Explore and make recommendations on student housing strategies identified in the HAC's FY2018 work plan • Explore: <ul style="list-style-type: none"> ○ Master tenancies ○ Site selection ○ How the university finances its housing (e.g. UPP's vs revenue bonds) and privatization of UC Berkeley housing system in general ○ Pressuring the university to force developers to meet the affordability requirements of the city (e.g. mitigation fee/in-lieu units) ○ Developing a separate affordability definition applicable to inclusionary housing to be used in areas near campus so students can live in them 	<p>June 30, 2018</p>
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* 2017-2018 Work Plan priority "Lack of Funding" was referred to the subcommittees marked with an asterisk(*). Specific strategies referred were:

- Explore other forms of taxation/revenues.
- Look at acquiring tax-default properties.
- Increase the commercial linkage fee.
- Allocate a portion of the short term rental tax.
- Use of Federal transportation funds.



[Commission Name]

[CONSENT OR ACTION]

CALENDAR

[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council
From: Housing Advisory Commission
Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission
Subject: Home Share Pilot Program Recommendation

RECOMMENDATIONS

The Housing Advisory Commission approved sending the recommendations in this report to the City Council at their XXX meeting.

Establishing a Home Share Pilot Program

The City should issue an RFQ to establish a two-year Home Share Pilot Program that could be expanded into a permanent housing program in the City of Berkeley. Home Sharing is a living arrangement in which two or more unrelated people share a house or an apartment. Home Sharing programs connect homeowners or renters with extra rooms who need assistance to home seekers in need of housing. The HAC will assist the City in developing an RFQ for this proposed program.

To launch a city-sponsored Home Sharing program, it is advantageous to partner with a local nonprofit organization that can help with the vetting and screening process of interested parties. It is essential to have city-backing in order to increase community member trust in the program, and to have a funding model that is not based on charging commissions to home providers or home seekers.

Program Costs

At this time, the HAC does not know exactly what a program would cost in Berkeley. There are local examples of current programs, for example, in Fremont, the budget is \$75,000. This budget covers the costs of renting out office space and paying staff salaries. Staff is responsible for conducting interviews, background checks, house screening, as well as follow-up support. Berkeley's RFQ process will be helpful in identifying costs. There is also the possibility of the nonprofit independently funding Home Share services through grant resources, with the City contributing just a portion of the budget, including the donation of office space.

Administrative Recommendations

- City to issue an RFQ to select an operator for a two-year Pilot Home Share Program.
- City to allocate funds for a two-year Pilot Program that could be authorized as a permanent program, if the pilot program is successful.

FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts are to be determined.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is home to a large number of seniors and to a young adult population. According to the 2015-2023 Housing Element, of the 112,580 residents counted by the 2010 Census, 27% were between the ages of 18 and 24, and 23% of the population was over 55 years of age. Students are having a difficult time finding affordable housing while seniors, living on fixed incomes, still need to cover increased costs of utilities for all residents, and continuing costs of property taxes, insurance, and maintenance for homeowners. A Home Share Program will benefit both younger and older individuals and households.

BACKGROUND

Although there are no age guidelines about who can participate in the Home Share program as a home provider or seeker, most matches are between senior home providers and younger lodgers. In some of these arrangements, reduced rent is given in exchange for the home seeker helping with chores or other household needs. These arrangements may prove advantageous for those who enjoy intergenerational living.

EXAMPLES OF HOME SHARE PROGRAMS

The City of Fremont has officially sponsored a home share program (<https://www.fremont.gov/2375/Home-Sharing-Program>), partnering with the nonprofit organization, HIP Housing (Human Investment Project Housing). Together, they are matching home seekers who currently live, work, or go to school in Fremont, with homeowners or renters with an extra room. (<http://hiphousing.org/programs/home-sharing-program/>).

HIP screens home seekers and home providers at an interview, checking references and income verification. HIP also provides this home matching service in San Mateo County. HIP has operated its San Mateo program for over 30 years. Their program serves as the model for programs in other cities.

In San Francisco, the Mayor's Office of Housing and Community Development has partnered with Northern California Presbyterian Homes & Service and Episcopal Senior

Communities (ESC), to provide a Home Match program. (<http://www.homematchsf.org/>) To take advantage of this free program, home seekers must be 18 years of old or older, earn no more than 90% of the Area Median Income, and undergo a thorough background check. To participate as a home provider, the homeowner must provide proof of home ownership and residence, give a tour of the property during the interview process, and undergo a thorough background check. Both parties must describe their ideal home arrangement, personal characteristics, meet, and decide if they are a good match to live together. Ninety percent of the San Francisco home share program is funded by the County, and is staffed by a program director and outreach manager.

ENVIRONMENTAL SUSTAINABILITY

Recommendations regarding the implementation of a Home Share Pilot Program do not impact the environment directly.

RATIONALE FOR RECOMMENDATION

We need to think of creative ways to help Berkeley residents afford housing and “age in place.” This program would be available both to senior homeowners and senior renters.

ALTERNATIVE ACTIONS CONSIDERED

ADU developments are another way to help seniors remain in their housing. However, not all housing is conducive to adding ADUs, and the creation of an ADU requires investment of funds that seniors may not have.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

CONTACT PERSON

Amy Davidson, Senior Community Development Project Coordinator, Health, Housing and Community Services

This list was prepared by the Department of Health, Housing and Community Services on 11/30/2017. It incorporates changes to a draft list that were made by Council during its meeting, as reflected in the Annotated Agenda, to represent the final priorities adopted.

High Priority

1. **Develop a Small Sites Program to assist non-profits in acquiring multi-unit properties of 25 units or less. Consider giving priority to the creation of limited and non-equity cooperatives affiliated with a democratic community land trust. Consider master leasing as a mechanism for managing distinct, smaller properties.**
2. Develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act (TOPA) that offers existing tenants in multi-unit properties of three units or more the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider.
3. A) Draft an ordinance creating a pilot Density Bonus policy for the Telegraph Commercial District to grant additional density for projects in the Telegraph area which pay Affordable Housing Fees in lieu of units on-site. B) Study the creation of a new City Density Bonus plan to allow developers of multi-family housing to add up to 15% more density in exchange for fees only.
4. Examine and eliminate barriers to developing student housing and senior housing.
5. Create specific per acre density standards, including standards for projects that include density bonus units.
6. Develop enforcement tools for Short-Term Rental Ordinance and Section 8 Non-Discrimination Ordinance (BMC Chapter 13.31, "Discrimination based on source of income prohibited"). Request that the City Manager direct staff to draft a fine schedule for violations of the short-term rental ordinance for multi-unit properties with multiple units used as STRs that are out of compliance with the host ordinance, including fines for when non-owner/tenant occupied dwelling units are made available for short-term rentals (from June 9, 2015 STR referral).
7. Refer to the City Manager and Planning Commission, and/or Housing Advisory Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within 1/2 mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction, and other forms of displacement as defined by Council.

8. Increase commercial linkage fee by California Construction Cost Index CCCI.
9. Identify Parcels of City owned land appropriate for siting assisted-living modular micro-unit buildings; take affirmative steps to speed the permitting and approvals process; obtain zoning approval and a building permit and approvals process for the creation of below market housing; identify a housing non-profit to be responsible for managing and operating the building; and establish criteria for selecting individuals and determining eligibility.
10. Utilize list of city properties developed by city staff and further examine opportunities for placing affordable housing on these sites.
11. Investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and other school district employees. The investigation should include research into what other California jurisdictions (such as San Francisco, Oakland, Santa Clara, and San Mateo County) are considering as part of their pursuit of School District workforce housing.
12. a) Streamline the Affordable Housing Permitting process for Projects with majority of Affordable Housing (50% affordable units or more, Worthington referral 1/19/16); b) Remove Structural barriers to Affordable Housing (Green Affordable Housing Package Policy #2, Droste); c) waive or reduce permit fees for affordable housing projects (Hahn), including previously adopted streamlining measures from 2017.
13. Examine and eliminate barriers to building and renting Accessory Dwelling Units.
14. Develop Measure U1 Priorities and Implementation Criteria. Include consideration of ability to leverage funds and placing a measure on the November 2018 ballot to allow possible bonding against revenues.
15. Establish a City maintained online resource that would provide a brief overview of the history and purpose of Below Market Rate (BMR) units, a current list of all buildings that contain BMR units and the characteristics of the units, the percent of median income qualification levels for the units, the HUD published income guidelines for percentage of median and family size, the property owner, rental agent, and/or management company contact information, and other relevant information that would be helpful to potential renters of BMR units. The City shall update the information as more units become available, and quarterly, to ensure that information is current.

Medium Priority

16. Impose fees when multifamily properties are destroyed due to fault of property owner (Demolition ordinance, RHSP, Relocation fees, fines).

17. Green Affordable Housing Package policy #1: Prioritize housing over parking in new developments. Reduce parking in R-4.
18. Amend Zoning code to allow housing and other non-commercial uses on the ground floor.
19. To encourage landlords to accept Section 8 and Shelter + Care vouchers study a program that is intended to encourage rehabilitation of substandard units that could be leased to recipients of Section 8 and Shelter + Care vouchers. Possible assistance that the City could provide including: creating a list of qualified, efficient, and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code.
20. Collaborate with Berkeley Housing Authority Board to invest capital funds from sale of the public housing for more affordable housing (Longer term referral).
21. To encourage landlords to accept Section 8 and Shelter + Care vouchers: identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords.
22. Establish Office of Anti-Displacement, and hire Anti-Displacement Advocate (non-city funded position).
23. Provide housing counseling and legal services for Berkeley's low-income, elderly or disabled distressed homeowners.

Housing Advisory Commission

1 March 2018

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Advice regarding apartment sale first right of refusal**

Recommendation to the HAC

Ask City Council to make a timely referral to the City Manager concerning the implementation of the “Small Sites Program”.

This referral asks the City Manager, in drafting the ordinance, to allow for the possibility that the purchaser of a small site may be the City of Berkeley itself, or a corporation under the majority ownership and control of the City of Berkeley.

The remainder of this memo is a draft for the HAC’s referral to City Council. Please see the “Background” section below if you are unfamiliar with the Small Sites Program.

Recommendation (to City Council)

Refer to the City Manager these directions concerning the implementation of a Small Sites Program in Berkeley:

1. Ensure that the City of Berkeley may directly purchase properties under the Small Sites Program.
2. Ensure that any corporation designated by the City and in which the City maintains a majority (controlling) ownership may directly purchase properties under the Small Sites Program, even if that corporation is for-profit (e.g. a California B corporation).

3. In implementing recommendation (2), do not weaken the qualification requirements for non-profit corporations which are not majority owned or controlled by the City. Additionally, purchases made by the City itself or a corporation controlled by the City should *not* be constrained with respect to future rental prices.

Background

On February 14, 2017 the City Council referred implementation of a Small Sites Program to the City Manger. On November 28, 2017, the Small Sites Program was assigned the highest priority among all affordable housing policy projects.

While the draft details of Berkeley's program remain to be seen, the model that inspired Berkeley's gives tenants a first right of refusal to purchase an apartment that they live in. Tenants may transfer the right to a non-profit organization that is dedicated to preserving the property as affordable housing.

Recently, Councilmember Bartlett and Mayor Arreguín have indicated publicly that the Small Sites program is an area of active work.

Rationale

Ensuring that the City itself, or a City-controlled corporate entity is eligible to purchase Small Sites is a legally trivial addition to any imaginable program, thus the costs to the City should be negligible.

The potential benefits of consolidating Small Site ownership in this way are large. Consolidation of ownership:

- Allows consolidation of property management giving rise to scale-based cost savings by eliminating redundant expenditures such as on accounting and legal services, purchases of materials needed for routine maintenance and repairs, and day to day building management (including advertising available units and qualifying and accepting tenants).

- Allows for cross-subsidies between properties. If one small site currently houses moderate or above-moderate tenants it may generate a significant net income. It is potentially of great benefit for Berkeley's affordable housing goals to transfer some of that net income to properties occupied by low or very low income tenants – properties that may need subsidy. Consolidated ownership under the City of Berkeley allows such cross-subsidy to occur in tax-efficient ways.
- Allows for the development of a Berkeley land bank and flexible pool of housing which can adapt to changing economic needs, adding to Berkeley's strength in the face of changing conditions.

Lastly, making sure that the Small Sites Program *allows* the City to acquire these properties does not *require* the City to buy them and does not prevent private non-profits from buying them. Nothing is detracted from the originally stated goals of the program by these changes. New possibilities are opened up.



* * S A V E T H E D A T E * *

Adeline Community Open House and Workshops

WHAT: Adeline Community Open House: Public Exhibit and Workshops

WHERE: Ed Roberts Campus at 3075 Adeline Street Berkeley, CA

WHEN: From Saturday, March 10th, to Friday, March 23rd; exhibit and workshop hours vary

The City of Berkeley invites you to take part in the next phase of the Adeline Corridor planning process! From **March 10th – 23rd**, we will be hosting a Community Open House at the **Ed Roberts Campus** to show a range of options for the area, focusing on five priority areas identified by community feedback to date: housing affordability, economic opportunity, transportation, public space and land use/community character. The Open House will also address land use and zoning, and will show updated concepts for the right-of-way (ROW) street design, incorporating feedback that was received in the last public exhibit in March 2017: Re-Imagine Adeline.

The Open House exhibits will be available for drop-in visits throughout the 2-week period, Monday to Friday whenever the Ed Roberts Campus is open, and from 9:30am – 2pm on both Saturdays. For those who are interested in having a more in-depth discussion, we are also hosting special workshops on the topics of: equity, community resources, economic opportunity, public space, and housing/community benefits on the two Saturdays of the Open House, March 10th and March 17th. ***A detailed schedule of staffed exhibit hours and workshops will be available soon and shared widely through the project website, by email and distribution of printed flyers.***

Questions or Comments? Contact Alisa Shen, Project Manager

Tel: (510) 981-7409 Email: ashen@cityofberkeley.info | Mail: City of Berkeley Land Use Planning Division | 1947 Center Street, 2nd Floor, Berkeley, CA 94704

Learn more about the Adeline Corridor Specific Plan by visiting www.cityofberkeley.info/AdelineCorridor/