

Preliminary Housing Programs

HP-1 AFFORDABLE HOUSING BERKELEY

The Berkeley Housing Authority (BHA) was recently selected by HUD to be a Move to Work Agency (MTW) that allows for flexibility programmatically; the cohort for which BHA was selected is “Landlord Incentives” and will allow BHA to attract additional landlords to participate with BHA to house voucher holders in Berkeley. Some of the flexibilities include: 120% Payment Standard; one-month contract rent signing bonus for brand new landlords; and funds for accessibility unit modifications. Additional programmatic flexibilities will focus on expansion of the Project-based Section 8 program. BHA is currently working on the process, including future public hearings, to be able to fully implement these flexibilities, and it is expected that will happen by mid-2023.

Furthermore, the BHA Board has established a non-profit entity - Affordable Housing Berkeley, Inc. (AHB) – as the development arm of BHA to produce affordable housing units in Berkeley. BHA’s former low income public housing properties were sold to a developer in 2014, and those units were converted to Project-based Section 8. The proceeds from the sale will be used by AHB Inc. to develop the new units. The BHA board also serves as the Board of AHB and has just hired Mosaic Urban Development to assist with its Strategic Planning Process.

Specific Actions and Timeline	Complete Strategic Plan for Affordable Housing Berkeley Inc. by 2023
Lead Department(s)/Agency	BHA/AHB
Funding Source(s)	BHA Low Income Public Housing Disposition proceeds
AFFH	n/a
Policies Implemented	H-1, H-2, H-3, H-4, H-7, H-14, H-18

HP-2 HOUSING CHOICE VOUCHERS

BHA provides a range of rental housing assistance to very low income, and low income households through a number of programs, including Housing Choice Vouchers, Project-Based Section 8 Vouchers, and the Moderate Rehabilitation Program (SROs).

BHA also operates several Special Purpose Voucher programs including:

- Emergency Housing Vouchers (EHV): 51 EHVs awarded by HUD to house homeless households
- Mainstream Voucher Program: 91 vouchers to house non-elderly and disabled homeless or at-risk households
- Veterans Affairs Supportive Housing (VASH): 40 VASH vouchers for homeless veterans.

BHA provides all disabled households the opportunity to apply for Reasonable Accommodations so that they can fully participate in our programs. Some examples of Reasonable Accommodations include an extra bedroom for a 24-hour Live in Aide, or an extra room to store bulky medical equipment.

Specific Actions and Timeline	Continue to assist up to 2,000 households through: <ul style="list-style-type: none"> • Moderate Rehabilitation SRO Program – 98 units • Housing Choice Vouchers – 1,500 households (and growing) • Project-Based Vouchers – 400 households • Emergency Housing Vouchers – 51 households • Mainstream Voucher Program – 91 households • VASH – 40 households
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Lead Department(s)/Agency	BHA
Funding Source(s)	HUD
AFFH	<p>Housing Mobility; BHA will work to expand all areas of Berkeley with rental housing units.</p> <ul style="list-style-type: none"> • Provide targeted outreach to educate the community on Source of Income protection with the goal of increasing acceptance of HCVs in high resource areas • Increase baseline by 200 households by 2031
Policies Implemented	H-1, H-2, H-3, H-4, H-7, H-23, H-25, H-26, H-27, H-29, H-30

HP-3 CITYWIDE AFFORDABLE HOUSING REQUIREMENTS

The City is reviewing and revising the Citywide Affordable Housing Requirements to enhance the effectiveness of the program in delivering affordable housing, especially for extremely low-income households. These changes included:

- **Rate of Rent Increases:** Cap the annual rate of rent increases for the Citywide Affordable housing Requirements (AHR) using both Consumer Price Index (CPI) and Area Median Income (AMI). Currently rent increases are based on AMI alone. Recent trends have resulted in sharper increases in AMI due to a greater share of higher-income earners moving to the county rather than from increases in wages, resulting in the existing approach having unintended adverse impacts to tenants. While changes in CPI-U have traditionally been more stable than changes to AMI, this may change as we enter into a more inflationary cycle. The overall goal of this proposed program is to ensure that rent increases do not result in high housing cost burden or displacement of existing tenants.
- **Extremely Low Income Units:** Incentivize the provision of extremely low income (ELI, 30 percent of AMI) units by offering to low income units to voucher holders prior to other income eligible households.
- **In-Lieu Fee Based on Unit Size:** Establish a per-square-foot in-lieu fee, instead of the existing per-unit basis for fees.
- **Alternative Housing Types:** Consolidate requirements, including live/work units and group living accommodations.
- **In-Lieu Options for Compliance:** Add land dedication as a potential alternative to providing on-site units

Specific Actions and Timeline	<p>In 2022, amend Berkeley Municipal Code (BMC) Chapter 23.38, updating the citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance.</p> <p>In 2022, adopt a Resolution addressing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2).</p>
Lead Department(s)/Agency	Planning

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Funding Source(s)	General Fund; SB 2 Grant Funding; Enterprise Fund – Community Planning Fee
AFFH	Anti-Displacement and Tenant Protection New Opportunities in High Resource Areas Disproportionate Needs
Policies Implemented	H-2, H-3, H-4, H-6, H-18, H-31, H-33

HP-4 AFFORDABLE HOUSING OVERLAY

The City will explore the feasibility and effectiveness of an Affordable Housing Overlay Local Density Bonus to streamline approval of 100 percent affordable development projects and to increase achievable floor area and density through raised height limits, lot coverage, and floor area ratio (FAR) where applicable. As part of the Affordable Housing Overlay project, City staff will conduct targeted outreach in neighborhoods where the overlay would apply, including areas around downtown and the UC Berkeley campus, and along and adjacent to major commercial corridors.

Specific Actions and Timeline	By 2026, adopt Affordable Housing Overlay Density Bonus, concurrent with the residential financial feasibility study, Residential Design Standards, and the General Plan Land Use Element Update
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	New Opportunities in High Resource Areas
Policies Implemented	H-2, H-3, H-4, H-6, H-15, H-16, H-18, H-20, H-32, H-33

HP-5 PRESERVATION OF AT-RISK HOUSING

The City will monitor and take action to assist in preserving deed-restricted housing. There are over 2,300 deed restricted affordable rental units within the City of Berkeley. Three projects (92 units) are at risk for potential conversion to market-rate units between 2023 and 2033. These are Bonita House (2 affordable units), Lawrence Moore Manor (46 affordable units), and Stuart Pratt Manor (44 affordable units). These projects are subject to annual renewal of its project-based Section 8 certificates with HUD.

Specific Actions and Timeline	<ul style="list-style-type: none"> Continue to implement the City's affordable housing policies and administer the Housing Trust Fund and Small Sites Programs that subsidize both new affordable housing development and rehabilitation of existing projects to preserve and extend their affordability. Annually monitor status of the at-risk project with the goal of preserving the 92 at risk units Ensure tenants are properly noticed by the property owners should a Notice of Intent to opt out of low income use is filed. Notices must be filed three years, one year, and six months in advance of conversion. Pursue acquisition of the affordable units through Error! Reference source not found. should conversion to market rate housing
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Lead Department(s)/Agency	HHCS
Funding Source(s)	Housing Trust Fund
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-1, H-2, H-3, H-4, H-5, H-7

HP-6 REPLACEMENT HOUSING – DEMOLITION ORDINANCE

Development on nonvacant sites with existing residential units is subject to replacement requirement, pursuant to AB 1397. Specifically, AB 1397 requires the replacement of units affordable to the same or lower income level as a condition of any development on a nonvacant site consistent with those requirements set forth in State Density Bonus Law.

The City of Berkeley is currently working on a Demolition Ordinance in partnership with the Rent Board that goes beyond the protections afforded by State and Federal legislation. Once adopted, all future development projects will be subject to these regulations.

Specific Actions and Timeline	By December 2022, update the Zoning Code to address the replacement requirements.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-4, H-5, H-8

HP-7 HOUSING CODE COMPLIANCE AND THE RENTAL HOUSING SAFETY PROGRAM – TENANT-OCCUPIED

The City’s Housing Code Compliance program focuses on tenant-occupied housing and is both complaint-driven and proactive program. The program responds to requests for service from tenants as well as conducts proactive inspections on a regular cycle. The City is currently working on expanding the proactive inspections program.

Specific Actions and Timeline	<ul style="list-style-type: none"> • Hiring 5 new staff, specifically hiring 2 inspectors and 1 administrative staff person in 2022, and 2 additional inspectors in 2023 • Complete the Housing Inspector Manual by 2022 • Rewrite and adopt the Berkeley Housing Code by 2023 • Long-term goal of the Rental Housing Safety Program is to inspect every building during a 5-year cycle
Lead Department(s)/Agency	Building and Safety
Funding Source(s)	Program Fees: Annual, Inspection Service and Penalty Fees. Place-Based Strategy for Neighborhood Improvements
AFFH	<Targeted neighborhoods, specific neighborhood outreach and actions/metrics>
Policies Implemented	H-8, H-10, H-11

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HP-8 HOUSING CODE COMPLIANCE – OWNER-OCCUPIED

Currently there are 3 Neighborhood Services Code Enforcement (NSCE) officer staff in the CMO office, who work closely with 1 zoning code enforcement officer in Planning.

The City is in the process of updating its implementation of the Group Living Accommodations (GLAs) ordinance. Specifically, NSCE has created an online registry system for GLAs to register.

Moreover, NSCE leads on complex code enforcement cases that require multi-departmental response. NSCE is currently updating the protocols by which such cases are referred and handled, which will lead to more efficient response times.

Specific Actions and Timeline	<ul style="list-style-type: none"> Expand NSCE by one additional officer by 2023. Create an updated registry of GLAs by 2022. Revamp the process by which certain GLAs can apply to receive a functionally equivalent exemption from certain requirements of the GLA ordinance, as specified in the ordinance itself.
Lead Department(s)/Agency	City Manager’s Office – Neighborhood Service Code Enforcement (NSCE) Unit
Funding Source(s)	General Fund
AFFH	Place-Based Strategy for Neighborhood Improvements Neighborhood - Southside. Work with stakeholders and city staff to develop a process, with a targeted timeline to notify impacted GLAs by June 2022 and implement the new application by Sept 2022.
Policies Implemented	H-8, H-10, H-11

HP-9 LEAD-POISONING PREVENTION

The City of Berkeley’s Environmental Health Division will incorporate “Proactive Lead-Based Paint Inspections” as part of the Childhood Lead Prevention Program, and will continue documenting these types of inspectional activities in 2022. One of the main purposes of conducting proactive lead-based paint inspections is to satisfy State requirements as part of the CLPP program. These inspections (in coordination with city Housing Code Enforcement staff) also provide a community service by responding to tenant concerns, particularly those with toddlers and young children, about the presence of lead in their residential environment, especially where peeling lead paint has been identified. These inspections also provide documentation on lead levels in soil before and after any remediation. The process from start to finish usually takes approximately 30 days to complete.

Specific Actions and Timeline	<Specific actions that would improve the timeframe/process of inspections>
Lead Department(s)/Agency	HHCS – Environmental Health
Funding Source(s)	California Department of Public Health’s (CDPH) Childhood Lead Poisoning and Prevention Program (CLPP) Annual Grant
AFFH	Place-Based Strategy for Neighborhood Improvements

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	Environmental Investigations will target neighborhoods which have been identified as having one or more cases of toddlers or young children with elevated blood lead levels, presumably linked to environmental sources
Policies Implemented	H-8, H-10, H-11

HP-10 HOUSING QUALITY STANDARDS

BHA implements HUD’s housing inspection protocol, called “Housing Quality Standards” to ensure safe and decent living conditions for Housing Choice Voucher holders. The program withholds rental subsidies to landlords if the property fails inspection twice, as an incentive for landlords to make repairs.

Specific Actions and Timeline	Ongoing
Lead Department(s)/Agency	BHA
Funding Source(s)	HUD
AFFH	Housing Mobility
Policies Implemented	H-7, H-8, H-10, H-11

HP-11 HOME MODIFICATION FOR ACCESSIBILITY AND SAFETY

The City partners with Rebuilding Together, Habitat for Humanity, and Center for Independent Living (CIL) to fund home modifications for lower income households. Both organizations bring volunteers and communities together to provide free repair services for low-income homeowners.

Specific Actions and Timeline	Assist home modifications for approximately 13 homes annually or 104 homes over eight years
Lead Department(s)/Agency	HHCS
Funding Source(s)	Rebuilding Together: General Fund Habitat for Humanity: CDBG Center for Independent Living: CDBG
AFFH	Housing Mobility Targeted outreach to areas identified by the California Tax Credit Allocation Committee (TCAC) map as low or moderate resource census tract.
Policies Implemented	H-8, H-10, H-11, H-29, H-30

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HP-12 ACCESSIBLE HOUSING

The City promotes housing accessibility for persons with disabilities. The City also promotes its reasonable accommodation to property owners. The City also requires community-based organizations to conduct outreach throughout the community targeting the low and moderate income households, including seniors and people with disabilities, served by these programs.

BHA has a robust Reasonable Accommodation program for all of our program participants who are disabled – each time we conduct a new voucher holder intake, and in our annual recertification packets, our clients receive the Notice of Right to Request a Reasonable Accommodation, and a Form to Request a Reasonable Accommodation. All disabled households have the right to request a Reasonable Accommodation at any time, and BHA staff are trained to respond properly, adhering to Fair Housing Law.

All Project-based Voucher long term contracts have a requirement to adhere to current Section 504/ADA designs in the number of units.

	By 2026, encourage residential units to be developed with universal design and visitability principles in future PBV Master Contracts or exemptions for requiring a modified unit to be returned to its original state upon vacating the unit.
Specific Actions and Timeline	As part of BHA’s MTW application addressed in HP-1 Affordable Housing Berkeley, the fiscal flexibilities include the ability to spend up to \$500 per unit to help landlords pay for unit modifications. This benefit cannot be combined with the CIL program addressed in HP-11 Home Modification for Accessibility and Safety.
Lead Department(s)/Agency	BHA, Planning
Funding Source(s)	General Fund
AFFH	Housing Mobility
	Tenant Protection and Anti-Displacement
Policies Implemented	H-25, H-26, H-28, H-29

HP-13 SENIOR AND DISABLED HOME IMPROVEMENT LOAN PROGRAM

The purpose of the Senior and Disabled Home Rehabilitation Loan Program is to assist low income senior and disabled homeowners in repairing/modifying their homes, to eliminate conditions that pose a threat to their health and safety and to help preserve the City's housing inventory. Qualified borrowers can receive interest-free loans of up to \$100,000.

The building to be rehabilitated has to be located within the City of Berkeley boundaries. The property will contain no more than two units. Only the unit occupied by the senior or disabled homeowner is eligible to receive assistance.

Specific Actions and Timeline	Provide two interest-free loans up to \$100,000 annually for a total of 16 loans over eight years.
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Lead Department(s)/Agency	HHCS
Funding Source(s)	CalHome Reuse Account (program income) and CDBG
AFFH	Housing Mobility
Policies Implemented	H-25, H-26, H-28, H-29

HP-14 SEISMIC SAFETY AND PREPAREDNESS PROGRAMS

The City implements, and supports, a number of programs to address seismic preparedness:

- **Soft Story Program:** Continue program management for buildings newly added to the soft story inventory, as well as code enforcement for non-compliant soft story buildings subject to Berkeley Municipal Code Section 19.39. [Soft Story Ordinance (Ord. No. 7,318-N.S.) adopted December 3, 2013.]
- **Unreinforced Masonry (URM) Ordinance:** Continue code enforcement for non-compliant URM buildings subject to Berkeley Municipal Code Section 19.38. (Ord. 6604-NS § 2, 2000) as of November 15, 1991.
- **Retrofit Grants Program:** In early 2017, the City launched its first Retrofit Grants Program to incentivize individual property owners to retrofit their seismically vulnerable buildings. This groundbreaking program leveraged both federal and state hazard mitigation grant funding from FEMA and the California Governor’s Office of Emergency Services (CalOES) to reimburse property owners for a portion of their design and construction costs. In May 2020, the City received approval for additional hazard mitigation grant funding, enabling the City to launch a second round of the Retrofit Grants Program. The City will continue to seek additional hazard mitigation grant funding throughout 2023-2031, in an effort to provide further financial assistance to building owners, and encourage retrofit of additional Berkeley buildings.
- **Seismic Retrofit Transfer Tax Rebate Program:** This Program provides refunds of Berkeley transfer taxes for seismic upgrades to residential properties that are completed within one year of property transfer. Up to 1/3 of the base 1.5% transfer tax rate may be refunded on a dollar-for-dollar basis, for all expenses incurred on or after October 17, 1989, for seismic upgrades to residential property. This program applies to structures that are used exclusively for residential purposes, or any mixed-use structure that contains two or more dwelling units. Between 2013 and 2019, 702 rebates have been distributed, amounting to over \$4M.
- **Earthquake Brace and Bolt:** Earthquake Brace and Bolt, a program of the California Residential Mitigation Program, provides rebates of up to \$3,000 for homes that make qualifying seismic safety upgrades. For the first time, in 2022, this program will also provide grants for up to 100% of the costs for low-income homeowners. Berkeley is proactively making residents aware of and is utilizing the Brace and Bolt program, through news releases, distribution of flyers in the Permit Service Center, and workshops during annual registration to answer questions and encourage participation. The City actively promotes and tracks participation in the Earthquake Brace and Bolt rebate program.

Specific Actions and Timeline

- **Soft Story Program:** As of March 1, 2022, out of 360 soft-story buildings, 265 buildings (containing approximately 2,995 units) have complied with the soft story program requirements, and 35 soft story buildings (containing ~306 dwelling units) must still come into

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compliance with mandatory retrofit requirements. Of the remaining 35 buildings, 8 owners have obtained building permits, 13 have applied for permits and 14 have yet to apply. Facilitate the compliance of the remaining 14 buildings by 2025. Identify additional buildings may be added to the inventory for improvements.

- **Unreinforced Masonry Ordinance:** Of the approximately 600 buildings originally included in the City’s unreinforced masonry (URM) inventory, roughly 99 percent have been seismically retrofitted, demolished or demonstrated to have adequate reinforcement. As of March 1, 2022, four buildings remain on the city’s URM list and are required to retrofit in order to avoid further penalties. Two of the four building owners have applied for retrofit permits, and two have expired permit applications. Facilitate the retrofitting of the remaining four building by 2025.
- **Provide Retrofit Grants** to 50 property owners by 2023.
- **Seismic Retrofit Transfer Tax Rebate Program:** Continue to issue building permit seismic upgrades and facilitate transfer tax rebates for qualifying properties.
- The City will continue to promote the **Earthquake Brace and Bolt program**, with the goal of helping at least 50 homeowners complete seismic retrofits and obtain rebates annually.

Lead Department(s)/Agency	Building and Safety
Funding Source(s)	Transfer Tax Rebate Program Retrofit Grants Program California Residential Mitigation Program
AFFH	Place-Based Strategy for Neighborhood Improvements Anti-Displacement and Tenant Protection <Targeted neighborhoods, specific neighborhood outreach and actions/metrics>
Policies Implemented	H-8, H-10, H-11, H-12

HP-15 BERKELEY PILOT CLIMATE EQUITY FUND

The Resilient Home Retrofit portion of the Berkeley Pilot Climate Equity Fund Program seeks to support building decarbonization that enhances resilience, supports occupants and reduces GHG emissions.

Many lower and moderate income (LMI) homes are in need of health, safety, efficiency, and electrification upgrades. While there are some resources to support these repairs for income qualified homes, it is difficult for low income residents to access multiple programs that have different application processes and eligibility requirements. The Resilient Home Retrofit aspect of the new Berkeley Pilot Climate Equity Fund Program seeks to demonstrate how retrofit funding available to income-qualified households can be combined with other programs to leverage greater benefits, and achieve meaningful home improvements for LMI residents.

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This initial funding (\$250,000) for this program will be used to retrofit approximately 15 LMI units (multi-family and single-family), and the hope is to get additional funding after this initial pilot funding is exhausted.

Specific Actions and Timeline	<ul style="list-style-type: none"> • Select contractor to establish and implement program in 2022 • Program implementation between 2022-2024, with the goal of retrofitting 15 low and moderate income homes. • Depending on program effectiveness, pursue additional funding to continue program.
Lead Department(s)/Agency	OSED
Funding Source(s)	City Council authorized \$600,000 from the General Fund in FY22 for the Berkeley Pilot Climate Equity Fund Program (2022-2024); \$250,000 of this fund will support resilient retrofits for LMI homes. Hopeful that additional funding will become available.
AFFH	Place-Based Strategy for Neighborhood Improvements Disproportionate Housing Needs Homes for this Program may be anywhere in Berkeley, but are most likely to be in formerly red-lined areas in south and west Berkeley. Goal with existing funding is to retrofit 15 low and moderate income homes between 2022-2024.
Policies Implemented	H-8, H-10, H-13

HP-16 BERKELEY EXISTING BUILDINGS ELECTRIFICATION (BEBE) STRATEGY

The BEBE Strategy identified home repair and maintenance needs that accompany building electrification as a major challenge to decarbonizing existing residential buildings in Berkeley. The strategy seeks to transition existing buildings in Berkeley from natural gas appliances to all-electric alternatives in a way that benefits all residents, especially members of historically marginalized communities. The strategy focuses on how to equitably electrify all of Berkeley's low-rise residential buildings.

Specific Actions and Timeline	<ul style="list-style-type: none"> • By 2023, complete Energy Equity for Renters Technical Assistance program with ACEEE and receive its research results. This is one implementation of BEBES that is tied to housing preservation. • Within two years of receiving research results, develop programs and policies that promote energy efficiency while protecting tenants from displacement. • By 2025, explore funding opportunities for equity programs, including integration of electrification measures into housing protection and preservation programs, such as the City's Senior and Disabled Home Loan Program or Section 8 housing voucher program.
Lead Department(s)/Agency	OESD
Funding Source(s)	General Fund ACEEE-funded program, with foundation support
AFFH	Place-Based Strategy for Neighborhood Improvements Disproportionate Housing Needs

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	Anti-Displacement and Tenant Protection Neighborhoods most targeted would be those with the largest proportion of renters in older buildings: Southside, central Berkeley, and west and south Berkeley. Goal with existing funding is to retrofit 15 low and moderate income homes between 2022-2024
Policies Implemented	H-8, H-10, H-13

HP-17 BUILDING EMISSIONS SAVING ORDINANCE (BESO)

Berkeley’s Building Emissions Saving Ordinance (BESO) requires building owners and homeowners, at the time of listing a property for sale, to complete and publicly report comprehensive energy assessments with tailored recommendations on how to save energy, eliminate fossil fuels and link building owners to incentive programs for energy efficiency and electrification upgrades.

Specific Actions and Timeline	On average, around 400 buildings complete BESO assessments each year. Requirements for building upgrades are anticipated in the next ordinance amendment in 2023-2025.
Lead Department(s)/Agency	OESD
Funding Source(s)	General Fund
AFFH	Place-Based Strategy for Neighborhood Improvements Disproportionate Housing Needs BESO applies to homes anywhere in the City of Berkeley; distribution of eligible homes is dependent on the geography of home listings.
Policies Implemented	H-8, H-10, H-13

HP-18 BAYREN SINGLE-FAMILY HOMES AND MULTI-FAMILY HOMES PROGRAMS

The City of Berkeley actively promotes participation in this technical assistance, rebate, and financing program for renovation projects improving health, comfort, utility costs, and resilience. Higher energy burdens have real implications on the health and wellbeing, and housing stability for families and individuals. These programs include energy efficiency measures that reduce energy burden on low and moderate income residents. BayREN provides technical assistance, rebates, financing for energy efficiency and electrification projects that are recommended by BESO assessments and currently promoted by Berkeley for voluntary upgrades. Berkeley tracks BayREN rebate receivers as a performance metric. The City has program influence and has been successful in recruiting participants for the program, particularly through BESO.

Specific Actions and Timeline	Continue to assist in recruiting participants to BayREN’s rebate programs through BESO and other outreach, with the goal of assisting at least 75 single-family homes and 125 multi-family dwelling units annually in receiving BayREN incentives for qualifying renovations (or 600 single-family homes and 1,000 multi-family dwelling units over eight years).
Lead Department(s)/Agency	OESD
Funding Source(s)	BayREN is funded by utility ratepayer funds through the California Public Utilities Commission, as well as other sources.

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AFFH	<ul style="list-style-type: none"> • Place-Based Strategy for Neighborhood Improvements • Disproportionate Housing Needs • Targets neighborhoods with the greatest proportion of homes in need of energy efficiency, health, and safety retrofits; most likely to be in areas with older, less maintained homes, such as Southside, central, west, and south Berkeley. Goal is to get 75% of total BayREN projects in these neighborhoods (so 450 single-family homes and 750 multi-family dwelling units over eight years)
Policies Implemented	H-8, H-10, H-13

HP-19 PRIORITY DEVELOPMENT AREAS (PDAS)

The City will be developing a San Pablo Avenue Corridor PDA Specific Plan, which will study potential zoning and General Plan amendments to increase allowed densities and development capacity and mechanisms to incentivize affordable housing. The specific plan process is anticipated to begin in summer 2022.

The City will also be pursuing zoning map and height amendments in the Southside Plan Area, which comprises a portion of the Telegraph PDA. These proposed zoning modifications are intended to increase housing capacity and production in the Southside through changes in a targeted number of zoning parameters: building heights, building footprints (including setbacks and lot coverage), parking, ground-floor residential use, and adjustments to the existing zoning district boundaries.

Specific Actions and Timeline	<p>During 2022-2024, develop San Pablo PDA Specific Plan. Conduct analysis, public and stakeholder engagement, and policy options, including zoning and General Plan amendments, with the goal of adopting Specific Plan summer 2025.</p> <p>By June 2023, complete Telegraph PDA/Southside Plan Area zoning map amendments and up-zoning.</p>
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund, ABAG/MTC PDA Planning Grant
AFFH	New Opportunities in High Resource Areas
Policies Implemented	H-15, H-16, H-18, H-20, H-21, H-31, H-33

HP-20 BART STATION AREA PLANNING

The City and the San Francisco Bay Area Rapid Transit District (BART) are collaborating to advance equitable transit-oriented development (TOD) at the Ashby and North Berkeley BART station areas. The development of the Ashby and the North Berkeley BART station sites is a multi-year, multi-phase process, including ongoing community engagement. The preliminary planning stage has focused on milestones outlined in the March 2020 MOU to prepare to issue Requests for Qualifications (RFQs) for potential developer teams for the two sites, anticipated in summer 2022. These milestones include: a provisional reservation by the City Council to reserve \$53 million of City affordable housing funding for the two sites (April 2021), adoption of zoning consistent with AB 2923 and a City-BART Joint Vision and Priorities document based on City and BART

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adopted policies and plans and a community process that included a Council-appointed Community Advisory Group.

Specific Actions and Timeline	By Summer 2022, adopt zoning and associated General Plan amendments consistent with AB 2923; adopt City – BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station Areas and certify EIR on these documents.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	Place-Based Strategy for Neighborhood Improvements BART’s TOD Performance Targets prioritize below market rate units for low and very low income households and transit dependent populations. Complete streets and active transportation improvements are underway at North Berkeley BART.
Policies Implemented	H-14, H-15, H-16, H-18, H-21, H-33

HP-21 MIDDLE HOUSING – INFILL HOUSING IN HIGH RESOURCE AREAS

The City shall review and amend the Zoning Code and applicable objective development standards to encourage and promote a mix of dwelling types and sizes, specifically to allow for two- to four-unit development on one lot, to encourage housing for middle- and moderate-income households and increase the availability of affordable housing in a range of sizes to reduce displacement risk for residents living in overcrowded units or experiencing high housing cost burden.

To facilitate middle housing while balancing the need for affordable units, the City will also introduce a reduced inclusionary housing fee for middle housing projects with less than 12,000 gross square feet (GSF), with a sliding scale increase for projects with floor areas between 0 and 12,000 GSF.

Specific Actions and Timeline	By Summer 2022, amend Affordable Housing Fee schedule. By Summer 2023, amend Zoning code to allow two- to four-unit development on one lot.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	New Opportunities in High Resource Areas Anti-Displacement and Tenant Protection Targeted outreach in lower density Residential districts: R-1, R-1A, R-2, R-2A, and MU-R
Policies Implemented	H-2, H-3, H-4, H-18, H-24, H-31, H-32, H-33

HP-22 ACCESSORY DWELLING UNITS

The City will continue to implement Chapter 23.306 of the Berkeley Municipal Code (Zoning) to allow accessory dwelling units by right Citywide. On January 8, 2022, the City adopted maximum ADU building heights of 20 feet in areas outside of the Very High Fire Severity Zones, which is more permissive than the

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State law requirement of 16 feet. The City will monitor the latest hazard and risk science and assessments for natural and manmade hazards in Berkeley. The City may modify ADU development standards based on changing understanding of conditions of risks and hazards.

The City will facilitate ADU production by:

- Prioritizing accessory dwelling unit permit applications;
- Promote ADU standards by including information on the City’s website and making fact sheets available at the City’s permit counter; and
- Providing one dedicated ADU planner to respond to questions and offering office hours and other educational programs for those interested in creating ADUs.

Specific Actions and Timeline	<ul style="list-style-type: none"> • Permit on average 100 ADUs or JADUs per year (800 ADUs or JADUs over eight years) • Provide contact info for ADU planner on ADU webpage • Update ADU webpage on a quarterly basis to ensure information addresses questions raised by applicants • Provide annual update on ADU permit progress to Planning Commission and City Council • Coordinate ADU policies with the Community Wildfire Protection Plan (CWPP) and Fire Department Standards of Coverage assessment.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	New Opportunities in High Resource Areas <Targeted neighborhoods, specific neighborhood outreach and actions/metrics>
Policies Implemented	H-8, H-17, H-18, H-19, H-32

HP-23 ADEQUATE SITES FOR RHNA AND MONITORING OF NO NET LOSS

The City of Berkeley has been allocated of 8,934 units (2,446 very low income, 1,408 low income, 1,416 moderate income, and 3,664 above moderate income units). Based on projected ADUs and entitled projects, the City has met 5,128 of its RHNA, with a remaining RHNA of 3,606 units (1,760 very low income; 716 low income; 1,101 moderate income; and 9 above moderate income units). Based on existing uses, zoning and development standards, the City has identified an inventory of sites with potential for redevelopment over the eight year planning period to accommodate 9,028 units (1,649 very low income, 1,649 low income, 2,886 moderate income, and 2,824 above moderate income units), adequate to address the remaining RHNA of 3,606 units.

To ensure that the City comply with SB 166 (No Net Loss), the City will monitor the consumption of residential and mixed use acreage to ensure an adequate inventory is available to meet the City’s RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will

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develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify and if necessary, rezone sufficient sites to accommodate the shortfall and ensure “no net loss” in capacity to accommodate the RHNA.

	Maintain an inventory of the available sites for residential development and provide it to prospective residential developers.
Specific Actions and Timeline	By Summer 2024, implement a formal evaluation procedure pursuant to Government Code Section 65863 to monitor the development of vacant and nonvacant sites in the sites inventory and ensure that adequate sites are available to meet the remaining RHNA by income category.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	New Opportunities in High Resource Areas
Policies Implemented	H-8, H-18, H-19

HP-24 1000 PERSON PLAN TO END HOMELESSNESS

The City of Berkeley is committed to addressing homelessness and HHCS is working on a large variety of new and potential homeless programs, including:

- Acquisition of the Golden Bear Inn for Project HomeKey;
- Leasing with the Rodeway Inn to provide sheltering for people currently living at People’s Park; and
- A drop-in center for the unhoused in People’s Park and Telegraph Ave district jointly funded by UC Berkeley

The City is also working to implement a new rental assistance program (“Shallow Subsidies”) for people who are unhoused but do not need supportive services, and the City is administering a County contract to place unhoused people in motels to provide respite from the streets.

Preliminary discussions are underway to assist Berkeley Food and Housing Project in acquiring Russell Street Residence.

Finally, the City is also assisting Larkin Street to purchase the property at 3404 King Street, currently owned by Fred Finch and operated as transitional housing for homeless youth, for the same purpose.

Specific Actions and Timeline	<ul style="list-style-type: none"> • Establish programs and services by the end of 2025 with the goal of assisting: • Increase capacity for housing the homeless by 43 beds/persons at Golden Bear Inn • Increase capacity for housing the homeless by 43 beds/persons at the Rodeway
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	<ul style="list-style-type: none"> • Serve an average of 15-25 unhoused persons the drop-in center daily • Maintain transitional housing for 12 transition aged youth at 3404 King Street
Lead Department(s)/Agency	HHCS and CMO
Funding Source(s)	Local (Measure P, general fund); State HomeKey; State Encampment Resolution Fund grant; City of Berkeley - University of California Settlement Payment funds
AFFH	Tenant Protection and Anti-Displacement Place Based Strategies for Neighborhood Improvement New Opportunities in High Resource Areas Housing Mobility
Policies Implemented	H-1, H-3, H-4, H-18, H-22, H-23, H-27

HP-25 SHELTER PLUS CARE – VOUCHER PROGRAM AND SUPPORTIVE SERVICES

The City continues to administer 300 Shelter Plus Care vouchers for the homeless, along with supportive services.

Specific Actions and Timeline	Enroll 10 new clients annually as vouchers become available due to existing clients exiting the program
Lead Department(s)/Agency	HHCS
Funding Source(s)	Federal S+C Funding
AFFH	Housing Mobility Tenant Protection and Anti-Displacement
Policies Implemented	H-1, H-4, H-22, H-23, H-27

HP-26 COMMUNITY AGENCY CONTRACTING

The City utilizes CDBG and local Measure P funding to contract with Community Based Organizations (CBOs) to provide supportive services. These services help stabilize households in rental assistance programs and to move unhoused community members into permanent supportive housing.

Specific Actions and Timeline	Provide rental assistance to 50-75 new households annually (or 400-600 new households over eight years)
Lead Department(s)/Agency	HHCS
Funding Source(s)	CDBG; local Measure P
AFFH	Tenant Protection and Anti-Displacement
Policies Implemented	H-1, H-2, H-3, H-23

HP-27 HOUSING FOR HOMELESS PERSONS WITH DISABILITIES

The City plans to provide local subsidy to Resources for Community Development (RCD) for a 119-unit very low income development for households earning between 10 and 50 percent AMI (Supportive Housing in

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People’s Park) with at least 50 percent of the units dedicated to previously unhoused residents with mental health conditions. This project has been allocated 27 Project-based Vouchers by BHA.

Specific Actions and Timeline	Assist in the development of a 119-unit very low-income housing project; begin construction in 2023/2024.
Lead Department(s)/Agency	HHCS Mental Health
Funding Source(s)	MSHA funding and others to be determined
AFFH	Tenant Protection and Anti-Displacement
Policies Implemented	H-1, H-3, H-4, H-20, H-22, H-23, H-26, H-28, H-29, H-30

HP-28 FAIR HOUSING OUTREACH AND ENFORCEMENT

The City contracts with ECHO Housing for Fair Housing services and ensure the public has access to information through the City's website, and other modes of communication, including newsletters and through local Community-Based Organization (CBO) partners. The City also partners with East Bay Community Law Center (EBCLC) to provide no cost legal advocacy help to low income tenants.

The City’s approach is to be collaborative with landlords through the Berkeley Property Owners Association (BPOA) to provide trainings to rental property owners.

Specific Actions and Timeline	<ul style="list-style-type: none"> • Continue to provide fair housing services to residents, landlords, and housing professionals. Specifically increase outreach and education to Homeowners Associations. • Conduct 9 education/training workshops annually for tenant-focused CBOs and property owner associations. • Provide annual 70 training sessions on fair housing rights and requirements to rental property owners. • Conduct 22 outreach events to inform Berkeley residents of their rights. • Conduct 10 tenant/landlord mediation sessions to resolve disputes and/or legal problems. • Conduct an Equity Study to target program marketing
Lead Department(s)/Agency	HHCS
Funding Source(s)	CDBG
AFFH	Fair Housing Outreach and Enforcement: ECHO is tasked with reaching specific target demographics including people with disabilities, female heads of households, homeless households, and chronically homeless households. Echo records income and demographic data for each client served to ensure the City is consistent with AFFH goals. ECHO’s counselor will respond to all inquiries and complaints from City of Berkeley regarding illegal housing discrimination based on race, sex, sexual orientation, gender identity, national origin, marital status, familial status, physical and mental disability, religion, source of income, and all other arbitrary forms (immigration status, LEP,

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personal characteristics) of discrimination as defined in state and federal fair housing law. ECHO will deliver services to any Berkeley renter who feels they have experienced illegal housing discrimination or any housing provider requiring education or training with regard to federal, state, and local fair housing laws and ordinances.

As a Qualified Fair Housing Enforcement Organization (QFHO), ECHO continues to coordinate and collaborate with cooperating attorneys, the Department of Housing and Urban Development, and the Department of Fair Employment and Housing on cases we have investigated and referred for litigation.

Policies Implemented	H-5, H-28
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HP-29 RENT STABILIZATION AND TENANT PROTECTION

The Rent Stabilization Board (RSB) works closely with other City departments to ensure that tenants are protected from retaliation when they complain about code violations and to assist landlords in following the requirements of the law when they need to temporarily relocate tenants in order to make repairs. The Board also assists with the enforcement of the Fair Housing Ordinance (BMC Section 13.30.050) by providing funding for the East Bay Community Law Center and the Eviction Defense Center, which provide legal services to the low-income community.

In March 2022, the Board proposed three amendments to the Rent Ordinance for Council to place on the November ballot. These amendments are designed to ensure that the Rent Ordinance better serve its purpose; namely the prevention of arbitrary, discriminatory or retaliatory evictions in order to maintain the diversity of the Berkeley community and to ensure compliance with legal obligations relating to the rental of housing.

The proposed amendments include an amendment to allow for rent control protections to attach to new units that were built as a result of demolition under Senate Bill 330; an amendment to expand eviction protections for tenant households that exceed the number of occupants allowed at the inception of the tenancy; and an elimination of City Council’s ability to exempt rent control from units when the vacancy rate reaches a certain level.

Specific Actions and Timeline	Proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance for November 2022 ballot.
Lead Department(s)/Agency	RSB
Funding Source(s)	Fees
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-4, H-5, H-9, H-11, H-26

HP-30 TENANT SURVEY

The City has issued an RFP to conduct a Tenant Survey to gather a representative sample of tenants’ experiences in Berkeley today. The data collected will be used to ensure the City’s elected Rent Stabilization

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Board adopts legislation that promotes policies and services stated in the Berkeley Rent Ordinance. Based on data from Tenant Survey, the Board will make changes to the Rent Stabilization Ordinance.

Specific Actions and Timeline	Conduct Tenant Survey in Spring 2022 with summary of data to the Board by end of calendar year.
Lead Department(s)/Agency	RSB
Funding Source(s)	Fees
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-5, H-8

HP-31 HOUSING PREFERENCE POLICIES

Currently, the BHA Housing Choice Voucher waitlist provides preference points for households or families that—at the time of selection from the waiting list—reside in the City of Berkeley, or formerly resided in Berkeley, or include a member who works or has been hired to work in the jurisdiction. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

The City is developing a housing preference policy to assist residents at-risk of displacement and those who have already been displaced to receive priority for new, local affordable housing units. The City intends for this policy to apply to units created via its HTF and BMR programs to the extent permissible by Fair Housing law.

Specific Actions and Timeline	By 2023, the City will adopt a housing preference policy. The City plans to conduct outreach on an ongoing basis, coordinate preferences with the Alameda County Housing Portal for applications, and collect data and monitor annually to assess impact.
Lead Department(s)/Agency	BHA and HHCS
Funding Source(s)	General Fund
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-1, H-7, H-28

HP-32 TENANT OPPORTUNITY TO PURCHASE ACT

TOPA is a policy that empowers tenants to determine the future of their housing when a rental property owner is ready to sell, by giving tenants the opportunity to collectively purchase the property they live in. It does this by creating legal rights for tenants to purchase or assign rights to an affordable housing developer, and providing technical assistance, education, and financing to help make these purchases possible. TOPA provides a way to stabilize existing housing for tenants and preserve affordable housing in Berkeley. It also creates pathways for tenants to become first-time homeowners and facilitates democratic residential ownership. TOPA will apply to all rental properties in Berkeley, subject to a number of exemptions:

- Any rental property comprised entirely of owner-occupied Rental Units, including any owner-occupied single-family dwelling
- Any Accessory Dwelling Unit (inclusive of any junior Accessory Dwelling Unit) located on the same

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parcel of an owner-occupied single-family dwelling or owner-occupied ADU

- Transfers to family members
- Transfers by inheritance

Owners of rental properties that are exempt can receive the benefit of TOPA incentives if they comply voluntarily with TOPA policies and procedures.

Specific Actions and Timeline	Adopt a TOPA Ordinance by <date>
Lead Department(s)/Agency	Office of the Mayor
Funding Source(s)	General Fund
AFFH	Anti-Displacement and Tenant Protection
Policies Implemented	H-3, H-4, H-6, H-8, H-28

HP-33 STREAMLINED PERMIT PROCESSES AND TIMELINES

Delays in processing development applications can increase the costs of development. The City plans to update its Planning and Building technology systems, including digital permitting software and inspections software, to move all applications and processes online and reduce time and cost for both the applicant and the City.

Specific Actions and Timeline	Conduct needs assessment, develop RFP for the Planning and Building technology systems, and hire consultant by December 2024. Complete scope of work within 24 months of executed contract.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	Not applicable
Policies Implemented	H-19, H-31, H-32

HP-34 BY-RIGHT APPROVAL ON REUSED SITES FOR AFFORDABLE HOUSING

Pursuant to AB 1397 passed in 2017, the City will amend the Zoning Code to provide by-right approval of housing development in which the project includes 20 percent of the units as housing affordable to lower income households, on sites being used to meet the Sixth Cycle Housing Element RHNA that represent “reused sites” from previous Housing Element cycles. The “reused” sites are specifically identified in the inventory and will be identified and monitored in a publicly accessible map.

Specific Actions and Timeline	<ul style="list-style-type: none"> • By January 2024, amend the Zoning Code to provide by-right approval of projects with 20 percent lower income units on sites that are reused from the previous Housing Element cycles. • By January 2024, create an additional GIS layer in the public facing Community Map portal to identify all Sites Inventory sites, with a color to identify the 18 reused sites that must be approved by-right for 20 percent lower income units. As projects are entitled,
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	permitted, and constructed, the GIS layer must be updated, by unit count and affordability categories.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	New Opportunities in High Resource Areas
Policies Implemented	H-1, H-3, H-4, H-6, H-18, H-19, H-31, H-32, H-33

HP-35 ZONING CODE AMENDMENTS FOR SPECIAL NEEDS HOUSING

The City will update the Zoning Code to align with required State laws:

- AB 101 – Low Barrier Navigation Center must be permitted by-right where multi-family residential land use is permitted
- AB 2162 – Supportive housing must be permitted by-right where multi-family and mixed-use residential development is permitted, if:
 - At least 25% of the units in a development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population; or
 - If the development consists of fewer than 12 units, then 100 percent of the units re restricted to residents in supportive housing who meet criteria of the target population
- Health and Safety Code Section 17021.5 – Any employee housing providing accommodations for six or fewer employees is deemed a single-family structure with a residential land use designation. For the purpose of all local ordinances, employee housing cannot be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling.

Specific Actions and Timeline	By 2024, review and adopt new zoning provisions to align land use standards with State law requirements for special needs housing.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	Housing Mobility
Policies Implemented	H-1, H-26, H-27, H-31, H-32

HP-36 ZONING CODE AMENDMENT TO FACILITATE HOUSING DEVELOPMENT

Currently, the Berkeley Zoning Code does not contain a minimum or maximum density standard expressed in “units per acre” for the majority of its residential and mixed-use zoning districts. While the zones have no density caps, a minimum density threshold can ensure adequate baseline capacity to meet RHNA targets and achieve Housing Element compliance.

Specific Actions and Timeline	By January 2024, as part of the Multi-Unit Residential Objective Standards project, minimum densities will be applied to all residential and mixed-use developments with five or more units.
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	By 2026, develop Objective Design Standards for residential and mixed use developments.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	Place-Based Strategy for Neighborhood Improvements New Opportunities in High Resource Areas
Policies Implemented	H-18, H-31, H-32

HP-37 PERMIT PROCESSING PROCEDURES

To provide additional transparency regarding project permit status, the City will maintain its permit tracking software so that permit status and completeness determination is available publicly and kept up-to-date.

In addition, in cases where CEQA exemption is recommended to the decision-making body, the determination of the level of environmental review is not clearly documented. The City will draft a template for completeness letters to include a preliminary CEQA level of environmental review determination.

	By 2024, the City will maintain its permit tracking software so that permit status and completeness determination is available publicly and kept up-to-date when CEQA and decisions are made.
Specific Actions and Timeline	By July 2022, the City will add a section in its completeness letter template regarding the preliminary determination for CEQA level of review.
Lead Department(s)/Agency	Planning
Funding Source(s)	General Fund
AFFH	n/a
Policies Implemented	H-31