



## **Topic Name: Current Housing Element policies and programs**

### **Idea Title: No More High Density Housing**

Idea Detail: It now appears that the development plan for San Mateo is to turn it into a major urban city with high-rise and high density housing and commercial development. Years ago the citizens of San Mateo supported building height limitations for a reason. We did not want our city to turn into dense urban concrete canyons. Developers have learned to use the terms 'public benefit' and 'affordable housing' to circumvent height and density rules. It is time to say "No thank you" to their money. For the public good we are better off requiring them to build within the set limitations.

Citizens up and down the Peninsula are starting to fight back against high density building. The outcome of Measure D in Palo Alto shows that it is not just one or two neighborhoods calling for a stop to high density building, but the majority of citizens on the Peninsula have had enough and are united against high density building.

Do not turn our city into just another over crowded metropolis

Idea Author: Karen G

Number of Seconds 0

Number of Points 27

Number of Comments 5

Comment 1: I agree, No more High Density Housing. | By David S

Comment 2: Good example of Draper University. Happens all the time. Developers come back to the Council with watered down offers, due to lack of funds, poor economic climate etc. and/or due to poorly written development agreements don't do as promised at all.

I'm waiting to see the world class plaza that was promised by the current Bay Meadows developers, you know the same ones that got the contract to develop Treasure Island in SF. | By L K

Comment 3: Where is the police and fire help coming from to protect these multi units? Isn't water an issue? Please stop any more housing developments. | By Janet A



Comment 4: I agree 100%. Slow down all the approvals until we can measure the specific results of all the already approved developments in San Mateo. It's into the thousands if you add TOD density, Bay Meadows, Kmart, and redevelopment at the Ross store shopping center.

TOD is like a Trojan horse, with the City Council, labor unions and business community acting as the Trojans. I hope the City signed some kind of development agreement with the developers to determine if they are meeting ALL of the stated goals that were made during the entitlement process and that there are some built in, real consequences for them, if they aren't being met.

Thanks for the link. | By L K

Comment 5: Thank you for commenting on development agreements. I understand that the City is having a tough time getting the promised, do called public improvements from developers working in the City, Draper University being one of them. | By David S

**Idea Title: Create accessible public space in public housing projects**

Idea Detail: Having a public accessible space in a large housing project create a sense of community, is inviting and creates a sense of belonging to a neighborhood.

Idea Author: Sandra S

Number of Seconds 0

Number of Points 18

Number of Comments 1

Comment 1: Again, I'm waiting to see the finished product regarding public space in the approved developments. Specifically, what the developers promised and what a possible watered down version, after the recent economic hard times, actually brings San Mateo.

The developers of Bay Meadows promised a 'world class' commons comparing it variously to famous areas world wide, in places such as Paris and other historic sites on the East Coast.

The comparisons and drawings were used in their application for approval. | By L K



**Idea Title: Very little.**

Idea Detail: Added high density housing without adequate parking is a very bad idea.

Idea Author: J F

Number of Seconds 0

Number of Points 15

Number of Comments 1

Comment 1: I agree and we'll see the consequences of adding units w/o the parking shortly. I  
By L K

**Idea Title: Please plant desert plants only--we live in dessert climate**

Idea Detail: Water is so critical these days. Please make all new housing projects with climate appropriate gardens. Gardens that would not require much irrigation. Even better it would be to use recycled water from washing machines to garden watering!

Idea Author: Sandra S

Number of Seconds 0

Number of Points 9

Number of Comments 0

**Idea Title: I support the availability of low cost housing in the rail cocor**

Idea Detail: keep the high rises in the rail corridor and on El Camino. Do not allow any exceptions to Prop P heights

Idea Author: Michele K

Number of Seconds 0

Number of Points 9

Number of Comments 3



Comment 1: Agree with comments below. How many residents in these TOD developments actually take public transportation?? | By Joanne B

Comment 2: I agree with L K2 comments. No longer support TOD development until we see the out come of the already in progress developments. I think we were sold a bill of goods by the developers. no more trade offs. | By David S

Comment 3: I will no longer blindly support approving TOD development until there is some measure of performance as it's success or not. There are 1000's of units that have been already been approved in the City of San Mateo, based on a TOD formula and I want to see how many people in these developments are actually using Caltrain before more are approved. Otherwise, with all of the development concessions, there is an undue burden imposed on existing homes and neighborhoods around the rail corridor. | By L K

**Idea Title: Transit corridor housing is a good idea**

Idea Detail: Add more green space within and between them.

Idea Author: Joan R

Number of Seconds 0

Number of Points 9

Number of Comments 2

Comment 1: If employer subsidies are given for transit use; otherwise, the car wins. | By nancy M

Comment 2: Wait until the build out of the 1000's of units occurs and then we'll see if it works at advertised and whether it was a good idea. The jury is still out until then. | By L K

**Idea Title: How many Bay Area cities are meeting their fair share of housing**

Idea Detail: As stated. the Housing Element law requires local governments to adequately plan to meet their existing and projected housing needs, including their fair share of the Regional Housing Needs Allocation (RHNA). Sounds good but please look at the facts in terms of which cities are actually meeting their fair share.

Hillsborough or any other affluent city zero? 99% of Bay Area cities come nowhere close to



meeting the last ABAG or RHNA projections or the projections made before that.

Idea Author: L K

Number of Seconds 0

Number of Points 3

Number of Comments 1

Comment 1: I certainly hope the City adds all of the already approved and pending/future redevelopment units (Ross etc.) to the count total for this update. I didn't see them reflected in that the count in the last housing element was prior to the totals for all the recent TOD units approvals and future planned redevelopment units. I By L K



## **Topic Name: Improve and adjust housing policies**

### **Idea Title: Make sure all the streets in San Mateo are in good condition**

Idea Detail: especially the North Shoreview area - it seems to be the forgotten sector in San Mateo and any aesthetic improvements made in that area would make it a more appealing part of San Mateo.

Idea Author: Claire O

Number of Seconds 0

Number of Points 47

Number of Comments 2

Comment 1: seems like certain areas of the City get more services than others. | By L K

Comment 2: L K2 - I agree with that statement. Our streets in No. Shoreview have not been paved since the houses were built - yet West side San Mateo streets are in pristine condition. | By Claire O

### **Idea Title: Stop High Density building**

Idea Detail: I have never been an anti-development zealot, but maybe now is the time to become one.

I moved to San Mateo over 30 years ago to escape of the urban congestion of San Francisco. San Mateo is a desirable place to live because it is mostly suburban.

It now appears that the development plan for San Mateo is to turn it into a major urban city with high-rise and high density housing and commercial development. Years ago the citizens of San Mateo supported building height limitations for a reason. We did not want our city to turn into dense urban concrete canyons. Developers have learned to use the terms 'public benefit' and 'affordable housing' to circumvent height and density rules. It is time to say "No thank you" to their money. For the public good we are better off requiring them to build with in the set limitations.

Citizens up and down the Peninsula are starting to fight back against high density building. See link to article on Palo Alto Measure D.



Idea Author: Karen G

Number of Seconds 0

Number of Points 41

Number of Comments 9

Comment 1: Housing density is a wise use of space but needs some open space around it. Crowding more and more units into downtown will deprive everyone of parking, views, the sky, pleasant shopping, etc. Locate some multiple housing units (NOT highrises) a few blocks away from downtown. Walking to shop is a good thing. | By nancy M

Comment 2: I totally agree. I moved from San Francisco to San Mateo 15 years ago to get away from the congestion. Now each time I leave work to go home I feel like I am In San Francisco! We need to put a stop to this craziness! | By maria M

Comment 3: I agree with this post | By David S

Comment 4: I agree with the previous posters about TOD. While it may ultimately relieve pressure on the freeways, the fact is all these new residents will own cars and use them to drive around town increasing congestion and further decreasing the livability of our city. | By Todd B

Comment 5: I could not agree more! San Mateo was a peaceful, quiet suburb of The City, and my family moved here because of that in 1968. It now feels very urban and unfriendly. I do not welcome the transient nature of a lot of rental households. Our resources are stretched to the limit, and they talked of adding 10k units by 2015!?! Over 10% population growth!

Additionally, my day-to-day life is tortured because of traffic congestion, wait times at businesses, AND the simple chore of shopping at Safeway is something I must prepare for mentally. | By nan D

Comment 6: City Council and Planning need to take a time out from the approval of more units; until they have in place some measure of performance regarding the thousands of already approved units, especially those approved based on TOD. Lets see the real impacts on our streets and the 92 and S. Delaware corridor, to find out if the approved developments are actually achieving their stated goals or got concessions that weren't based in fact.

I think these developments will actually turn out to be Trojan horses, with little follow up by or



impetus on the developers and little the Council can do to enforce the glowing promises that were made during the approval process.

I By L K

Comment 7: Some high density development may be inevitable, but it needs to be considered along with surrounding neighborhoods and amenities. If higher density housing is built in one area, three more large developments just like it shouldn't be immediately nearby. Remember that nearly all residents enjoy having some visibility from their homes, while driving, etc.

Also any high density developments should include realistic assessments of parking spaces needed. I understand the goal of reducing drivership, but buildings with 1.5 parking spaces per unit don't make sense when a significant # of units will have two drivers (and two cars), and others will have guests visiting. I By Michelle D

Comment 8: I agree also. Some neighborhoods are being unfairly and overly burdened by the City's rush to high density TOD. I By L K

Comment 9: I agree with this point of view I By Karen G

**Idea Title: Need policies that keep existing residents from being pushed out**

Idea Detail: Almost half the city residents are renters. The huge increases in rent over the last few years is making it more and more difficult for long time renters to afford to stay here. Many seniors on fixed income are affected as well.

Idea Author: Joshua H

Number of Seconds 0

Number of Points 40

Number of Comments 2

Comment 1: San Mateo NEEDS to consider a rent stabilization plan. I have seen people affected by exorbitant increases which forced them out of San Mateo when they had been living here for over 20 years. The City should establish parameters around REASONABLE rent increases to protect our long-time residents from being pushed out and younger families from having to leave. Even as a college graduate with a stable job, I would not be to afford rent in today's market. A two-bedroom in Shoreview is going for \$2,970 a month. That is crazy! As a homeowner, I value the diversity of San Mateo and appreciate that local business owners are



also residents of the City and that residents live and play in San Mateo. In order to continue this trend, and continue to have an electrifying downtown, we need to create opportunities for loyal San Matean's to stay in the community. | By Rosie R

Comment 2: And the new developments are certainly not going to be affordable for many renters of any age. | By L K

**Idea Title: stop approving so many high density projects.**

Idea Detail: Residents voted for Prop P because we didn't want so much height and density. If I wanted to live in a densely populated urban city, I wouldn't be in San Mateo

Idea Author: Michele K

Number of Seconds 0

Number of Points 24

Number of Comments 4

Comment 1: San Mateo has ALREADY become overcrowded. Try parking ANYWHERE downtown at just about any time. Especially, around dinner time. 25th Ave is just as bad. Where do the city officials who are approving all the new high density housing think all these new people are going to eat, park, drive, etc. in San Mateo??? Let's not even mention schools!! It is NOT necessary for a city to constantly keep growing. At some point, growth becomes counter-productive. | By Josephine A

Comment 2: TOD residents will have easy access to Cal Train. However, few will give up their autos.

We live in the suburbs, and one needs a car to go shopping, or to travel to the many attractions offered in the Bay Area. Try taking 3 or 4 friends to the beach, or to Monterey for the day, or even to go wine tasting. Try going to a concert at Stanford or at Berkeley on the bus or on Bart AND the bus. Private car transportation is here to stay.

| By Tom E

Comment 3: When the build out of all the already approved units occurs in San Mateo, it will lead, in my opinion, to traffic levels of service of E and F. Much higher than the Council and the traffic consultants stated during the TOD approval process, at a number of key intersections in the City. | By L K

Comment 4: I totally agree with this post. High density housing projects are ruining the charm



of San Mateo. | By David S

**Idea Title: Require more landscaping and green space around large multi-unii**

Idea Detail: Housing with mini parks separating them.

Idea Author: Joan R

Number of Seconds 0

Number of Points 23

Number of Comments 1

Comment 1: landscaping is good, but less high density housing is desirable | By Michele K

**Idea Title: Promote high density housing**

Idea Detail: Continue to add high density and affordable housing as well as require developers who are given these opportunities to add public parks, baseball fields, dog parks, biking, exercise and public transit centers. Don't get distracted by NIMBYs who are only concerned with themselves and not the better health, livability and economy of San Mateo and the Bay Area as a whole.

Idea Author: Michael H

Number of Seconds 0

Number of Points 19

Number of Comments 13

Comment 1: Don't know exactly what the future will hold for our city. Not sure how livable our city or the Peninsula will be after all the high density housing is built out.

Cramming more and more people into tighter and tighter spaces will only make quality of life go down the drain for ALL who live here. | By Joanne B

Comment 2: I'm waiting for the world class center that was promised by the Bay Meadows developer.



At the time they were lobbying for approval, they used examples and pictures of famous city plaza developments from around the world. | By L K

Comment 3: Michael do you live in the transportation corridor and if you do how long have you lived here?

I am not a NIMBY and please don't revert to using negative labels when people disagree.

I will no longer blindly support approving TOD development until there is some measure of performance as it's success or not. There are 1000's of units that have been already been approved in the City of San Mateo, based on a TOD formula and I want to see how many people in these developments are actually using Caltrain before more are approved.

Otherwise, with all of the development concessions, there is an undue burden imposed on existing homes and neighborhoods around the rail corridor. | By L K

Comment 4: Fear change? Hardly.

Now, if we're talking about parks and public facilities, whether the resources presently available are adequate to serve the current and future needs of the community - and how we will close the gaps, if any - is a valuable discussion to have. But we should recognize that having developers build stuff for us is a trade-off, a means to an end, but far from the only one we could make. And in the case of recent high density construction in and around San Mateo, I think it's questionable whether the amenities that have been provided or agreed to are a net gain or merely barely cover the needs of all the new residents we can expect to have. If it's the latter, our already crowded well-used parks will only get more, our shortage of fields for soccer and baseball will become worse, and our city will become less livable in numerous ways. Your suggestion to continue to add high density housing would be a fine one if there were evidence that it improves the overall livability of a place. But it's really just a grand experiment and only time will tell. If current trends continue, it seems likely that our city will be entirely transformed before we know whether it's a good thing or not. And then it will be too late to go back so I think it's an irresponsible suggestion when many of the new developments around are not even complete or fully sold and I'm not aware of any plans to use metrics (quantitative and qualitative) to determine what impacts these developments are having on our quality of life. | By Todd B

Comment 5: "Don't fear or exclude those that are foreign to you" . Because anyone who doesn't like the ways high density housing developments are impacting and changing the nature of our community must be an ignorant and fearful NIMBY opposed to any change. Is that pretty much it?

Fear change? Hardly.



Now, if we're talking about parks and public facilities, whether the resources presently available are adequate to serve the current and future needs of the community - and how we will close the gaps, if any - is a valuable discussion to have. But we should recognize that having developers build stuff for us is a trade-off, a means to an end, but far from the only one we could make. And in the case of recent high density construction in and around San Mateo, I think it's questionable whether the amenities that have been provided or agreed to are a net gain or merely barely cover the needs of all the new residents we can expect to have. If it's the latter, our already crowded well-used parks will only get more, our shortage of fields for soccer and baseball will become worse, and our city will become less livable in numerous ways. Your suggestion to continue to add high density housing would be a fine one if there were evidence that it improves the overall livability of a place. But it's really just a grand experiment and only time will tell. If current trends continue, it seems likely that our city will be entirely transformed before we know whether it's a good thing or not. And then it will be too late to go back so I think it's an irresponsible suggestion when many of the new developments around are not even complete or fully sold and I'm not aware of any plans to use metrics (quantitative and qualitative) to determine what impacts these developments are having on our quality of life. | By Todd B

Comment 6: "Don't fear or exclude those that are foreign to you" . Because anyone who doesn't like the ways high density housing developments are impacting and changing the nature of our community must be an ignorant and fearful NIMBY opposed to any change. Is that pretty much it?  
| By Todd B

Comment 7: Parks are for the public's benefit, it is not in anyone's best interest to spend money to add a park including government that does not have the resources. Local government should inspire and promote activities that protect and benefit the wider population and environment. Don't fear or exclude those that are foreign to you, embrace and manage the development of the city. Change is inevitable whether you like it or not. | By Michael H

Comment 8: Michael

Quit the personal attacks. This is a discussion. There are already 1000's of approved TOD projects potentially in the pipeline for the City of San Mateo.

Like Todd suggests, lets see what the build-out of these already approved TOD projects, that were given numerous development concessions, actually does in terms of the City's livability, before we go approving 1000's more . | By L K

Comment 9: And, I agree with Nan, there should be a negative rating. Neutral does not cut it. |  
By Todd B



Comment 10: We should not rely on developers to add public parks, baseball fields, dog parks, biking, exercise and public transit centers or for improving the livability of our communities. Developers, by their very nature, do not have these goals in mind but our local government should. | By Todd B

Comment 11: You said it well Todd. | By Joanne B

Comment 12: I wish there was a category other than neutral so I could express my absolute, total and complete disagreement with this being a great idea for San Mateo. It is a great idea for the contractors and tax collectors, but not good for the City and it's residents. | By nan D

Comment 13: I agree about the limited voting categories, seems obvious that there should be a negative voting category also. | By L K

**Idea Title: Stop using city funds (our tax dollars) to loan developers money**

Idea Detail: In 2013, San Mateo financed a developer's housing project, when the developer couldn't get money from a bank. Sounds like a bad investment of our tax dollars!

Idea Author: J F

Number of Seconds 0

Number of Points 18

Number of Comments 1

Comment 1: I could not agree more. Too much devlopment | By Michele K

**Idea Title: Comply w/ the spirit and the letter of the law. Follow Prop P.**

Idea Detail: You are allowing too many high rises which are destroying the character of our City. If I want to live in a big city I will move to Chicago or New York!

Idea Author: Michele K

Number of Seconds 0

Number of Points 15



Number of Comments 2

Comment 1: Agreed. | By L K

Comment 2: Yes, recall that Measure P passed with almost 69% of the votes supporting it. The voters of San Mateo have consistently supported the notion, expressed in the Arguments for Measure P (there were none submitted against) that we wish to "...maintain the suburban character of our neighborhoods while allowing for the continued growth of our local economy."  
| By Todd B

**Idea Title: Grandfathering In-law Units**

Idea Detail: In-law units can be a high quality housing option but the city's policies are antiquated and inflexible with respect to them. While high-density developers get a favored status, the lower density options such as in-law units are illegal in many cases even where zoning is R-2 or R-4. San Mateo should help the city's middle class property owners by reviewing/amending existing rules and implementing a real process for appeals and exceptions.

Idea Author: Todd B

Number of Seconds 0

Number of Points 14

Number of Comments 2

Comment 1: Do it! | By nancy M

Comment 2: Good idea. I see SF is talking (again) about doing the same thing. | By L K

**Idea Title: Create better traffic mitigation plans in parallel**

Idea Detail: Traffic on city streets is already a nightmare, not to mention the 101 corridor.

Idea Author: Laura P

Number of Seconds 0

Number of Points 14



Number of Comments 1

Comment 1: Wait until the build out of all the already approved units in San Mateo. | By L K

**Idea Title: Overcrowded schools**

Idea Detail: The San Mateo Foster City School District is trying to get the public to approve bond measures to deal with current school overcrowding and increasing annual enrollment, while the city is approving developments adding thousands of new housing units. Why isn't this issue considered along with traffic studies during the planning process for all of the new housing units being added? When I remodeled my house, I had to pay a fee based on sq. footage, to the school district to obtain my building permit. Why are tax payers being asked to pay to alleviate school overcrowding with costly bond measures instead of developers? As it is, tax payers have to pay to operate and maintain school facilities; it doesn't seem right that they should have to provide the additional facilities for added housing units that they are not profiting from. Shouldn't new schools be included when designing large new developments, and shouldn't developers be paying for these capitol improvements?

Idea Author: Scott A

Number of Seconds 0

Number of Points 14

Number of Comments 3

Comment 1: Agree completely. Between the new units on Delaware (3 high density bldgs) , the new units at Bay Meadows, and the new units at the "relocated forrest" next to 92, where do the san Mateo City officials think all the new children who will occupy those units are going to go to school and where are they thinking the funds are going to come from to support educating these additional pupils?? Not to mention the housing that already replaced the newspaper and what has already been built at Bay Meadows. Let's not even think about the additional infrastructure (Police, Fire, etc) that are going to be required. ENOUGH HIGH DENSITY HOUSING ALREADY!!!!!! | By Josephine A

Comment 2: I've been wondering the same thing. Why haven't more schools been planned into the new developments? | By Crystal M

Comment 3: Thank you for adding this important comment. I am in agreement that our schools are suffering. Developers who want to build high density housing that is intended for rental property must contribute a share towards offsetting the increased enrollment. | By Holly M



**Idea Title: Sounds like a loaded question**

Idea Detail: If you mean the approval of thousands of high density TOD units in San Mateo, then not everyone views the recent housing policies as a success.

They aren't close to full build out of the units yet so it's hard to say if they will be a success for San Mateo.

I think we should wait until we are farther along in that build out to find out if they are working as planned, before approving even more units.

Idea Author: L K

Number of Seconds 0

Number of Points 10

Number of Comments 3

Comment 1: Yes, the question assumes success that is not evident. I By nancy M

Comment 2: I agree, TOD looks good on paper, but where are the real facts. So far traffic has increased in the Bay Meadows area and the project is not fully built out. People still use cars. Hillsdale at Saratoga is a traffic mess during the Morning and afternoon commute. I By David S

Comment 3: Hayward Park was a test case historically for TOD that no one really bothered to look at before approving so called TOD developments, and the fact is that Caltrain in 2011 was going to close the Hayward Park train stop due to lack of ridership. It's still at their budgetary discretion to close it as far as I know.

My point is that normal development standards should still apply because the great majority of transit habits remain the same whether next to a train line or not, 2 car family etc. Most buyers in reality, are just looking for some type of housing, not necessarily TOD, and the high density allows for (somewhat) lower prices. It will also lead in my opinion to traffic levels of service of E and F and much higher than the Council or traffic consultants stated. I By L K

**Idea Title: Improve existing individual housing stock in third/fourth corrid**



Idea Detail: And surrounding neighborhoods To encourage middle income to move into area commingled with multiple housing either through home improvement loans or rehab credits

Idea Author: Joan R

Number of Seconds 0

Number of Points 7

Number of Comments 2

Comment 1: If the city improved the 3rd Street Bridge (East of 101), repaved the streets and made homeowners maintain their houses (by giving affordable loans to do things like getting better fencing). Also, cleaning up the Lindbergh stretch and North Kingston closer to the freeway - it would make that area much more attractive. Also, ensuring people living in that area a guaranteed spot at North Shoreview and then opening it up as lottery to other areas - would also alleviate traffic and make the area much more attractive for families who want their kids to attend North Shoreview. | By Claire O

Comment 2: Use existing, empty, commercial buildings to create affordable apartments/condos, on the edges of downtown | By nancy M

**Idea Title: Bobbi**

Idea Detail: I agree we have too much housing in one area. The Bay Meadow project and the one around the old police station. That one and the gas station at the corner basically close one lane of the street and cause a traffic jam all the time. The City needs to rethink ideas about dense housing and what't around it.

Idea Author: Bobbi B

Number of Seconds 0

Number of Points 6

Number of Comments 2

Comment 1: As you age, you learn to trust/believe less and less. One of the first things you stop simply "believing" at face value is "statistics". Statistics can, AND ARE manipulated to show anything someone wants to "sell". The developers are doing just that with all the TOD rhetoric. Similar to the term "NON PROFIT" that most people associate with "free". Lots of



people make a handsome living at NON PROFIT'S. The developers are currently using these TOD statistics to "sell" their projects, walking away with a very tidy profit, than leaving the municipalities with all the population problems.

Does anyone really think that these many thousands of high density housing units that have already been built or are currently being built are NOT going to result in traffic, school, crime, etc. problems???? | By Josephine A

Comment 2: The burden of TOD is being implemented in the less affluent areas of the city. | By L K

**Idea Title: Beautify the 3rd Street Bridge**

Idea Detail: The 3rd Street Bridge has weeds growing in it and outside of it and some areas have graffiti.

Idea Author: Claire O

Number of Seconds 0

Number of Points 3

Number of Comments 1

Comment 1: It would be great if the City came up with an idea to give visitors a sense of arrival or a sense of entering for the City. It's now vaguely focused or weak at best at 3rd, at Hillsdale and 92 and El Camino but nothing of any note. WE could do better. | By L K

**Idea Title: ABAG growth numbers are never met by it's own member cities.**

Idea Detail: I looked at the Association of Bay Area Government growth projections some years ago, and it turns out that they are always very, very optimistic numbers or projections. I think that some 99% of the member cities never even closely reached the ABAG projections. Some cities were actually zero and they were that way on purpose.

So let's not start somehow thinking that we are mandated to meet some public agency's growth numbers. They are ideals and goals to work toward but historically ABAG hasn't been anywhere close to meeting those goals. Here in the Bay Area, it's been very hard to meet them for a variety of very good reasons.

Idea Author: L K



Number of Seconds 0

Number of Points 3

Number of Comments 0

**Idea Title: Already more housing than San Mateo can support**

Idea Detail: San Mateo has ALREADY become overcrowded. Try parking ANYWHERE downtown at just about any time. Especially, around dinner time. 25th Ave is just as bad. Where do the city officials who are approving all the new high density housing think all these new people are going to eat, park, drive, etc. in San Mateo??? Let's not even mention schools!! It is NOT necessary for a city to constantly keep growing. At some point, growth becomes counter-productive.

Idea Author: Josephine A

Number of Seconds 0

Number of Points 3

Number of Comments 0

## Julia Klein

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Tuesday, June 10, 2014 9:36 AM  
**To:** Julia Klein  
**Subject:** Fw: Source of Income Anti-Discrimination Ordinance  
**Attachments:** Ord 581-Source Income.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Julia,

Here is the ordinance already in place in, Foster City. Hope our city council finds it just as important in our city to have. I'm sure it's over 50% of voucher holders in our city that aren't finding landlords to accept it.

Best Regards,  
Doreen

On Tuesday, June 10, 2014 9:20 AM, Leslie Carmichael <[lcarmichael@fostercity.org](mailto:lcarmichael@fostercity.org)> wrote:

Here's a copy of the ordinance you requested.

Leslie Carmichael  
Consulting Planner  
650-286-3236

ORDINANCE NO. 581

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING CHAPTER 5.72, TENANT ANTI-DISCRIMINATION, OF TITLE 5, BUSINESS LICENSE AND REGULATION, TO THE FOSTER CITY MUNICIPAL CODE – MC-13-001

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1: The City Council of the City of Foster City, California, hereby finds and determines:

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to ensure provision of housing opportunities for all people:

**Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*Implementation Measure H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local non-profit organizations, as appropriate, to provide public*

*information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*

*Implementation Measure H-F-1-b **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.*

WHEREAS, Government Code Section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints to making adequate provision for the existing and projected housing needs of all economic segments of the community; and

WHEREAS, the Planning Commission by adoption of Resolution P-25-13 on August 15, 2013, recommended approval of the proposed amendment; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, ORDAINS THAT:

Section 2. A new Chapter 5.72 shall be added to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code as follows:

Chapter 5.72  
Tenant Anti-Discrimination

Sections:

- 5.72.010 Purpose and Findings.
- 5.72.020 Right to Protection.
- 5.72.030 Exceptions
- 5.72.040 Redress
- 5.72.050 Liability.

**5.72.010 Purpose and Findings.**

A. Housing is an essential requirement for all residents of an urban area. Housing Element Policy H-F-1 of the Foster City General Plan states, "The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any

individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.”

B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.

C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.

#### **5.72.020 Right to Protection.**

It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.

#### **5.72.030 Exceptions.**

Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located in a structure on the same property containing ten or fewer units.

#### **5.72.040 Redress**

- A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:
- a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;
  - b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.
- B. If a complaint of discrimination under this ordinance is not resolved through mediation, and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.

#### **5.72.050 Liability.**

- A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's assertions pertaining to rights granted or conferred by this Chapter.

- B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.
- C. Violations of this ordinance shall not constitute a crime.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4<sup>th</sup> day of November, 2013, and passed and adopted on the 18th day of November, 2013, by the following vote:

AYES: Councilmembers Bronitsky, Kiesel, Okamoto, Perez and Mayor Frisella

NOES: None

ABSENT: None

ABSTAIN: None

  
PAM FRISELLA, MAYOR

ATTEST:

  
DORIS L. PALMER, CITY CLERK

## CERTIFICATE OF POSTING

I, Doris L. Palmer, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified City Clerk/District Secretary of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 581, "Adding Chapter 5.72, Tenant Anti-Discrimination, of Title 5, Business License and Regulation, to the Foster City Municipal Code - MC-13-001 [First Reading November 4, 2013]"

in the following four public places of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California:

1. Federal Post Office, Charter Square  
1050 Shell Boulevard
2. Recreation Center Lobby  
650 Shell Boulevard
3. Council Chambers (not a mandatory posting site)  
620 Foster City Boulevard
4. Foster City Public Library  
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California this 20<sup>th</sup> day of November, 2013.



Doris L. Palmer  
City Clerk/District Secretary

June 6, 2014

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
330 West 20th Ave.  
San Mateo, CA 94403

Reg: Housing Element

Dear City Council Members and Planning Department,

I have attached copies of emails sent to me through the website, [www.nextdoor.com](http://www.nextdoor.com). They are from a few neighbors of mine that live in, San Mateo, as well. Please note how having, **rent stabilization**, would help these neighbors with their personal lives.

I too, am still fighting to remain in this city at my current rental. As I noted in my last letter dated, April 26, 2014, my landlord is supposedly trying to evict all tenants on Section 8. Attached is the email between my landlord and I, which shows their supposed reasoning for ridding of all the families on, Section 8, from the complex I live at. I have been attending different community colleges in this county, to include the, College of San Mateo, have acquired a degree and am currently in the process of obtaining a paralegal certificate. I have also been networking and meeting people in our community that might possibly allow me employment in my field of interest. With this said, an ordinance preventing discrimination against, **source of income**, or an ordinance against, **the non-acceptance of a housing voucher**, would help me, the 716 other voucher holders in this city and the over 3,500 other voucher holders in this county, keep a roof over our families heads.

Like so many I have come across, am I too going to end up working in the city I can not afford to live in due to its high rental rates, discrimination of source of income and its high rental increases? This is causing so many families to be priced out of the city. These are people that have possibly grown up here, have family here, have received their education here and are employed here.

RECEIVED  
2014 JUN -9 P 4:47  
OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
Reg: Housing Element  
Page 2

Please adopt the ordinances I have mentioned above, along with a **just cause for eviction ordinance**, to save all the families in need. Without your help, we will be forced out, and this will become a city only for the ones wealthy enough to afford to live here.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Brown". The signature is written in black ink and has a fluid, connected style.

Doreen Brown

doreenjoiner@yahoo.com

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Doreen

(/news\_feed/)

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Search

Inbox (/message\_inbox/inbox) / Housing

Home (/news\_feed/)

Conversation between you and Wendy Walker.

Inbox (/message\_in...

Neighbors (/directory/)

(/profile/655654)

8 May

Map (/map/)

Wendy Walker (/profile/655654)

Events (/events/)

Hi Doreen, I saw your post. I am going through a divorce and my ex plans to buy me out. I need an apartment for the next 2 years (cannot afford to buy on the peninsula even with getting a large sum in the buyout) to keep my daughter who is a sophomore at Aragon in that high school. Sticker shock on rents, 2 bed one bath for \$2800 per month. Last time I rented an apartment water, and garbage were included in the rent. Now they want \$135 per month extra for water/garbage. When living in my current home my water and garbage are under \$100. This area is being out priced for the common worker. I work at a preschool and will be moving out of the area when my daughter graduates. I was born and raised here. So disappointing.. Wendy Walker

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LOCAL

Los Prados (/neighborho...

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CATEGORIES

Classifieds (/classifieds/)

(/profile/459414)

9 May

Crime & Safety (/crime\_a...

Doreen Brown

Documents (/documents/)

Hello Wendy,

Free items (/free/)

General (/general/)

Lost & Found (/lost\_and\_...

Recommendations (/reco...

GROUPS

+ Add a group... (/groups/)

Thank you for sharing your story with me. My family, along with approximately 11 others, at the complex where I live are being forced out because the owner no longer wants to participate in the Section 8 program. The high rental rates, high rental increases, forced evictions and discrimination of ones source of income in San Mateo, are the reasons why I have taken the time to educate myself on how can change occur here. Would you be willing to come with me to speak for the two plus minutes allowed at one of the housing element meetings to share your story, which are always held at night? If not, can I print and give your email to me to the, San Mateo City Council members and the, Planning Department? They need to know just how many families are truly being affected in their city in order to wake-up! and adopt some ordinances that will give tenants some protection. I am sorry to hear of your situation and I know what you mean about the utilities. I didn't have a voucher before 2009, and was not living in San Mateo, and anywhere else in California I have lived, I did not have to pay for those either, unless I was living in a rented home or duplex. That also seems to be the norm here in San Mateo, unfortunately. We pay for water, garbage and sewer, and it fluctuates monthly to over \$100, as well. Due to this, I went and found out there are no regulations state, county or city wise on shared utilities, which means your landlord can charge you however much they want with periodic increases of however much they want as well. I wish you luck and if you want to just talk or organize, please call me on my cell, [REDACTED].

Regards,  
Doreen

(/profile/655654)

11 May

Wendy Walker (/profile/655654)

Hi Doreen, yes I would be willing to come with you or I do give you permission to share my experience. Let me know either way. It's hard for me to call you unless you don't mind talking to me around dinner time while I walk my dog every evening. My cell is [REDACTED]. Let me know when a good time to call you.

(/profile/459414)

12 May

Doreen Brown

Hi Wendy, I am so happy to hear this, thank you.. You can try and reach me anytime that works for you. I am not sure how much you already know, in regards to the, Housing Element, that is occurring in, San Mateo, at the moment so I won't write it all out here and will just wait until we can talk on the phone about it instead. Talk soon.

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Conversation between you and Tamara Diamond.

Inbox (/message\_in...

Neighbors (/directory/)

(/profile/2182804)

8 May

Map (/map/)

Tamara Diamond (/profile/2182804)

Events (/events/)

Hello Doreen,

Invite (/invitation\_em...

I am new on here and was at first overwhelmed with all the posts. Also, I invited my landlords to join the community as it is their neighborhood too - the house they live in is between 101 and El Camino off Hillsdale. They just raised the rent here (Marina Lagoon - the blue buildings) last year, so I was surprised to get a rent raise notice last week for July 1. They are saying its because its still better than the going rate at the building across the street. Ugh!

LOCAL

Los Prados (/neighborho...

Nearby Neighborhoods (/...

City of San Mateo (/local...

I am ill right now with some bronchial thing and can't carry a conversation without coughing. Awaiting doctor's advice.

CATEGORIES

Classifieds (/classifieds/)

Tamara

Crime & Safety (/crime\_a...

Documents (/documents/)

Free items (/free/)

(/profile/459414)

9 May

General (/general/)

Lost & Found (/lost\_and\_...

Hi Tamara,

Recommendations (/reco...

GROUPS

+ Add a group... (/groups/)

Sorry it took me so long to get back to you. I moved back to San Mateo, in 2009, and unfortunately it appears that any complex that is ran by a management company and not private owners, will get rental increases at every new lease period. I can only suggest that you try and negotiate with the landlord but good luck because it also seems to me, it is all about making money for them, while it is about keeping a roof over our families heads for us. Things like this are exactly why I have self-educated myself on what needs to be done, to at least try and have our city officials give us some protection. Would you be willing to come speak with me for the two plus minutes allowed at one of the housing element meetings to tell your story? The meetings are always held at night. If not, will you allow me to print your email to me and give it to the, City Council members and the, Planning Department? They both need to see just how many families here are truly suffering and maybe then will they think to adopt some ordinances that will give tenants some protection. My family, along with approximately 11 others, where I live are being forced out of our complex because the owners no longer want to participate in the Section 8 program. Not only are there not that many rentals in this county but the rental rates are outrageous and very few landlords want to accept the housing voucher. Please feel free to contact me on my cell [REDACTED] whether to just talk or to organize the best we can to get as many people educated on what is going on in this city /county altogether, so we can come together in numbers. It is the only way to get our officials to wake-up! I wish your family the best, take care.

Regards,  
Doreen

(/profile/459414)  
Write a reply

REPLY

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- [Safety \(/about\\_safety/#safety\)](#)

**Inbox (/message\_inbox/inbox) / housing**

Conversation between you and Gretchen Grant.

[\(/profile/168613\)](#) 8 May  
 Gretchen Grant  [\(/profile/168613\)](#)  
 Hi Doreen,  
 I got your plea but have been busy trying to find a new place after being priced out of my apartment - Even with two jobs I can't stomach a \$245 a month increase.  
 I can't understand why this fiat market still exists. It is difficult to trust anything I see posted. And the landlord/owners are asking too much just to look at a place (credit checks, background checks, charging fees, etc). For one promising craigslisting, I sent what was requested, I haven't heard back at all. Now I'm worried they're going to use my dossier for nefarious purposes (ID theft comes to mind...).

The rapid open house viewings, with limited hours, make it impossible for me to get to see anything because I work 13 hour days, seven days a week. I've missed some great possibilities because landlords choose first come.

I am on a list of affordable housing and first time buyers programs for San Mateo, but there's nothing available.

Pretty glum right now, and feeling very vulnerable.

Thanks for posting all the information. I'm trying to get through it all.

Gretchen

[\(/profile/459414\)](#) 9 May  
 Doreen Brown  
 Hello Gretchen,

Thanks for sharing your story with me and I am sorry your situation is as tough as it is as well. My family, and approximately 11 other ones, where I live are getting forced out because the owner doesn't want to participate in the Section 8 program anymore. It is discrimination of ones source of income, forced evictions, high rental increases and rental rates, that made me self-educate myself on how to bring change. I see your busy schedule so if you are totally unable to attend one of the housing element meetings at night, would you mind me printing your email to me to give it to the, San Mateo City Council Members and the Planning Department? They need to see just how many families are being affected by these problems to see how desperately we need some ordinances adopted that would give tenants some protection. If you would like to just talk or organize, please call me on my cell, [REDACTED] Best of luck to you.

Regards,  
Doreen

[\(/profile/459414\)](#)  
Write a reply

REPLY

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Roxana

Search Mail

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Doreen



Compose

Search results Delete Move Spam

- Inbox (8127)
- Drafts (1)
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- Spam (231)
- Trash (151)
- ▼ Folders (2)
  - Buying a Home
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  - High School Journey
  - Jobs
  - Journalism
  - Legal Research 2013
  - Lifescrript
  - Notes
  - Oakland Zoo Oct. 2009
  - Travel and Volunteer
  - Vincent abuse in AZ
  - Weirdo (2)

Termination of Section 8 Tenants(4)

Roxana Matos Jan 30

To Me

Dear Doreen:

I apologize for the delayed response. Villa Serena has decided not to participate in the Section 8 Program after leases expire in 2014. Our decision to terminate participation in the program is impacted by market conditions but also includes other factors including the administrative and staff time to maintain the compliance component of the Section 8 program. Our effort is to reduce the impact that this decision will have on the residents who participate in the Section 8 program as much as possible. We welcome you and all residents who participate in the program to apply for their same unit or any other units under conventional terms outlined by the management company. If you choose to do this, all application fees will be waived and no additional deposit will be required as a gesture of customer service.

Please email me for more details if you would like to discuss this option. Thank you!

Roxana Matos/Property Manager  
 P. 650 572.7180 | F. 650 572.7941 | [rmatos@snres-regis.com](mailto:rmatos@snres-regis.com)  
 Villa Serena Apartments 3110 Casa De Campo San Mateo, CA 94403

**From:** Doreen Joiner [doreenjoiner@yahoo.com]  
**Sent:** Tuesday, January 28, 2014 1:59 PM  
**To:** Roxana Matos  
**Subject:** Termination of Section 8 Tenants

Hello Roxana,

I received a letter on 1-25-14, dated 1-24-14, informing me that there's been a business decision to terminate your companies participation in the Section 8 Program. I would like to know why this business decision was made, can you please inform me of the reason or reasons? If it's for a financial reason, more rental money can be received from the tenants on Section 8. The program is set up to cover a portion of rent based on a families income and then the family is to pay the remainder of the rent that the voucher doesn't cover. If this is beyond what they can afford or choose to pay then they can move. At this time there is no cap on what rental amount housing will approve due to the new tiered subsidy table they use and not the old standard table they use to use. Thank you and I look forward to hearing back from you.

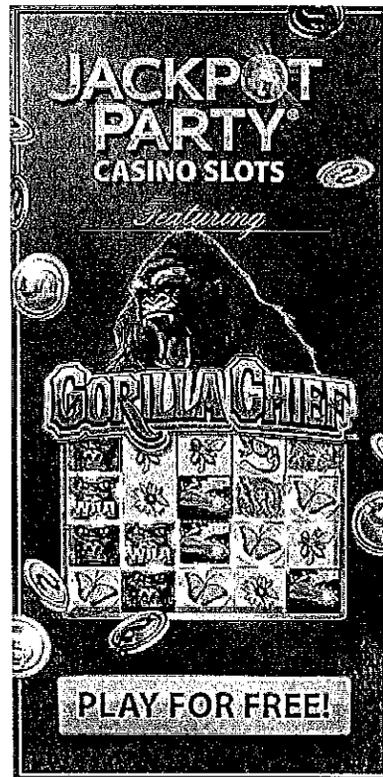
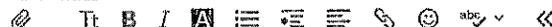
Sincerely, Doreen

Reply, Reply All or Forward | More

- Me** Hi David, Ok, here's the supposed reasons. I Jan 30
- Me** Thanks for the information, Doreen Jan 31
- Me** Hello Samantha, Below is the email my man. Feb 6

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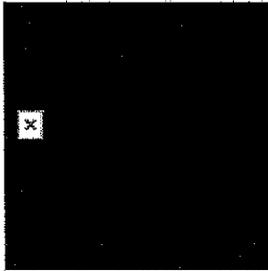
---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Saturday, June 07, 2014 4:18 PM  
**To:** Julia Klein  
**Subject:** Housing Element

Hello Julia,

This article shows how , Section 8 housing vouchers, are not considered, a source of income. Meaning, the city of, San Mateo, needs an , Anti-Discrimination Ordinance to accept the voucher, as it does not fall under, a source of income. Can you please include this in the, Housing Element documents please?

[CAA Prevails: Appellate Court Rules Rental Property Owners Do not Have to Participate in Section 8 Voucher Program](#)



**CAA Prevails: Appellate Court Rules Rental Property Owne...**

In the case of Sabi v. Sterling, the California Court of Appeal for the Second District confirmed what CAA h  
as known all along – California law does not requi...

[View on www.naylornetwork...](#)

Preview  
by  
Yahoo

Thank You,  
Doreen Brown



# CAA News

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## CAA Prevails: Appellate Court Rules Rental Property Owners Do not Have to Participate in Section 8 Voucher Program

In the case of *Sabi v. Sterling*, the California Court of Appeal for the Second District confirmed what CAA has known all along – California law does not require rental property owners to participate in the Federal Section 8 program, and an owner's refusal to participate in the program is not grounds for a discrimination action.

The California Apartment Association (CAA) filed an Amicus Brief in this case in June of 2009, arguing that Section 8 should remain voluntary (as dictated by the U.S. Congress) and that property owners should not be compelled by state and local governments to enter into these contracts. Furthermore, property owners should continue to have the right to exit the program for a variety of business and economic reasons without risking a discrimination charge based on "source of income."

The tenant in this case argued that current state law prohibits a landlord from discriminating based upon a tenant's "source of income." Anticipating these types of claims, CAA successfully lobbied the State Legislature in 2004 to include in the statute a definition of "source of income" which provides that "source of income means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For the purposes of this section, a landlord is not considered a representative of a tenant."

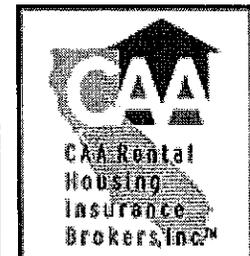
The court noted CAA's argument in the legislative history when it wrote, "CAA asserts that some consumer organizations have incorrectly argued that the property owner is the representative of the tenant when a tenant's lawful, verifiable income is paid to the landlord, such as the case in Section 8 housing." Referencing this language, the court concluded that the Legislature "made its purpose quite clear." While some may believe that Section 8 payments should be protected in the law, the Legislature does not think so. The court did acknowledge that the Legislature was obviously quite aware of the Section 8 issue. However, "being aware of a problem is not the same as doing something about it." In summary, the court wrote that "there is nothing on the face of the legislation that suggests that it was the purpose and intent of the Legislature to compel landlords to participate in the Section 8 program. "

On a separate issue, the tenant argued that the landlord's refusal to accept her Section 8 assistance payments interfered with her use and enjoyment of the apartment and that because she was disabled the landlord should alleviate her financial impediments to living at the property. The court disagreed. Referencing this argument as "dysfunctional," the court wrote "it appears to be obvious that a

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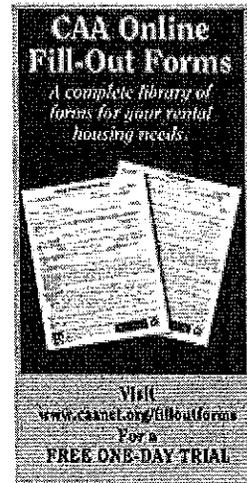
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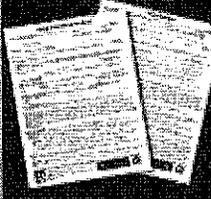
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person who concededly has the full use and enjoyment of the premises cannot claim, in the next breath, that her use and enjoyment is curtailed.

The court ordered the appellant (tenant) to pay for the owner's costs of the appeal.



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## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Friday, June 06, 2014 8:41 PM  
**To:** Julia Klein  
**Subject:** Housing Element

Hi Julia,

My families life depends on all this and it all may not happen in time for my family or at all but here is more info. that, San Mateo, might find helpful:

<http://citydocs.fostercity.org/sirepub/cache/2/fxetfasqqmptyyfe2sc1n0r/93295506062014083441885.PDF>

Does this mean this ordinance is in effect already in, Foster City? I can't seem to find out online so I left a message for, Leslie Carmichael, a lady with the city of, Foster City, to find out.

Thanks,  
Doreen

6/10/14 Received her voicemail that this link doesn't work.

## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Friday, June 06, 2014 7:31 PM  
**To:** Julia Klein  
**Subject:** Source of Income Anti-Discrimination

Hello Julia,

I ran across this and thought it might help the city of, San Mateo, since a very local city, Foster City, did some studying on this already. I have another letter I am going to bring in, hopefully Monday, as well to add to the, Housing Element. Will it get included in the next two sessions coming up? I am referring to the Planning Commission and City Council sessions.

<http://www.fostercity.org/departmentsanddivisions/communitydevelopment/Features/upload/Section-8-Housing-2.pdf>

Best Regards,  
Doreen

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DATE: AUGUST 15, 2013

## STAFF REPORT

AGENDA ITEM NO. 7.4

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TO: FOSTER CITY PLANNING COMMISSION  
PREPARED BY: LESLIE CARMICHAEL, CONSULTING PLANNER  
CASE NO.: MC-13-001  
SUBJECT: SOURCE OF INCOME ANTI-DISCRIMINATION

---

### REQUESTED ACTION/PURPOSE

To consider and adopt a Resolution recommending City Council approval of an amendment to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code, to add a new Chapter 5.72, Tenant Anti-Discrimination, that prohibits discrimination by landlords against an existing tenant on the basis of the tenant's use of a Section 8 rental subsidy.

### KEY PLANNING OR DESIGN ISSUES

- Creation of a new Chapter 5.72 to prohibit discrimination by landlords against an existing tenant on the basis of the tenant's use of a Section 8 rental subsidy.

### BACKGROUND

The Section 8 housing voucher program is a federal program administered by the local housing authority to assist very low income families, the elderly and disabled in affording housing in the private market. In San Mateo County, the Section 8 program is administered by the San Mateo County Housing Authority. Once someone has been approved for the program, it is their responsibility to find housing where the landlord agrees to participate in the Section 8 program. The unit must meet minimum standards of health and safety and be inspected by the administering agency. The unit can be a house, townhouse, condo or apartment. The tenant pays 30% of their income toward the rent and the housing subsidy pays the balance. The subsidy is paid to the landlord directly by the Housing Authority on behalf of the participating tenant.

The California Fair Employment and Housing Act (FEHA) makes it unlawful "for the owner of any housing accommodation to discriminate against... any person because of the ...source of income.... of that person." In the Sabi v. Sterling case in 2010, the Court of Appeal held that the California Fair Employment and Housing Act's "source of income" discrimination provision does not protect Section 8 tenants from discrimination based on their participation in the Section 8 program.

The San Mateo County Housing Authority informed staff that there are 72 Section 8 vouchers in use in Foster City as of July 1, 2013. Of those 72 vouchers, 33 households are elderly and 6 households are at least one disabled person. Countywide, about 50% percent of the vouchers

August 15, 2013

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issued are in use, leaving about 50% percent not in use, in large part due to landlords being unwilling to participate in the Section 8 program.

Staff conducted an informal telephone survey of apartment developments and found that the majority do not accept Section 8 vouchers. Since 2000, the developments that have an Affordable Housing Covenant requiring provision of affordable housing units have a provision in the Covenant requiring that they accept Section 8 vouchers. Approximately 17% of the apartment units in Foster City are currently available to voucher holders.

For a landlord, the Section 8 program requires:

1. Submittal of a "Request for Tenancy Approval" (RTA) form with the proposed lease agreement.
2. Once the RTA form is received, the Housing Authority will review the proposed rent and determine if it's approvable.
3. The Housing Authority will then conduct a Housing Quality Standards inspection. The Housing Authority will contact the landlord within 5 working days to schedule the inspection.
4. Once the unit passes inspection and the rent is approved, the Housing Authority will prepare the Housing Assistance Payment Contract with a HUD-required Lease Addendum.
5. The landlord and tenant then sign and execute the Lease and return it to the Housing Authority with the completed Contract.
6. Rent increases after the initial lease term require a 60-day notice to the tenant and the Housing Authority.

Landlords who participate in the program receive the same rent as market rent for the unit. The Section 8 program does not require them to accept a lower rent.

The Foster City Housing Element includes the following policy and implementation measures related to equal housing opportunities:

**H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local nonprofit organizations, as appropriate, to provide public information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*

*H-F-1-b **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not*

preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.

## **ANALYSIS**

The discrimination against Section 8 voucher holders significantly reduces the pool of housing that is available to them. The voucher recipients already face significant financial obstacles to obtaining housing. The housing vouchers are supposed to help these recipients to overcome financial obstacles to finding housing.

Staff researched various anti-discrimination regulations based on source of income and found three basic types:

1. Prohibit discrimination against existing tenants with redress by mediation first, then by civil action (Corte Madera);
2. Prohibit discrimination based on source of rental payments, with redress by civil action (East Palo Alto);
3. Prohibit discrimination based on rental payments being made by other individuals or organizations with redress by civil action and/or administrative proceeding (Seattle).

**Table 1:  
Summary of Various Source of Income Anti-Discrimination Regulations**

<b>Jurisdiction</b>	<b>Exceptions</b>	<b>Approach</b>	<b>Redress</b>
Corte Madera	Does not apply if property contains 10 or fewer dwelling units.	"shall be unlawful to discriminate... to refuse to accept at Section 8 rent subsidy..."	<ol style="list-style-type: none"> <li>1. First try mediation</li> <li>2. civil action if not resolved through mediation</li> <li>3. city has no liability for enforcement</li> </ol>
East Palo Alto	Does not apply to structures containing fewer than 3 dwelling units. Does not apply if bathroom or kitchen are shared with owner.	<p>"unlawful ... to use a financial or income standard.. that....:</p> <ul style="list-style-type: none"> <li>• fails to account for rental payments ...made by other individuals or organizations</li> <li>• fails to account for aggregate income of persons residing together</li> </ul>	Civil injunction brought by any aggrieved person or city attorney or district attorney
Seattle	None	<p>"unfair practice.... to discriminate against any person, prospective occupant..."</p> <p>"Discriminate means any conduct...the effect of which is to adversely affect... because of race, color... participation in a Section 8 program...."</p>	Civil action by any charging party or aggrieved person. May also file a complaint with the Seattle Office for Civil Rights for an administrative proceeding.

August 15, 2013

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The proposed ordinance is modeled after the ordinance Corte Madera to prohibit discrimination against an existing tenant who wishes to use a Section 8 voucher and requires mediation as a first step for redress, which could be followed by a civil action. The City would have no liability for enforcement. The ordinance prohibits using a financial or income standard for the rental of housing that does either of the following:

- Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;
- Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together.

The purpose of the ordinance is to encourage landlords to participate in the Section 8 rent subsidy program administered by the San Mateo County Department of Housing and to establish a right of existing and prospective tenants to be free of discrimination based on their use of a rental subsidy. It would be unlawful for the owner or manager of rental housing to discriminate against an existing tenant or prospective on the basis of that tenant's use of a Section 8 rent subsidy. It would be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 rent subsidy program for which an existing tenant has qualified.

Enforcement is proposed to be first through mediation with the Peninsula Conflict Resolution Center, and then civil action. The City would not have any liability for enforcement.

**Table 2: Proposed Anti-Discrimination Provisions**

<b>Provision Purpose and Findings</b>	<b>Proposed</b>	<b>Comments/Options</b>
	<p>A. Equal housing opportunities should be available to all people. The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.</p> <p>B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.</p> <p>C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.</p>	<p>States purpose is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.</p>
<b>Right to Protection</b>	<p>It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.</p>	<p>Would make it unlawful to discriminate against an existing tenant based on participation in programs that provide rental payments.</p>
<b>Exceptions</b>	<p>Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located on a single parcel containing ten or fewer units.</p>	<p>Properties containing 10 or fewer units would be exempted. This would eliminate subjecting landlords with just a few units to the administrative process required for the Section 8 program. Buildings containing more than 10 units are likely to have professional management and be better able to handle the additional</p>

Provision	Proposed	Comments/Options
<b>Redress</b>	<p>A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:</p> <ol style="list-style-type: none"> <li>a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;</li> <li>b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.</li> </ol> <p>B. If a complaint of discrimination under this ordinance is not resolved through mediation, and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.</p>	<p>procedural requirements.  Mediation is required as a first course of redress. If mediation is not successful, a complainant may initiate a civil action.</p>
<b>Liability</b>	<p>A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's</p>	<p>The City would not be liable for any enforcement or claims related to this Chapter.</p>

Provision	Proposed	Comments/Options
	<p>assertions pertaining to rights granted or conferred by this Chapter.</p> <p>B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.</p> <p>C. Violations of this ordinance shall not constitute a crime.</p>	

## **NEXT STEPS**

The Planning Commission's recommendation will be forwarded to the City Council for their consideration at a noticed Public Hearing.

## **INDIVIDUALS, ORGANIZATIONS AND DOCUMENTS CONSULTED**

Foster City General Plan  
Foster City Municipal Code  
Jean Savaree, City Attorney  
Camas Steinmetz, Deputy City Attorney  
21 Elements website: [www.21elements.org](http://www.21elements.org)  
Corte Madera Municipal Code, Chapter 5.30  
East Palo Alto Municipal Code, Chapter 14.16  
Seattle Municipal Code Chapter 14.08  
"State, Local and Federal Laws Barring Source-of-Income Discrimination," Poverty & Race  
Research Action Council, Updated November 2012.  
Sabi v. Sterling (2010), 183 Cal. App. 4<sup>th</sup> 916 – 2010.

## **ATTACHMENTS**

Resolution  
Draft Ordinance  
"Discrimination in awarding Section 8 housing," Wikipedia

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY  
RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 5, BUSINESS  
LICENSES AND REGULATION, OF THE FOSTER CITY MUNICIPAL CODE BY ADDING  
CHAPTER 5.72, TENANT ANTI-DISCRIMINATION – MC-13-001

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to encourage equal housing opportunities:

- **Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.
- *Implementation Program H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local nonprofit organizations, as appropriate, to provide public information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*
- *Implementation Program H-F-1-b **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.*

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment; and

WHEREAS, a Notice of Public Hearing was duly posted and published for consideration at the Planning Commission meeting of August 15, 2013, and, on said date, the Public Hearing was opened, held, and closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The proposed amendments are consistent with the Foster City General Plan, specifically Housing Element Policy H-F-1 and Housing Implementation Measures H-F-1b; and
2. The proposed amendments will assist the City to facilitate the provision of housing for all segments of the community.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council adopt the proposed amendments to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code (MC-13-001) as presented in the attached draft ordinance, Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on August 15, 2013 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

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DAN DYCKMAN, CHAIR

ATTEST:

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CURTIS BANKS, SECRETARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING CHAPTER 5.72, TENANT ANTI-DISCRIMINATION, OF TITLE 5, BUSINESS LICENSE AND REGULATION, TO THE FOSTER CITY MUNICIPAL CODE – MC-13-001

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1: The City Council of the City of Foster City, California, hereby finds and determines:

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to ensure provision of housing opportunities for all people.

**Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*Implementation Measure H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local non-profit organizations, as appropriate, to provide public*

information and education services. Target: Ongoing. Responsible Agency: Community Development Department.

*Implementation Measure H-F-1-b* **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.

WHEREAS, Government Code Section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints to making adequate provision for the existing and projected housing needs of all economic segments of the community; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, ORDAINS THAT:

Section 2. A new Chapter 5.72 shall be added to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code as follows:

Chapter 5.72  
Tenant Anti-Discrimination

- Sections:
- 5.72.010 Purpose and Findings.
  - 5.72.020 Right to Protection.
  - 5.72.030 Exceptions
  - 5.72.040 Redress
  - 5.72.050 Liability.

**5.72.010 Purpose and Findings.**

A. Housing is an essential requirement for all residents of an urban area. Housing Element Policy H-F-1 of the Foster City General Plan states, "The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors."

B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.

C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.

**5.72.020 Right to Protection.**

It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.

**5.72.030 Exceptions.**

Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located in a structure on the same property containing ten or fewer units.

**5.72.040 Redress**

- A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:
- a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;
  - b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.
- B. If a complaint of discrimination under this ordinance is not resolved through mediation and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.

**5.72.050 Liability.**

- A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's assertions pertaining to rights granted or conferred by this Chapter.

- B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.
- C. Violations of this ordinance shall not constitute a crime.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the \_\_\_ day of \_\_\_\_\_, 2013, and passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
PAM FRISELLA, MAYOR

ATTEST:

\_\_\_\_\_  
DORIS L. PALMER, CITY CLERK

# Discrimination in awarding Section 8 housing

From Wikipedia, the free encyclopedia

Racial and economic segregation in the housing market have been a major problem throughout in the history of the U.S.. In 1968, Congress enacted the Fair Housing Act (FHA) as Title VIII of the Civil Rights Act of 1968 to combat racial segregation.<sup>[1]</sup> In 1974, to further combat the concentration of poverty and racial segregation in housing, the government developed the Section 8 Housing Voucher Program (now known as the Housing Choice Voucher Program), which supplies vouchers to low-income tenants to assist with rental payments.<sup>[2]</sup>

Yet, despite receiving vouchers to help with rental payments, participants in the program still experience substantial difficulties obtaining housing. There is noticeable **discrimination that takes place within the Section 8 Housing Voucher Program.**<sup>[3]</sup>

Under the Section 8 Housing Voucher Program, participants can use the voucher to pay a portion of their rent. However, participation in the Section 8 Housing Voucher Program is voluntary for landlords.<sup>[4]</sup> Once a landlord has chosen to participate in the program, a landlord can withdraw for many reasons. Many of the participants in this program are minorities or persons with disabilities and oftentimes the landlords will withdraw from the program for discriminatory reasons.<sup>[5]</sup> As neighborhoods have gentrified, voucher holders are finding that property owners who might have taken their vouchers in the past are now turning them away.<sup>[6]</sup>

## Contents

- 1 Background on the Section 8 Housing Voucher Program
- 2 Discrimination in the Section 8 Voucher Program
- 3 The Effects of Discrimination on the Section 8 Housing Voucher Program
- 4 Disparate Impact Claims to Address Section 8 Housing Voucher Discrimination
- 5 References

## Background on the Section 8 Housing Voucher Program

There are more than two million households in the United States that participate in the Section 8 Housing Choice Voucher Program (the Section 8 voucher program) to afford privately owned rental housing.<sup>[7]</sup> The Section 8 Program provides rent subsidies to low income families who then seek out participating landlords who will rent out property to them. Thus, the Section 8 Program is designed to reduce the barriers to obtain affordable housing for people with low incomes. There are many landlords across the country participating in this program to offer low-income families an opportunity to choose housing outside of public housing.<sup>[7]</sup>

Under this program, the federal government provides rent subsidies to eligible low-income families who rent from participating landlords. Local Public Housing Authorities (PHAs) manage and administer the Section 8 voucher program in conjunction with the Department of Housing and Urban Development

(HUD).<sup>[8]</sup> The PHAs issue vouchers to qualifying families who then independently find suitable rental housing from private owners and landlords who voluntarily take part in the program. In order to participate in the program, landlords must meet basic housing quality standards, rent at rates within fair market guidelines set by HUD and the local PHA.<sup>[9]</sup>

When a Section 8 voucher participant rents from a participating landlord, the local PHA "pays the difference between the household's contribution (set at 30 percent of income) and the total monthly rent."<sup>[8]</sup> The Section 8 voucher program does not set a maximum rent, but participants must pay the difference between the calculated subsidy and actual rent.<sup>[8]</sup> Landlords receive the subsidy directly from the PHAs.

## Discrimination in the Section 8 Voucher Program

One of the major problems with the Section 8 Housing Voucher Program is that participants in the program often run into problems finding apartments to rent. In 2001, HUD conducted a study to determine the success rates of voucher holders in finding and securing apartments to rent.<sup>[10]</sup> In the first study, in the early 1980s, 50 percent of the Section 8 Housing Voucher participants were able to find housing. This number increased to 68 percent from 1985 to 1987.<sup>[10]</sup> There was a rise to 81 percent by 1993. However, the figures dropped to 69% success in 2001.<sup>[10]</sup> The low success rates can be attributed to landlords declining to accept the vouchers either because of discrimination against the participants in the program or because of the burdens the program places on housing providers.

A problem with the Section 8 Housing Voucher Program has to do with the fact that participation in the program is voluntary. There are many participants in the program who cannot find a landlord who will accept the vouchers. For example, there have been instances where a landlord is participating in the Section 8 Housing Voucher Program and then all of the sudden decides to withdraw from participation in the program. This is a type of source-of-income discrimination that occurs where landlords refuse to rent to individual because of their source of income is a public assistance.<sup>[11]</sup> Income from public assistance can include social security benefits, disability benefits, Temporary Assistance to Needy Families (TANF), or Section 8 Housing Vouchers. Some landlords have been particularly resistant to accepting tenants who use the vouchers and have subsequently adopted no-voucher policies that are similar to past discriminatory practices like the no-children policies.<sup>[11]</sup>

Section 8 Housing Voucher Discrimination creates barriers to people finding affordable housing opportunities. The income of families who receive vouchers is at or below 50% of the area median income and this means these families face financial obstacles to obtaining needed goods and services. These families rely on vouchers to overcome their financial obstacles and to find affordable housing. Voucher discrimination reestablishes some of the barriers to finding affordable housing. It could be negatively hindering the federal government's goal to provide a suitable home for every American family.<sup>[12]</sup>

## The Effects of Discrimination on the Section 8 Housing Voucher Program

Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act (FHA), bars discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling because of race.<sup>[13]</sup> By passing the FHA, Congress intended to promote racial integration as well as nondiscrimination as national goals.<sup>[14]</sup> However, despite the passage of the FHA, pervasive racial discrimination and segregation exist within the public housing system, particularly in the Section 8 Program.<sup>[15]</sup> One of the major problems with the Section 8 Program is that since participation in it is voluntary, many recipients are unable to find landlords to accept the vouchers.

The discrimination against voucher holders is a general problem. The widespread discrimination reduces the utility of the voucher program, and frustrates the purported goal of the legislation, which is to end housing segregated by race and income.<sup>[15]</sup> In addition, while the refusal to accept the vouchers appears racially neutral on its face, many housing advocates believe that the acceptability and legality of Section 8 discrimination enables landlords to use it as a proxy for other legally prohibited kinds of discrimination, such as that based on race, ethnicity, national origin, gender, family status, or disability.<sup>[15]</sup> For example, studies show that the discrimination against Section 8 voucher holders increases if the recipient is African American or Latino.<sup>[15]</sup>

Thus, the Section 8 Program has not been entirely successful at ending housing segregation. Many recipients end up using their subsidies to pay for their current low-income housing units or move within their own segregated neighborhoods.<sup>[16]</sup> Because of discrimination against voucher holders, many subsidy recipients can only find housing in neighborhoods where they already are in the racial majority.<sup>[16]</sup>

## Disparate Impact Claims to Address Section 8 Housing Voucher Discrimination

One way in which discriminated parties have dealt with discrimination is by bringing disparate impact claims. In disparate impact claims, a prima facie case of discrimination is established by showing that the challenged practice of the defendant actually or predictably results in racial discrimination.<sup>[11]</sup> This analysis focuses on facially neutral policies that may have a discriminatory effect. Federal courts will allow claims to be made under the FHA on a disparate impact theory by analogizing the FHA to Title VII because they both share a goal of reducing discrimination.<sup>[11]</sup>

However, courts are dividing on how they rule when it comes to allowing disparate impact claims under the FHA for voucher discrimination. A few federal courts have allowed plaintiffs who were denied housing because of their vouchers to assert these claims. Other courts have limited or prohibited them. Thus, the courts are not uniform when it comes to addressing disparate impact claims for voucher discrimination. Congress has recognized that refusing to rent to families with children violated the FHA and it should extend that protection to people who use vouchers. Without more legal protections, voucher discrimination can continue and the Section 8 Housing Voucher Program can be in danger of meeting its intended goal of increasing the quantity of options and quality of housing for low-income individuals and families.<sup>[17]</sup>

## References

1. <sup>^</sup> Pub. L. No. 90-284, tit. VIII, 82 Stat. 73, 81-89 (codified as amended at 42 U.S.C. §§ 3601-3631 (2006)).
2. <sup>^</sup> Housing and Community Development Act of 1974, Pub. L. No. 93-383, 88 Stat. 633 (codified as amended at 42 U.S.C. § 5301 (2006)).
3. <sup>^</sup> Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 *Fordham L. Rev.* 1971, 1972, (2010).
4. <sup>^</sup> See *Graoch Assocs. #33 v. Louisville/Jefferson County Metro Human Relations Comm'n*, 508 F.3d 366, 376 (6th Cir. 2007).
5. <sup>^</sup> Handicap and race are two protected classes under the Fair Housing Act. 42 U.S.C. § 3604.
6. <sup>^</sup> Manny Fernandez, *Despite New Law, Subsidized Tenants Find Doors Closed*, *N.Y. Times*, Sept. 20, 2008, at B1.
7. <sup>^</sup> <sup>a</sup> <sup>b</sup> Bruce Katz & Margery Austin Turner, *Rethinking U.S. Rental Housing Policy: A New Blueprint for Federal, State, and Local Action*, in *Revisiting Rental Housing: Policies, Programs, and Priorities* 319, 319 (Nicolas P. Retsinas & Eric S. Belsky eds., 2008).
8. <sup>^</sup> <sup>a</sup> <sup>b</sup> <sup>c</sup> Evan Anderson, "Vouching for Landlords: Withdrawing from the Section 8 Housing Choice Voucher Program and Resulting Disparate Impact Claims," 78 *U. Cin. L. Rev.* 371, 375 (2009).
9. <sup>^</sup> Sean Zielenbach, *Moving Beyond the Rhetoric: Section 8 Housing Choice Voucher Program and Lower-Income Urban Neighborhoods*, 16 *J. Affordable Housing & Community Dev. L.* 9, 10 (2007).
10. <sup>^</sup> <sup>a</sup> <sup>b</sup> <sup>c</sup> Meryl Finkel & Larry Buron, U.S. Dep't of Hous. and Urban Dev., *Study on Section 8 Voucher Success Rates, Quantitative Study of Success Rates in Metropolitan Areas 2-2* (2001).
11. <sup>^</sup> <sup>a</sup> <sup>b</sup> <sup>c</sup> <sup>d</sup> Tamica Daniel, *Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Housing Act*, 98 *Geo. L.J.* 769, 776 (2010).
12. <sup>^</sup> 42 U.S.C § 1437(a) (2006).
13. <sup>^</sup> 42 U.S.C. § 3604(b) (2006).
14. <sup>^</sup> John Goering, *Introduction and Overview: Housing, Justice, and the Government*, in *Fragile Rights within Cities: Government, Housing, and Fairness*, 1, 9 (John Goering, ed., 2007). See also Michael H. Schill, *Implementing the Federal Fair Housing Act: The Adjudication of Complaints*, in *Fragile Rights within Cities: Government, Housing, and Fairness*, *supra*, at 143-44.
15. <sup>^</sup> <sup>a</sup> <sup>b</sup> <sup>c</sup> <sup>d</sup> Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 *Fordham L. Rev.* 1971, 1980, (2010).
16. <sup>^</sup> <sup>a</sup> <sup>b</sup> Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 *Fordham L. Rev.* 1971, 1982, (2010).
17. <sup>^</sup> Tamica Daniel, *Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Housing Act*, 98 *Geo. L.J.* 769, 793 (2010).

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Categories: Public housing in the United States | Federal assistance in the United States

| Discrimination in the United States | Affordable housing

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**From:** Julia Klein [<mailto:jklein@cityofsanmateo.org>]  
**Sent:** Thursday, May 08, 2014 1:38 PM  
**To:** [gretchen@gretchengrant.net](mailto:gretchen@gretchengrant.net)  
**Cc:** Julia Klein  
**Subject:** FW: major housing issues

Hi Gretchen,

Josh forwarded your email to me since I am working on the update of the city's Housing Element. It's a difficult time for many and it takes courage to share your personal experience. Thank you for taking the time to do this. I want you to know that your email, along with others who have also shared their stories, will be included in the project file as part of the permanent record, and will be forwarded to decision makers for their consideration. We are in the middle of the housing element update process and there will be more opportunities for you to participate/speak at public meetings, if you wish to do so.

We post new information on the housing element website. So, please take a look at: [www.cityofsanmateo.org/whats happening](http://www.cityofsanmateo.org/whats happening)

Lastly, I will also add you to the interested parties list for the Housing Element update so that you will receive email notifications of future public meetings on the Housing Element.

Thanks again.

Sincerely,

**Julia Klein**  
City of San Mateo  
Community Development Department  
330 W. 20th Ave  
San Mateo, CA 94403  
Phone: 650.522.7216  
website: [www.cityofsanmateo.org](http://www.cityofsanmateo.org)

**From:** Joshua S. Hugg [<mailto:jshugg@hlcsmc.org>]  
**Sent:** Thursday, May 08, 2014 11:48 AM  
**To:** Julia Klein; Ronald "Ron" Munekawa; Sandra Council  
**Subject:** FW: major housing issues

FYI. I reached out to her to see if she would speak at an upcoming meeting, but perhaps this email is good enough.

Josh

**Joshua S. Hugg, Program Manager**  
Housing Leadership Council of San Mateo County  
(650) 872-4444, x2  
[www.hlcsmc.org](http://www.hlcsmc.org)

[Like us on Facebook](#)  
[Become an HLC member](#)

**From:** gretchen [<mailto:gretchen@gretchengrant.net>]  
**Sent:** Tuesday, May 06, 2014 4:28 PM  
**To:** [jshugg@hlcsmc.org](mailto:jshugg@hlcsmc.org)  
**Subject:** major housing issues

Hello Mr. Hugg,

I would like to bring attention to my housing crisis in hopes the Housing Leadership Council of San Mateo County can influence the powers that be and create effective changes to the current unrealistic market here on the mid-peninsula.

I recently gave my 30 day notice to my landlord because they are pricing me out of my home of two years (I don't want to go but can't afford to stay). They unabashedly admit that my rent (\$2530 for a 2/1) is below market rate and that it is only going up 10%.

My landlord is not the only one in the habit of annually raising the rent 10% or more which creates an artificially high rent here, in San Mateo. In addition, their tenement style leasing (allowing several wage earners to occupy the same apartment) perpetuates the inflated rent that they justify as market rate. However, I am looking at similar units that are in fact being offered for less.

However, my search for housing is hampered by the fact that most are showing rental units only at open houses which creates 'flash' leases. I work 7 days a week, and have a very small window to actually look at units on any given day. This has cost me three very nice units, regardless of my grade "A" credit rating (780). Most property managers don't even bother to respond to my inquiries about whether or not a unit is still available.

All this is making me nervous. For the first time, I have movers scheduled and no address! I am hoping to stay in my zip code (94403) as I am a school district employee and want to keep my short commute to whichever campus I may be assigned to (I am a para II exceptional aide working with children on the Autistic spectrum).

Please share my plight and let me know of any resources (I'm already on the BMR, first time home owners, and affordable rentals waiting lists – nothing is available right now) I might avail myself to. Hopefully, a collective voice can be organized around this very important issue. I have been in San Mateo, off and on, since 1984, when I was able to buy a house (forced to sell it in 1991). It is sad to see middle class is nonexistent, as I struggle here today; not poor enough for social services, or rich enough to play in the fiat market.

*Gretchen Gulliksen Grant*  
*650 286 0214, studio*  
*310 472 5337, cell*

**PRIVILEGE AND CONFIDENTIALITY NOTICE:** This message, together with any attachments, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any attachment is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments from your computer. Thank you.

April 26, 2014

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
330 West 20th Ave.  
San Mateo, CA 94403

RECEIVED  
2014 APR 30 P 3:33  
OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

Dear City Council Members and Planning Department,

I had been a resident of San Mateo, in my past and have since returned as of, 2009. However, it has been quite a journey for my family due to the struggle to survive, stemming from all the housing problems we have had to endure. I would like to see the ordinances mentioned in regards to housing in, Joshua Hugg's, Housing Element Policy Best Practices, document put into place here in San Mateo. Doing such would help my family and all the other families that are struggling month to month just to cover their basic needs for survival. The following ordinances are the ones I'm interested in seeing adopted by our city and I've included how not having them has affected my family:

Having a, **Rent Stabilization Ordinance**, could of possibly prevented what happened to my family in 2011. We have a Section 8 Housing Choice Voucher, and the complex where I live asked for an increase in rent that the, San Mateo County Housing Authority, denied. After getting in the middle of the battle between my landlord and the housing authority, I finally was told to go to my doctor's to ask her to sign a reasonable accommodation request form, due to my disability in order for the housing department to finally approve the increase that I was actually to pay. I also know of other families that have been affected by the high rental increases, forcing them to move and sometimes other than within this city. My housing caseworker at the housing authority has also told me many a sad stories of people losing their vouchers, being forced into homelessness, porting to other counties or having to move in with family members elsewhere, due to not being able to afford their rental increase or the cost of a new rental at the current rates.

I have my family on many affordable housing waiting lists that are done by a lottery system now due to the numbers of people in need of them. There are not enough affordable rentals for the population of people in need of them. This leaves our family just a number on a long list of hopefuls. I believe since there is not enough money in our city to build all the affordable housing needed, the answer is to incorporate some form of rent stabilization. Unless we want families moving out of the city and taking their money elsewhere. Personally, I don't like living in the segregation that affordable housing complexes produce, due to them being based on income levels. I much prefer to rent a duplex or house, as it provides a healthier environment with less chance of problems with landlords or neighbors like I've personally been experiencing. However, this is impossible to do when the rental rates are as high as they are and the landlords won't accept section 8 vouchers.

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Having a, **Just Cause Eviction Ordinance**, in my case would have really helped me when my landlord tried to evict me after my lease ended in 2012, because she was being retaliatory. Even though we have a court system that's suppose to help protect tenants in situations like this, proving such can be very difficult and the simple fact of a landlord not getting along with a tenant can be enough to evict without such an ordinance. I had obtained an attorney through the, Legal Aid Society of San Mateo, and was advised it would be better to put in a request for a reasonable accommodation due to my disability to my landlord's attorney to remain in my home because it's difficult to prove retaliation in court. The whole process took a whole year of negotiations with my landlord, their attorneys, my attorney and the California Department of Fair Employment and Housing. While going through that, my disability was exacerbated and my request was not approved until sometime in, 2013.

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Having a, **Source of Income Ordinance**, would prevent my family from getting evicted right now! My family, along with 11 other families at my complex have received a pre-warning notice, (attached), in January of this year, informing us they are terminating their participation in the Section 8 program, and that we all will be getting a 90-day notice to find another home due to their decision. This is a serious issue in this city. I have actually looked for another rental throughout my residency at my current home due to all the problems I've had there. I have found that most landlords won't accept a section 8 voucher, leaving our family hostage to try and fight to remain in our current home, as I am currently doing. I have fought to remain in my home, regardless of all the problems, just so my family could have stability and security. We have unfortunately had to move many a times in our past. I have sadly had to be separated from my children at times as well in my past until I could secure a rental. This is another reason why remaining in our home is very important and it is a way to also keep our mental and emotional health. Not having this ordinance pushes families out like mine into the market rate that has rentals at unaffordable skyrocketed prices right now. Both my housing caseworker and the attorney from, Legal Aid Society of San Mateo County, have confirmed that people in, San Mateo, and the whole county are having an extremely difficult time finding a rental where the landlord will accept their section 8 voucher. Families are being forced to leave their homes and what is currently happening to my family has made me feel like I'm not good enough, like I have done something wrong, hopeless and angry, all at the same time.

I've attached the following items:

1. My pre-warning notice of 90-day termination to come.

2. My Mutual Termination Of Tenancy And Release Agreement recently received from my landlord.
  3. Copy of an email from, Cindy Chan, manager at, County of San Mateo Housing Authority, showing that we currently have, 716, section 8 voucher holders in this city.
  4. Copy from the, gosection8.com, website, showing the lack of rentals available that accept section 8 vouchers and their outrageous rental rates. I chose a search for a 2 bedroom, which is what my family needs. The rentals that are at \$2,000, or higher is exactly what my family can not afford. When you are on section 8, you are denied a rental if your portion of rent would have you spending over 50 percent of your income for the rent.
  5. Copy of the available 2 bedrooms and their rental amounts, off of the website the housing authority directs us to, in order to find a rental, SMCHousingSearch.org.
- 

6. Copy of tiered subsidy table used by the housing authority to determine a family's voucher amount.

I thank you for taking the time to read my hopeful requests for the city I live in, in hope to not only help my family but all the others desperately in need as well.

Sincerely,



Doreen Brown

doreenjoiner@yahoo.com

VILLA SERENA  
T O W N H O M E S

---

(650) 572-7180

Fax (650) 572-7941

January 24, 2014

Dear Residents

You are receiving this letter because your apartment currently participates in the Section 8 voucher program. We wanted to inform you that we have made a decision to terminate our participation in the Section 8 program at Villa Serena Apartments, effective in 2014. This is a business decision for the community and affects all residents who participate in the Section 8 voucher program.

If you are already on a lease, we will honor the terms of your lease, but your tenancy will not be renewed beyond the expiration of your current lease term. Those tenants on a lease term will receive a Notice to Terminate at least 90 days prior to the end of the lease term.

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~~If you are on a month to month agreement, we will be serving you with the required notice in accordance with law and you will have at least 90 days to find another home.~~

Our intention is to make this as easy as possible for our residents who are affected by this decision and give them time to locate and identify other housing options.

We thank you for your stay with us and wish you the best in your new home.

Thank you

*Roxana Matos* 

Villa Serena Townhomes

**MUTUAL TERMINATION OF TENANCY AND RELEASE AGREEMENT**

THIS MUTUAL TERMINATION OF TENANCY AND RELEASE AGREEMENT (hereinafter referred to as the "Agreement") is executed and delivered as the of date of execution by all Parties by and between Doreen Joiner ("Resident"), and Villa Serena ("Landlord") in reference to the residential real property located at 3110 Casa De Campo, San Mateo, CA 94403, commonly known as Villa Serena Apartments (the "Property") (Resident and Landlord are collectively referred to hereinafter as the "Parties").

**RECITALS:**

- A. WHEREAS, Resident is a resident \_\_\_\_\_, San Mateo, CA (the "Premises") pursuant to a written Housing Assistance Payment Contract and Assisted Lease Agreement (collectively, the "Lease").
- B. WHEREAS, Resident holds a Housing Choice Voucher ("HCV") under the Section 8 Program through the Housing Authority of San Mateo County ("HASMCM").
- C. WHEREAS, Landlord has made the business decision to terminate its Housing Assistance Payment contract with the HASMCM and will no longer participate in the HCV program upon the expiration of all lease terms for those current residents who hold an HCV.
- D. WHEREAS, Landlord has contemplated issuing Resident a 90-day Notice to terminate Resident's tenancy due to its decision to no longer participate in the HCV program.
- ~~E. WHEREAS, Resident has requested additional time to vacate the Premises and Landlord is willing to extend Resident's tenancy as set forth in this Agreement.~~

**AGREEMENT:**

NOW THEREFORE, in consideration of the recitals set forth above (which are incorporated into the body of this Agreement as if set forth in full) and the mutual representations, covenants and warranties set forth below, the Parties hereby agree as follows:

1. Consideration

- a. Landlord agrees to extend Resident's tenancy at the Premises through December 31, 2014, at which time Landlord will no longer participate in the HCV Program.
- b. Resident agrees that she, and all other occupants, if any, will voluntarily vacate the Premises on or before December 31, 2014.
  - i. Resident agrees that she will have no option to renew and no ability to hold over at the end of this term. Resident also agrees that she will not seek, or request, any stays from the Court in any Unlawful Detainer action filed by Landlord which would otherwise extend Resident's possession of the Premises.

- b. Landlord agrees to allow Resident to vacate the Premises upon 30 days' notice after the execution of this Agreement. If Resident vacates the Premises mid-month, her rent will be prorated to account for the actual time Resident is in possession of the Premises. No early termination fee will be levied if Resident vacates prior to December 31, 2014. If any amounts are owed due to the proration of rent, the amounts will be returned with any security deposit funds returned pursuant to paragraph (c) below.
    - c. Landlord agrees to process Resident's security deposit in accordance with the provisions of California Civil Code Section 1950.5.
    - d. Tenant further agrees to remove all personal property from the Premises upon her vacating. Tenant understands that any personal property remaining in the Premises, appurtenances or common area of the Property after the vacate date shall be disposed of by Landlord according to the procedures set forth in California Civil Code sections 1980 *et. seq.*
  2. Resident understands that should Resident fail to vacate the Property on or before December 31, 2014, Landlord shall then have the right to immediately institute legal proceedings against Resident for restitution of possession of the Premises, damages, attorney's fees (if allowable) and court costs. Said action may be based upon Resident's failure to abide by the terms of this Mutual Agreement to Terminate pursuant to Code of Civil Procedure §§1161(5) or 1161(1).
- 
3. Should Resident breach this Agreement, this Agreement shall be considered an addendum to the Lease and Landlord shall be able to enforce the terms of this Agreement the same as any addendum to the Lease.
  4. If Resident violates any of the conditions set forth in this Agreement, the Parties mutually agree to terminate Resident's Lease upon three (3) days' written notice. The Parties agree that creation of a nuisance, including harassment of other residents or Property staff, is an incurable breach.
  5. Resident shall not disparage Landlord or the Property or in any way attempt to injure the reputation of Landlord, the Property, any agents, principals, employees, or partners of Landlord or the Property, or residents at the Property.
  6. Release. In consideration of the promises and covenants contained in this Agreement, Resident and Landlord individually, and on behalf of their respective agents, attorneys, representatives, heirs, family members, devisees, assigns, receivers, executors, trustees, settlors, transferees, predecessors, successors and any and all persons and entities who may claim through or on behalf of Resident, hereby releases, acquits and forever, absolutely and unconditionally discharge each other and each of their constituent entities, parents, subsidiaries, affiliated entities, predecessors, successors and assigns, and all of their agents, principals, contractors, subcontractors, attorneys, representatives, assigns, receivers, executors, trustees, settlors, transferees, officers, directors and board members (collectively, the "Releasees") of and from any and all actions, causes of actions, claims, demands,

rights, injuries, debts, obligations, liabilities, contracts, duties, damages, costs, attorneys' fees, expenses or losses of every kind, nature, character, or description whatsoever, that in any way whatsoever relate to or may result from Resident's tenancy, whether known or unknown, anticipated or unanticipated, direct or indirect, fixed or contingent, arising from any matter, cause or thing, whatsoever occurred, done or omitted, including, without limitation, any claims under or related to the execution of Resident's Lease and this Agreement, including but not limited to claims for: (1) fair housing violations, (2) retaliatory and/or constructive eviction, and/or (3) breach of contract (the "Released Claims"). The releases provided herein, however, shall not apply to the Parties' ongoing obligations under the Lease, including but not limited to the payment of rent and Resident's duty to return the Premises in an undamaged condition.

7. Waiver of Unknown Claims. Resident and Landlord understand and agree that this is a full and final release of any and all claims and causes of action which each now has, or in the future may have, against all persons or entities to be released as described above, for any and all alleged actions or inactions of the persons or entities released, including any and all claims for any alleged injuries or damages of any type or description arising out of, or in any way connected with, the Released Claims. Resident and Landlord hereby acknowledge that there is a risk that subsequent to the execution of this Agreement, they may incur, suffer or sustain injury, loss, damage, costs, attorneys' fees, expenses or any of these, which are in some way caused by or connected with the Released Claims and which are unknown or unanticipated at the time this Agreement is executed. Resident and Landlord further acknowledge that there is a risk that such damages as are presently known may become more serious than they each now expect or anticipate. Nevertheless, they each acknowledge that this Agreement has been negotiated and agreed upon in light of these realizations and they each hereby expressly waive all rights which they may have in such unknown or unanticipated claims related to the Released Claims. In so doing, Resident and Landlord either have had the benefit of \_\_\_\_\_ counsel, or the opportunity to obtain counsel, and understand and knowingly, voluntarily, and specifically waive all rights they each may have under California Civil Code Section 1542, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

8. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single Agreement. A facsimile signature or PDF copy of this Agreement shall constitute an original signature.
9. Entire Agreement. This Agreement constitutes the entire understanding of the Parties on the subjects covered and supersedes any and all prior agreements, representations, warranties, promises, undertakings, and covenants of any kind whatsoever, whether expressed orally, in writing, or otherwise. This Agreement may only be modified by a writing signed by each of the Parties.
10. Voluntary Execution. Each party represents that they have carefully read the Agreement, knows and understands the content and consequences thereof, and signs the same as his, her, or its own free act,

with full opportunity to seek the guidance of legal counsel, if desired, and without any mistake, duress or undue influence. In making this Agreement, each party relies on his, her, or its own judgment, belief and knowledge, and has not been influenced in any way by any representations or statements not set forth herein regarding the contents hereof by the entities and individuals who are hereby released, or by anyone representing them.

11. Modification and Waiver. No modification or waiver of any of the provisions of this Agreement shall be valid and enforceable unless such modification or waiver is in writing and signed by the Party to be charged, and, unless otherwise stated therein, no such modification or waiver shall constitute a modification or waiver of any other provision hereof (whether or not similar) or constitute a continuing waiver.

12. Severability. If any provision, condition, or covenant herein contained is held to be invalid, unenforceable, or void by any court of competent jurisdiction for any reason whatsoever, each such provision, condition, or covenant shall be deemed severable from the remainder of this Agreement and shall in no way affect the validity of any other provision, condition, or covenant contained herein. If such condition, covenant or other provision shall be deemed invalid due to scope or breadth, such provisions shall be deemed valid to the extent of the scope or breadth permitted by law.

**DOREEN JOINER**

**LANDLORD:  
VILLA SERENA**

---

Signature

Date

---

Property Manager  
Roxana Matos

Date

3

Subject: Re: Voucher Holders Inquiry  
From: Cindy Chan (cchan@smchousing.org)  
To: doreenjoiner@yahoo.com;  
Date: Tuesday, April 29, 2014 7:52 AM

Hi Doreen,

As of 4/1/14, we have 716 households use their vouchers in the city of San Mateo.

Cindy Chan  
Rental Programs Manager  
Housing Authority of the County of San Mateo  
cchan@smchousing.org  
Phone: (650) 802-3322  
Fax: (650) 802-3373  
Pony: DOH 208

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>>> Doreen Joiner <doreenjoiner@yahoo.com> 04/29/2014 12:25 AM >>>

Hi Cindy,

Can you please email me the number of voucher holders in the city of San Mateo?

Thank You,  
Doreen

4

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San Mateo County (1-7 of 7 Listings)



---

Type

Beds

Sort By: Updated

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BASIC SECTION 8 LISTINGS

\$2,150 / Month2 Bed, 2 Bath Apt  
687VILLA ST 4, COLMA, CA 94014

**Updated: 7 Days Ago**

\$2,995 / Month2 Bed, 2 Bath Apt  
950 REDWOOD SHORES PKWY , REDWOOD CITY, CA 94065

**Updated: 47 Days Ago**

\$2,995 / Month2 Bed, 2 Bath Apt  
801 MARINE PKWY , REDWOOD CITY, CA 94065

**Updated: 47 Days Ago**

\$3,095 / Month2 Bed, 2 Bath Apt  
1060 FOSTER CITY BLVD , FOSTER CITY, CA 94404

**Updated: 47 Days Ago**

\$2,995 / Month2 Bed, 2 Bath Apt  
801 MARINE PKWY , REDWOOD CITY, CA 94065

**Updated: 47 Days Ago**

\$2,995 / Month2 Bed, 2 Bath Apt  
950 REDWOOD SHORES PKWY , REDWOOD CITY, CA 94065

**Updated: 47 Days Ago**

\$1,600 / Month2 Bed, 1 Bath Apt  
257 EAST AVE 4; SAN BRUNO, CA 94066

**Updated: Call for availability**

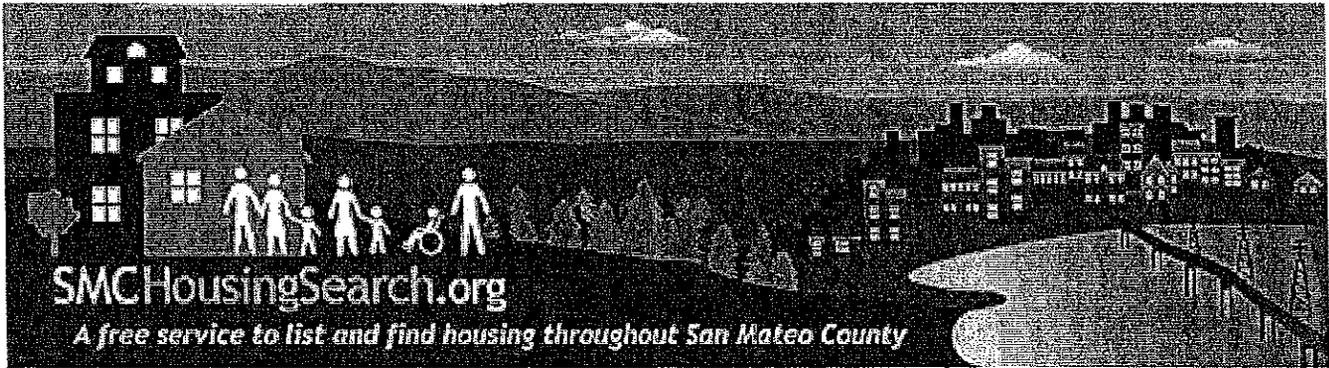
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	<a href="#">Marlin Cove Apartments</a> <a href="#">1060 Foster City Blvd</a>	Foster City CA 94404	\$3,195 - \$3,295 Not Income Based (\$600)	2/2.0	(Apartments) MH Podell Company 650-349-3200	Available 	<a href="#">Map</a>
	<a href="#">Pescadero Apartments</a> <a href="#">950 Redwood Shores Pkwy</a>	Redwood City CA 94065	\$3,045 - \$3,145 Not Income Based (\$500)	2/2.0	(Apartments) MH Podell Company 650-591-6666	Waiting List 	<a href="#">Map</a>
	<a href="#">Indian Creek Apartments</a> <a href="#">801 Marine Pkwy</a>	Redwood City CA 94065	\$2,995 - \$3,195 Not Income Based (\$500)	2/2.0	(Apartments) MH Podell Company 650-593-4300	Waiting List 	<a href="#">Map</a>
	<a href="#">234 9th Lane</a>	South San Francisco CA 94080	\$2,750 (\$2,750)	2/2.5	(Townhouse) 235 Armour LLC 415-740-2854	03/01/14 	<a href="#">Map</a>
	<a href="#">Peninsula Park Apartments</a> <a href="#">1977 Tate ST</a>	East Palo Alto CA 94303	\$1,580 (\$1,580)	2/1.0	(Apartments) BRIDGE Housing	Waiting List 	<a href="#">Map</a>

					Corporation 650-330-0899		
	City Center Plaza <u>950 Main St</u> <u>Waiting is Close**</u>	Redwood City CA 94063	\$1,200 - \$1,668 Income Based [?] See <u>Qualifications</u> (\$1,200 - \$1,668)	2/1.0	(Apartments) MidPen Housing 650-261-1750	Waiting List    	<a href="#">Map</a>
	Villa Montgomery Apartment <u>1500 El Camino Real</u> <u>CLOSED WAITING LIST!!</u>	Redwood City CA 94063	\$1,340 (\$1,000 - \$1,340)	2/1.0	(Apartments) First Community Housing 650-261-9900	Waiting List    	<a href="#">Map</a>

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AS of 4/2014, 916 w/ vouchers in S.M.

TST Table Effective 10/1/2012

6

tenant Based Properties (MI, W/FSS, HOV, VASH, FUP)

1-2 bedroom

L	H	0	1	2	3	4	5	6
0	1,999	1064	1346	1759	2314	2449	2731	786
2,000	4,999	990	1309	1722	2277	2412	2694	742
5,000	7,999	915	1234	1647	2202	2337	2619	686
8,000	10,999	840	1159	1572	2127	2262	2544	630
11,000	13,999	765	1084	1497	2052	2187	2469	573
14,000	16,999	690	1009	1422	1977	2112	2394	517
17,000	19,999	615	934	1347	1902	2037	2319	461
20,000	22,999	540	859	1272	1827	1962	2244	405
23,000	25,999	465	784	1197	1752	1887	2169	348
26,000	28,999	390	709	1122	1677	1812	2094	292
29,000	31,999	315	634	1047	1602	1737	2019	236
32,000	34,999	240	559	972	1527	1662	1944	180
35,000	37,999	165	484	897	1452	1587	1869	123
38,000	40,999	90	409	822	1377	1512	1794	67
41,000	43,999	15	334	747	1302	1437	1719	11
44,000	46,999	0	259	672	1227	1362	1644	0
47,000	49,999	0	184	597	1152	1287	1569	0
50,000	52,999	0	109	522	1077	1212	1494	0
53,000	55,999	0	34	447	1002	1137	1419	0
56,000	58,999	0	0	372	927	1062	1344	0
59,000	61,999	0	0	297	852	987	1269	0
62,000	64,999	0	0	222	777	912	1194	0
65,000	67,999	0	0	147	702	837	1119	0
68,000	70,999	0	0	72	627	762	1044	0
71,000	73,999	0	0	0	552	687	969	0
74,000	76,999	0	0	0	477	612	894	0
77,000	79,999	0	0	0	402	537	819	0
80,000	82,999	0	0	0	327	462	744	0
83,000	85,999	0	0	0	252	387	669	0
86,000	88,999	0	0	0	177	312	594	0
89,000	91,999	0	0	0	102	237	519	0
92,000	94,999	0	0	0	27	162	444	0
95,000	97,999	0	0	0	0	87	369	0
98,000	100,999	0	0	0	0	12	294	0
101,000	103,999	0	0	0	0	0	219	0
104,000	106,999	0	0	0	0	0	144	0
107,000	109,999	0	0	0	0	0	69	0
110,000	112,999	0	0	0	0	0	0	0

Voucher amount

your income



# **SAN MATEO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL**

**1153 CHESS DRIVE #206, FOSTER CITY, CA 94404 (650)358-9977 Fax: (650)358-9979**

The San Mateo County Building Trades Council (BTC) and its affiliated Local Unions represent over 14,000 active working and retired tradespeople in San Mateo County, including over 1,500 members residing in the City of San Mateo. While we recognize that no plan is perfect, we commend the City Council and on its efforts to find affordable housing solutions, promote efficient land use through mixed use multifamily development, and encourage sustainable building practices in its Housing Element. Nevertheless we write to highlight two priorities for working families, which have a direct bearing on the City of San Mateo's housing issues even though they do not lend themselves to being directly addressed in the Housing Element.

To begin, the BTC again commends Planning staff, the Planning Commission, and the city Council for their work to develop a housing element that looks forthrightly at the challenges facing current and future San Mateo residents. The BTC is well aware of the difficulties of development in the city of San Mateo. In particular, we recognize the enormous financial obstacles to adequate affordable housing development in a time of constrained budgets, restrictions on revenue enhancement measures, and rapidly escalating land prices. While these challenges are indeed formidable, the BTC believes that the City of San Mateo can take a variety of steps to address them. Doing so will require innovative thinking, bold policy initiatives, and aggressive implementation and enforcement strategies.

First, we believe that the City of San Mateo must do its utmost to ensure that all workers in the City and in surrounding communities are paid wages sufficient to afford the housing that's being built. As the Draft Housing Element states, the vast majority of jobs being created in the county do not pay sufficient wages to afford local housing. Although this problem is economy-wide our specific focus is on shortcomings in the construction industry, and in particular the residential development that's expected to provide the housing these workers need.

To address these issues in the construction industry we recommend consideration of incentives for payment of prevailing wages through expedited permitting and review, density and height bonuses, and fee deferrals. In instances where the city is selling publicly owned land for private development we encourage the adoption of "Economic and Community Development Covenants" that not only mandate future development at those sites be done at prevailing wage rates but also incorporate apprenticeship and local hiring requirements to enable local workers to enter sustainable construction careers.

San Mateo's embrace and promotion of prevailing wages for all construction will have real and immediate benefits. Economic studies have consistently shown that the payment of \$1 in prevailing wages generates at least an additional \$1.50 in overall economic activity that translates into spending at local businesses, improved quality of life for working families, and higher tax collections to support stressed general funds. Furthermore, prevailing wages tend to increase the likelihood that the contractors hired to perform the work are based locally, work safely, build with quality, and provide a middle

class career path for local workers. This is all the more important because employment in the construction sector is on an upswing that is projected to continue and this demand for workers is creating an urgent industry need to recruit new apprentices into the pipeline.

The BTC is rising to the challenge by partnering with the San Mateo County Workforce Investment Board, College of San Mateo, and certified Joint Apprenticeship Training Committees to create the Trades Introduction Program (TIP). TIP is a local collaboration that will offer pre-apprenticeship classes, preparation for union apprenticeship as a viable career path and serve as an on-ramp to union construction related careers that traditionally offer good wages and benefits. Active support by the City of San Mateo will contribute to the program's success, alongside a continual commitment to learn from efforts by municipalities in San Mateo County, in the Bay Area, across California, and throughout the nation.

Second, the BTC strongly urges the city of San Mateo to increase enforcement of wage theft and other white collar crimes against workers. Again, this problem is pervasive throughout the economy at all income levels - from the workers who staff car washes to engineers who work for leading tech companies - but it is acutely felt in low wage occupations and construction where workers face "shaved" hours, unpaid overtime, and mis-classification as independent contractors. Ironically in our experience this problem is particularly notable in the construction of affordable housing where some developers and their general contractors adopt a don't ask, don't tell attitude when obtaining bids that appear too good to be true. Such activity has costs for communities as it increases demand for affordable housing and other social services, shortchanges tax and fee collections, and leads to lower construction quality that ultimately reflects poorly on the city's aesthetic and design appeal.

We recognize that housing affordability throughout the Bay Area's urban core is an incredibly difficult issue without anything on the horizon that approaches an all-encompassing solution. But accompanying this understanding is a recognition that solving the problem will take more than the traditional approaches that have proven themselves inadequate to the scale of the problems. We look forward to continue working with the City of San Mateo to implement these ideas and find others to help improve the lives of current and future San Mateo residents.

February 24, 2014

Julia Klein  
City of San Mateo  
330 West 20th Ave.  
San Mateo, CA 94403

**RE: Housing Element Policy Best Practices**

Dear Julia,

As jurisdictions across San Mateo County prepare their local Housing Elements for the latest cycle of the Regional Housing Needs Allocation (RHNA) process, a coalition of concerned community groups has formed to engage with these local processes and provide constructive input to the drafts that are submitted to HCD for consideration. Borne out of concern for the increasing inability of average people to live in the communities in which they work, the interest of this coalition is to serve as a resource to policy makers and housing staffs and to help ensure that the housing elements adequately reflect the community's urgent affordable housing need. Enclosed is a document that we hope will serve to inform staff and policymakers about options that are available to them to meet their community's escalating housing needs.

Given the gravity of our current housing situation, the loss of vital tools and funding sources for affordable housing creation, we maintain that it is time for our local jurisdictions to make a determined effort to address the affordable housing crisis in our communities. We encourage you to review the enclosed inventory of policies with an eye toward incorporating as many as possible in your housing element draft. The current housing element cycle is the last substantive opportunity jurisdictions will have to make a comprehensive review of affordable housing policies for another eight years. On behalf of a community in need, we ask you to take the greatest possible advantage of it.

For more information, please call Tracy Choi, Community Builder at Housing Leadership Council of San Mateo County, at [tchoi@hlcsmc.org](mailto:tchoi@hlcsmc.org) or (408) 206-1267.

Sincerely,

*Housing Leadership Council of San Mateo County  
San Francisco Organizing Project/Peninsula Interfaith Action  
Greenbelt Alliance*

cc. Paul McDougall, California Department of Housing and Community Development



# **Housing Element Policy Best Practices**

**Version 1.0**

**Updated:** February 21, 2014

## **Introduction:**

Policies, programs, and parcels. Every eight years cities and counties across the Bay Area are charged with identifying policies, programs, and parcels that will help ensure their respective communities take stock of their current housing needs and identify how they will meet the challenges of changing demographics, new workers, and shifting funding sources in the future.

Given the changes that have taken place over the last several years, the need for robust housing policies in the Bay Area has reached critical levels. Cuts in local, state and federal funding sources; the continuing search to find an alternative to local inclusionary housing programs scuttled by the *Palmer v. City of Los Angeles* case; and the loss of local Redevelopment Agencies have created an environment in which the creation of inclusive communities that meet larger sustainability goals is becoming exceedingly difficult. In addition, while Plan Bay Area promotes greater sustainability and equity for the region in the long term, its emphasis on growth in Priority Development Areas has the potential to add to these challenges in the short term.

This compilation of policies is intended to serve as a resource for local government practitioners and housing stakeholders to help meet the community challenges that are felt so acutely here in the San Francisco Bay Area. The Bay Area is known across the globe for its innovation and dynamic culture and so this resource is also meant to be a living document that will help to capture policy innovations and best practices in the housing arena as they are identified and make them available to those who wish to make our region as livable, prosperous, and inclusive as possible.

*If you have comments, questions or additions to make, please contact Joshua Hugg, Program Manager, Housing Leadership Council of San Mateo County - (650) 872-4444, 2# or [jshugg@hlcsmc.org](mailto:jshugg@hlcsmc.org).*

## **Acknowledgements**

Thank you to the following organizations who contributed to the creation of this resource:

- Association of Bay Area Governments - [www.abag.ca.gov](http://www.abag.ca.gov)
- East Bay Housing Organizations - [www.ebho.org](http://www.ebho.org)
- HIP Housing - [www.hiphousing.org](http://www.hiphousing.org)
- Law Foundation of Silicon Valley - [www.lawfoundation.org](http://www.lawfoundation.org)
- Housing Leadership Council of San Mateo County - [www.hlcsmc.org](http://www.hlcsmc.org)
- Northern California Land Trust - [www.nclt.org](http://www.nclt.org)

## **Contents**

### **Anti-Displacement**

[Anti-Displacement Policies](#)

[Condo Conversion Requirements](#)

[Just Cause Eviction](#)

[Preservation of Existing Affordable Housing](#)

[Preservation of Mobile Home Park Housing](#)

[RDA protections – Continue compliance with RDA protection](#)

[Relocation Benefits and First Right of Return](#)

[Rent Stabilization](#)

[Return Foreclosed Properties to Lower Income Supply](#)

### **Inclusion**

[Housing Overlay Zone \(HOZ\)](#)

[Incentive Zoning/Density Bonus and Public Benefit Zoning](#)

[Inclusionary Housing](#)

[Source of Income Ordinance](#)

### **Local Funding Sources**

[Commercial Linkage Fee](#)

[Housing Impact Fee](#)

[Rededication of “Boomerang” Funds Back to Affordable Housing](#)

### **Optimized Affordable Housing Sites**

[Affordable Housing Sites](#)

[Priority Development Areas](#)

### **Site and Building Regulations**

[Parcel Assembly](#)

[Parking](#)

[Site and Building Regulations](#)

[Universal Design Standards for Apartments](#)

### **State Requirements**

[Emergency Shelters and Homeless Persons \(SB2\)](#)

[Reasonable Accommodations \(SB520\)](#)

[Second-Unit Law \(AB1866\)](#)

[State Density Bonus Law](#)

### **Miscellaneous**

[Home Sharing](#)

[Permanently Affordable Homeownership – Community Land Trusts](#)

[Additional Useful Resources](#)

## Anti-Displacement Policies

### *Summary and Benefits:*

More intensive development in Priority Development Areas and other transit-served locations carry with it the risk of displacement of existing low income populations. To ensure that Transit Oriented Development (TOD) serves all economic levels, provisions need to be in place to protect against such displacement. Local Housing Elements should address the risk of both direct and indirect displacement and should include anti-displacement policies in their implementation programs.

### *Potential Policies:*

- Establish a policy commitment and orientation to development without displacement.
- Consider displacement risks early in the development process. By the time displacement becomes apparent, the process may be too far gone to halt or reverse.
- Focus on both direct displacement (evictions, demolitions, etc.) and indirect displacement (rent increases, cultural displacement as existing retail/entertainment/services uses are replaced with uses serving higher income populations).
- Stabilize existing lower income residents/housing. Consider such policies as [rent stabilization](#), [just cause eviction ordinances](#), one-for-one replacement of any housing removed from the supply, [condominium conversion controls](#).
- Make affordable housing a key component of development strategy from the beginning. It's far easier to include affordable housing early on than to try to incorporate after property values (and land costs) rise.

Specific policies/programs to consider:

- [Rent Stabilization](#)
- [Just Cause Eviction Controls](#)
- [Relocation Benefits and First Right of Return](#)
- Return Foreclosed Properties to the Lower Income Supply
- [One-for-One Replacement Housing Requirements](#)
- [Preservation of Expiring Use Properties](#)
- [Small and Scattered Site Acquisition in PDAs and Other Transit-Served Locations](#)
- [Land Banking in PDA and Other Transit-Served Locations](#)
- [Infill Incentives Tied to Affordable Housing Provisions](#)

Many of these policies are described in more detail elsewhere in this document.

### *Model Ordinances/Useful Sources:*

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>

## **Condo conversion requirements**

### ***Summary and Benefits:***

Condominium conversions refer to the process of converting a multi-unit rental property held in single ownership into one in which the units may be individually bought or sold. Jurisdictions generally receive condominium conversion requests when selling housing becomes more profitable than renting or leasing. Under California law, tenants have certain protections such as the exclusive right to purchase the property under the same terms that the unit is being offered to the general public and 180 days' notice of intent to end the tenancy (§66452.19). Though tenants enjoy these protections, they often cannot afford the necessary down payment or the monthly mortgage to own their home. Hence, while condo conversions may offer a more affordable homeownership opportunity for some households seeking to buy, they can displace existing tenants and reduce a jurisdiction's rental housing stock without increasing housing supply. Through their zoning power, jurisdictions have the authority to put in place additional restrictions on condominium conversions. These ordinances may be justified due to jurisdictions' limited housing stock and their state mandate to maintain an adequate housing supply for all economic segments of the population.

As of May 2013, 55 of the Bay Area's 109 jurisdictions have some sort of condominium conversion ordinance. These ordinances greatly vary in the types of protections they offer to tenants and may or may not impose numerical limits on condo conversions.

### ***Potential Policies:***

- Stricter provisions for condominium conversions through additional tenant protections including: relocation assistance, lifetime leases, restrictions on rent increases, discounts for tenants on the sale price of the property
- Limitations on the number of units that can be converted in any given year
- Provide one for one replacement of converted units
- Require that a percentage of converted condos be sold at affordable prices
- Mandate payment of a fee into an affordable housing trust fund

### ***Model Ordinances/Useful Sources:***

- League of California Cities Primer on Condominium Conversions: <http://www.cacities.org/UploadedFiles/LeagueInternet/c5/c5e504c3-e261-4986-b983-c964db35d7c0.pdf>
- City of Lafayette requires owners to pay tenants moving expenses and limits the number of conversions, link: <http://ci.lafayette.ca.us/Modules/ShowDocument.aspx?documentid=742>
- City of Larkspur imposes restrictions on rent increases, requires that some of the converted units be sold at below market rates, and limits the annual number of conversions, link: <http://www.codepublishing.com/ca/Larkspur/html/larkspur18/larkspur1838.html#18.38.030>
- City of San Carlos limits the number of annual conversions based on the vacancy rate and provides tenants with relocation assistance, link: <http://www.codepublishing.com/ca/sancarlos/html/sancarlos17/sancarlos1748.html#17.48.020>

## **Just Cause Eviction**

### ***Summary and Benefits:***

Just cause eviction ordinances protect tenants from arbitrary, discriminatory or retaliatory evictions, while ensuring that landlords can lawfully evict tenants as long as they have a good reason. Just cause eviction ordinances are an important tool for promoting tenant stability, particularly in low-vacancy and expensive housing markets where landlords may be tempted to evict tenants in order to obtain higher rents. Benefits of just cause eviction ordinances include the following:

- limits the ability of landlords to evict existing tenants
- protects tenants who have short term (month-to-month) leases
- slows down rapid increases in rent
- stabilizes communities by slowing down evictions and decreasing turnover rates

### ***Potential Policies:***

- Partner with local non-profit to provide tenant rights education and mediation services
- Consider just cause eviction ordinances or provisions that:
  - Specify actions that can lead to a just cause eviction, such as:
    - Failure to pay rent
    - Use of premises for illegal purposes
    - Failure to follow rules and regulations the landlord has for the tenants of the building
    - Failure to meet obligations toward the property as required by state law
    - Landlord seeks to recover possession of the rental unit for landlord's own use as principal residence or for the use of landlord's family members as principal residence
    - Landlord seeks to permanently remove rental unit from the housing rental market
  - Require landlord to specify just cause in the notice of termination
  - Allow expedited review of unjust evictions

### ***Model Ordinances/Useful Sources:***

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>
- City of Oakland:  
<http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment/DOWD008793>
- City of Berkeley: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=9284>
- PolicyLink - Just Cause Eviction Controls:  
<http://www.policylink.org/site/pp.aspx?c=1kIXLbMNJrE&b=5138069>

## Preservation of Existing Affordable Housing

### *Summary/Current Problem:*

Preserving the supply of affordable rental housing, both subsidized and unsubsidized, enables people to stay in their homes and communities (part of the larger anti-displacement strategy). Under programs such as Section 8 and the Low-Income Housing Tax Credit program (LIHTC), owners agree to maintain affordable rents for a set period, usually 15-30 years, in exchange for federal subsidies. When those agreements expire, owners can re-enroll in the affordability programs or convert their properties to market-rate units. In some cases, private owners can leave subsidized programs before rent restrictions expire by prepaying their mortgages after a set number of years. Another reason for loss in affordable units is when owners are ineligible due to financial/physical problems or the property is located in an area with high vacancy rents and high contract rents.

Based on the National Housing Preservation Database, CHPC compiled [a list of federally-assisted properties at-risk of conversion](#) due to the expiration date of a rental assistance contract or the maturing of a HUD mortgage with affordability restrictions. For San Mateo County, 430 affordable units are at-risk within the next year and another 164 affordable units will be at-risk by 2016.

### *Benefits:*

- Preservation typically costs about one-half to two-thirds as much as new construction (HUD). According to a 2013 study by the Center for Housing Policy on affordable multifamily rental housing, savings from rehabilitation are realized even when accounting for the full lifecycle of a property. Although costs such as maintenance expenses may be higher over the life of a rehabilitated property, rehabilitation is still more cost effective than new construction. According to the study, when controlling for location, project size, average unit size, building type, and year of development, new construction costs between \$40,000 and \$71,000 more than acquiring existing developments.<sup>1</sup>
- Preservation has positive for the community. For example, in gentrifying neighborhoods, preserving affordable rental housing promotes economic diversity, creating/sustaining a mixed-income neighborhood. Helping residents stay in their neighborhoods allows them to take advantage of improvements such as increased access to transit, jobs, and services.

### *Potential Policies:*

- Update inventory of at-risk and lost units/properties
  - Track changes in affordability levels, subsidy type, conversion status, building conditions, conditions that may cause loss of properties in 5, 10, 20, 30 years (tax-credit time limits, loan maturities, etc.)
- Require one-to-one replacement of any affordable units that are razed, removed from stock, or converted to condominiums
- Provide/require platform for public input (such as public hearings or comment period) during the 12 months when owner gives notice with intent to discontinue subsidies or expiration of rent restriction

---

<sup>1</sup> Maya Brennan, Amy Deora, Anker Heegaard, Albert Lee, Jeffrey Lubell, and Charlie Wilkins. 2013. "Comparing the Costs of New Construction and Acquisition-Rehab In Affordable Multifamily Rental Housing: Applying a New Methodology for Estimating Lifecycle Costs," Center for Housing Policy, 11.

- Provide funding for rehabilitation and/or purchase of at-risk properties
  - Prioritize and utilize funds from HOME and CDBG for preservation (South San Francisco, Housing Element Policy 3-2, 3-3)
  - Early coordination to identify sources of financing to enable non-profit ownership
- Waive permit fees for affordable housing rehabilitation conducted through CDBG or other San Mateo County programs (San Bruno, Housing Element Program 1-I)

*Model Ordinances/Useful Sources:*

- California Housing Partnership Corporation, “Local Preservation Strategies”:  
<http://chpc.net/dnld/LocalPrezStrat012512.pdf>
- City of South San Francisco, [Housing Element](#) Policy 3-2, 3-3
- City of San Bruno, [Housing Element](#) Program 1-1

## Preservation of Mobile Home Park Housing

### *Summary and Benefits:*

Mobile home parks are a hybrid of rental housing and ownership housing; in most parks, residents own their homes and rent the spaces where the homes are located. Mobile home parks represent one of the few remaining sources of unsubsidized affordable housing in California, and they also provide opportunities for homeownership to individuals and families who might not be able to afford other housing purchase options.

As the economy continues to rebound and development picks up, mobile home parks are particularly at risk for closure. Park owners, eager to profit off of rising land costs, seek to close parks so that the land can be sold and converted to other uses. Current examples from Santa Clara County include Buena Vista Mobile Home Park in Palo Alto<sup>1</sup> and Winchester Ranch Mobile Home Park in San Jose<sup>2</sup>. In both cases, owners have indicated their intention to close the parks and sell the land to real estate development companies who, in turn, will construct luxury apartments in their place.

Displacement of mobile home park residents due to rent increases, eviction, or closure of the park can have very serious consequences for the park residents and the community. Despite the terminology, mobile homes are generally not mobile—it is difficult to move a mobile home once it is installed in a park, and older mobile homes generally cannot be moved. As such, if a mobile home park resident is evicted, or if her park closes, she is likely to lose her investment in the mobile home in addition to losing the right to continue living in her community.

Pursuant to Government Code section 65583(a), which requires cities to analyze their existing housing stock, cities should do an assessment of their existing mobile home parks and identify mobile home parks that are at risk of closure during the planning period. Government Code section 65583 (c)(4), which requires housing elements to include programs to preserve and improve the jurisdiction's existing affordable housing stock, requires jurisdictions to develop and implement programs to prevent the conversion or closure of mobile home parks.

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<sup>1</sup> See, e.g., <http://www.npr.org/2013/10/15/227807022/silicon-valley-trailer-park-residents-fight-to-stay>

<sup>2</sup> See, e.g., [http://www.mercurynews.com/opinion/ci\\_24927008/mobile-home-parks-san-jose-needs-retain-this](http://www.mercurynews.com/opinion/ci_24927008/mobile-home-parks-san-jose-needs-retain-this).

### *Potential Policies:*

Every city that has one or more mobile home parks should have the following types of local policies to preserve this important source of affordable housing:

- **Mobile home park rent control/rent stabilization protections**—the California Mobile Home Residency law provides mobile home park residents with certain protections above those afforded other tenants under California law, including protections against eviction without good cause. However, the state does not regulate rent increases by mobile home parks. Cities can and do impose local mobile home park rent control regulations—over 100 cities in California have rent control or rent stabilization for mobile home parks. Typical ordinances limit rent increases

to in-place residents to a certain percentage, although some may provide a procedure for larger increases where a park owner is seeking to recoup expenses of capital improvements to the property.

- **A stand-alone zoning category for mobile home parks**—zoning that makes mobile home parks the sole allowable by-right use for a particular parcel or area creates extra protection against the conversion or closure of mobile home parks to other uses.
- **An ordinance regulating the conversion of mobile home parks to cooperative/condominium ownership**—subdivision of mobile home parks to convert to resident ownership (similar to condominiums) is an increasingly common phenomenon. While some conversions may be initiated by residents as a means of preserving the park from sale or closure, others are initiated by the owner against the majority of residents' wishes. SB 510, passed in 2013, makes clear that local governments have the authority to block such conversions where they are opposed by park's residents. Cities should have local ordinances governing the subdivision of mobile home parks, and these ordinances should specify that the city will deny approval of the subdivision of the park where it has not been demonstrated that a majority of park residents support the subdivision.
- **An ordinance regulating mobile home park closures**—cities may place conditions on mobile home park owners' ability to close the park, including requiring substantial relocation benefits and assistance to park residents who are facing displacement. Every city that has a mobile home park or parks should have an ordinance that has strong protections for mobile home park residents, including requirements that a park owner who is seeking to close the park must provide financial and logistical assistance that will allow residents to access homeownership opportunities that are as good as or better than the housing that they are being forced to leave. The ordinance should take into consideration community amenities like schools, access to public transit, parks, jobs, and infrastructure. The ordinance should also lay out a clear process and procedure for how the city will determine whether or not to approve a park closure, and the process should be protective of residents' rights.

Cities that do not have one or more of these policies should incorporate programs for adoption of such policies into their housing elements.

Additionally, if a city has identified a mobile home park that is at risk of closure during the planning period, the housing element should include concrete programs for assisting in the preservation of that park. Cities may consider helping to facilitate a resident purchase of the park (if the residents are amenable), helping to facilitate a non-profit purchase of the park, and/or using city funds (e.g., CDBG) to help preserve the park.

#### ***Model Ordinances/Useful Sources:***

- HCD's Building Blocks website has a sample housing element program here: [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_conserve.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_conserve.php)
- Sample Ordinances:
  - City of Sunnyvale Conversion Ordinance  
<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CDD/Housing/Mobile%20Home%20Parks/2983-12.pdf>
  - Santa Cruz County,

- § Conversion Ordinance: <http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty13/SantaCruzCounty1330.html>
  - § Rent Ordinance: <http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty13/SantaCruzCounty1332.html>
- City of San Jose Mobile Home Rent Ordinance: <http://www.sanjoseca.gov/DocumentCenter/View/2096>
- City of Goleta Rent Control Ordinance: <http://qcode.us/codes/goleta/> (Ch. 8.14)
- City of Escondido Rent Control Ordinance: <http://www.escondido.org/Data/Sites/1/media/pdfs/MobilehomeRentControlArticle5.pdf>
- Resources for helpful input on policy options:
  - California Housing and Community Development Department (HCD), Housing Elements and Regional Housing Need Allocation, Link: <http://www.hcd.ca.gov/hpd/hrc/plan/he/>
  - Local legal services programs:
  - Residents' association as mobile home parks:
  - Golden State Manufactured-Home Owners League (GSMOL) <http://www.gsmol.org/>

## **RDA protections – Continue compliance with RDA protection**

### ***Summary and Benefits:***

Although redevelopment agencies were dissolved in early 2012, most of the State Community Redevelopment Law was not repealed. Of particular importance is making sure that existing redevelopment-assisted housing remains in compliance with long-term restrictions on rents and tenant incomes. Some advocates have argued that obligations for affordable housing production and provision of replacement housing are also still in effect.

### ***Potential Policies:***

- Housing elements should describe policies and procedures for ongoing monitoring of redevelopment-assisted units
- Noticing rules for eviction – 90 day vs. 30 day
- Continue to require one-for-one housing replacement in redevelopment areas, with displaced households having first priority for occupancy in replacement units and new affordable units.

### ***Model Ordinances/Useful Sources:***

- California Health & Safety Code § 33410 et seq. governing Redevelopment Agency relocation assistance, Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=33001-34000&file=33410-33418>
- City of Mountain View, Tenant Relocation Assistance: [https://library.municode.com/HTML/16508/level3/PTIITHCO\\_CH36ZO\\_ARTIXTEREAS.html](https://library.municode.com/HTML/16508/level3/PTIITHCO_CH36ZO_ARTIXTEREAS.html)
- Cornerstone Partnerships, Strengths, Challenges & Opportunities: An Assessment of Affordable Homeownership Programs in San Mateo County, Link: <http://affordableownership.org/publications/smc-assessment/>

## **Relocation Benefits, Replacement Housing, and First Right of Return**

### ***Summary and Benefits:***

Projects assisted with Federal and State funds are subject to requirements to provide relocation assistance to households displaced by those projects. And lower income housing units removed from the supply by such projects generally have to be replaced with new units that are comparable in size and affordability. Similar requirements also applied to redevelopment projects. However, privately financed development projects are often exempt from such requirements. As PDAs are developed with higher density housing, there is a risk that existing housing occupied by lower income households will be demolished and the tenants displaced.

Relocation benefits ensure that displaced households are able to find comparable housing that they can afford. One-for-one replacement ensures that new development doesn't come at the expense of the affordable housing supply.

### ***Potential Policies:***

- Require relocation benefits at the same level as required by the Uniform Relocation Act for households displaced by new housing development, particularly in PDAs. These requirements should apply equally to publicly financed projects and private projects.
- Require that when units affordable to lower income households are removed from the supply, they must be replaced with comparable units on a one-for-one basis, within 3-4 years of demolition.
- Provide displaced tenants with the first right to return to replacement housing units and to affordable housing units in PDAs.

### ***Model Ordinances/Useful Sources:***

- California Health & Safety Code § 33410 et seq. governing Redevelopment Agency relocation assistance, Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=33001-34000&file=33410-33418>
- California Uniform Relocation Act, Government Code § 7260 et seq., Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=07001-08000&file=7260-7277>

## Rent stabilization

### *Summary and Benefits:*

Deed restricted affordable housing properties offer protections from market vacillations and provide stability for families. In contrast, market-rate units fluctuate with changes in the housing market. With the Bay Area housing market bouncing back, rent increases have exceeded 20% per year in some municipalities. These rapid rent increases have made homes that were previously affordable to lower-income families and households on a fixed income too expensive.

Rent stabilization ordinances limit the amount that rents are allowed to increase as market values increase. Landlords continue to obtain ever higher returns on their rental properties while tenants have the certainty that their rents will not increase more than a certain amount each year. Once a tenant moves out vacancy decontrol takes effect, that is, rents “reset” to market rate values for new occupants. While the Costa-Hawkins Act of 1995 limits the use of rent stabilization for new construction, these rules can apply to units built prior to February 1, 1995.

Below are a few examples of the diverse approaches to rent stabilization undertaken by Bay Area jurisdictions:

Jurisdiction	Applicability	Maximum Allowable Rent Increase
<b>East Palo Alto</b>	Most Rental Properties	80% of the increase in the Consumer Price Index
<b>Hayward</b>	All rental properties	5% annual increase
<b>Los Gatos</b>	Properties with three or more rental units	Cannot exceed annual increase of 5% or 70% of the increase in the Consumer Price Index
<b>San Rafael</b>	Mobile Homes	75% of the increase in the Consumer Price Index
<b>San Jose</b>	Applies to triplex or larger units built before 1979. Does not apply to condominiums, single family homes, or properties paid by federal subsidies.	8% annual increase If rent is increasing for first time in 24 months limited to 21%

### *Potential Policies:*

- Consider implementing controls on the rate of rent increases - note the distinction between rent *control* and rent *stabilization*. Rent control generally applies to setting the price of rent, while rent stabilization speaks to the rate of rent increase. New York City has [both](#).
- Consider implementation of Just Cause provision for tenant evictions

***Model Ordinances/Useful Sources:***

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>
- City of Hayward Rent Stabilization Ordinance, link: <http://www.echofairhousing.org/images/ResidentialRentOrdinance-1.pdf>
- Town of Los Gatos, link <http://www.losgatosca.gov/faq.aspx?tid=31>
- San Rafael municipal code, link: <http://library.municode.com/index.aspx?clientId=16610&stateId=5&stateName=California>
- City of Berkeley Guide to Rent Control, link: [http://www.ci.berkeley.ca.us/Rent\\_Stabilization\\_Board/Home/Guide\\_to\\_Rent\\_Control.aspx](http://www.ci.berkeley.ca.us/Rent_Stabilization_Board/Home/Guide_to_Rent_Control.aspx)
- San Jose, link: <http://www.sanjoseca.gov/index.aspx?NID=2313>

## **Housing Overlay Zone (HOZ)**

### ***Summary and Benefits:***

Using a “carrot,” rather than a “stick,” approach to encourage the creation of additional affordable housing, Housing Overlay Zones (HOZ) provide a flexible tool that sits on top of conventional zoning designations. These areas offer developers incentives to provide the community with specific amenities and community benefits in exchange for specific concessions by the city. On sites where land is not zoned for residential use but a city would like to see affordable housing built, a housing overlay district may eliminate the time consuming process of amending a general plan to construct such housing.

Public Advocates, a Bay Area law firm specializing in social justice issues, points out:

To achieve these goals, HOZ policies are centered around four basic parameters that can be customized to best fit local needs:

1. Geographic scope of applicability;
2. Baseline affordability qualifications for developments to access HOZ incentives;
3. Incentives given to qualified developments; and
4. The extent of exemptions from discretionary project-level approvals.

Determining the most effective balance of these factors will depend on work by local communities; however, in general, more effective HOZs will have broad geographic applicability including in lower-density or commercial zones, meaningful affordability qualifications, valuable incentives, and reliable exemptions from discretionary approvals.

### ***Potential Policies:***

- Consider the implementation of a Housing Overlay Zone over locally designated Priority Development Areas (PDAs), and transit-accessible areas, to incentivize affordable housing inclusion in areas close to amenities and transit alternatives.
- Among the potential incentives it could include:
  - Enhanced density bonuses - possibly to encourage [parcel assembly](#) as well
  - Reduced parking ratios
  - Expedited permit processing
  - Increased allowable heights
  - By-right zoning or administrative approval of projects
  - In-lieu fees
  - Impact fee waivers

### ***Model Ordinances/Useful Sources:***

- **City of Menlo Park**, link: [http://www.menlopark.org/departments/pln/he/amendments/993 HE Affordable Housing Overlay.pdf](http://www.menlopark.org/departments/pln/he/amendments/993_HE_Affordable_Housing_Overlay.pdf), <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1698.html>
- **City of Alameda**, link: [http://alameda.granicus.com/MetaViewer.php?meta\\_id=37217&view=&showpdf=1](http://alameda.granicus.com/MetaViewer.php?meta_id=37217&view=&showpdf=1)
- **King County, Washington**, link: <http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDe>

[velopment/Incentives.aspx](#)

- **Orange County**, Affordable housing incentive withing commercially zoned properties, Link: [http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZO\\_CO.html#TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZOCO\\_S7-9-148.1PUIN](http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE_DIV9PL_ART2THCOZO_CO.html#TIT7LAUSBURE_DIV9PL_ART2THCOZOCO_S7-9-148.1PUIN)
- **Public Advocates**, *Factsheet: Housing Overlay Zones*, [http://www.publicadvocates.org/sites/default/files/library/affordable\\_housing\\_overlay\\_zone\\_fact\\_sheet\\_7-27-10.pdf](http://www.publicadvocates.org/sites/default/files/library/affordable_housing_overlay_zone_fact_sheet_7-27-10.pdf)

## **Incentive Zoning/Density Bonus and Public Benefit Zoning**

### ***Summary and Benefits:***

Incentive Zoning/Density Bonus and Public Benefit Zoning are two “market-based strategies” that confer property rights (such as additional density) to a developer in exchange for public benefits to the community. Incentive Zoning, also known as “Density Bonus,” grants developers the right to build additional space in exchange for providing community amenities. This will work if the developer calculates that the value of the incentive provided is greater than the cost of providing the amenity. It is, therefore, voluntary. In addition to higher densities, other incentives commonly include reduced parking or modifications to height and setback requirements. Benefits range from affordable housing to accessible roof gardens, ground level public plazas, public art, miniparks and other desired amenities.

Public benefit zoning (PBZ) – also known as Land Value Recapture - is based on the premise that land use changes and enhancement enacted by a public agency contribute to increased real estate values. It is reasonable to expect that if a private landowner benefits from public action that benefits are extended towards the community as well.. In addition to the value created by the upzoning for the developer (as under incentive zoning) additional value is extracted from the landowner and dedicated to community benefits.

Both PBZ and Incentive Zoning can be based on negotiations, adjudicative and discretionary approvals, and ministerial entitlement based on compliance determination. But for PBZ, development agreements – in the case of significant developments - and areawide application, as in specific plans, work best. The tool of “tiers” of additional density/height has been utilized, with additional requirements for each additional tier. The benefits for PBZ are very similar to those of incentive zoning. In both cases, these benefits are in addition to existing Development Impact Fees, Inclusionary Housing, and Commercial Linkage Fees.

### ***Potential Policies:***

- For localities with Inclusionary Housing and/or Commercial Linkage Fees, both mechanisms can lead to additional units or fees required over existing regulations, either on a case-by-case basis or on the basis of a plan.
- For localities without, PBZ can lessen political opposition to Inclusionary Housing and/or Commercial Linkage Fees by tying those programs to increased densities and plan changes that increase the value of the land.

### ***Model Ordinances/Useful Sources:***

- Nico Calavita & Alan Mallach. 2009. Inclusionary Housing, Incentives and Land Value Recapture,” in *Land Lines*, January 2009 (Available in the Lincoln Institute of Land Policy Website)
- Dyett & Bathia. 2012. “Santa Monica Zoning Ordinance Update. Community Benefits and Incentives: Issues, Options, and Case Studies;” Prepared for the City of Santa Monica, August 2012.
- Patrick J Rohan & Eric Damian Kelly. 2013, *Incentive & Bonus Zoning*. Matthew Bender & Co Inc.
- <http://affordableownership.org/events/webinar-12613-using-upzoning-to-increase-affordability/>  
It includes a presentation on the differences and similarities between Incentive Zoning and LVR

Additionally, a White Paper on the Theory, Economics and Practice of Land Value Recapture is being finalized for publication in March 2014. The paper, authored by Nico Calavita and Marian Wolfe, is being prepared for the East Bay Housing Organizations and the Metropolitan Transportation Commission.

## **Inclusionary Housing**

### ***Summary and Benefits:***

With the emphasis on Priority Development Areas under SB 375, the difficulty of eliciting any appreciable “natural affordability” in these targeted growth locations increases substantially. Dedicating a percentage of housing units produced to deed-restricted affordability ensures that lower income households have access to transit and helps increase transit ridership, since lower income households are more likely to use transit. The ability of jurisdictions to mandate inclusionary housing was severely restricted in 2009 with the California Appellate Court ruling *Palmer v. City of Los Angeles*, which determined that inclusionary requirements on rental units conflicted with the 1995 Costa-Hawkins Act, which regulates rent control. Ownership units are not constrained. The recent surge in construction of for-rent units, many of which, are being approved with “condo maps,” may be an opportunity to ensure a degree of affordability should they [convert](#) to ownership units.

From Nonprofit Housing Association of Northern California’s (NPH) *Inclusionary Housing Advocacy Toolkit*:

- [Inclusionary Housing] creates housing choices in communities: IH policies ensure that every community provides homes affordable to a range of income levels. By providing these housing options, a community’s labor force—hospital workers, retail clerks, and childcare workers—can afford to live in the communities they serve. Hardworking families can have access to good schools and safe neighborhoods. Moreover, typical NIMBY opposition is often mitigated by creating both market-rate and affordable homes in a single development.
- [Inclusionary Housing] creates new affordable homes without needing new government funding: IH policies have broad appeal to local governments because these policies help provide affordable housing needs with little extra cost to governments. Furthermore, IH policies complement other affordable housing programs, like bond financing, rent and development subsidy programs, and tax credits.
- [Inclusionary Housing] levels playing field for all developers: By adopting IH policies, local governments remove uncertainty from the development process. It gives a clear message to landowners and developers so that all can make informed financial decisions before building.

### ***Potential Policies:***

- City adopts an inclusionary housing ordinance for ownership units with no less than 20% of affordable units in new construction. Tiered income policies should also be considered with a smaller percentage of affordable units required for deeper affordability, or a range of affordability levels that equate to 20%. Affordability should be maintained for a minimum of 55 years with an ideal of permanent affordability. Consider inclusion of an in-lieu fee sufficient to exceed the number of units that would have been built on-site. Consider affordable units specially set aside for seniors.
- City adopts a [development impact fee](#) that includes an option to build units in-lieu of paying the fee.
- City leverages Land Value Recapture concepts as part of a larger Community Benefits Program within Priority Development Areas or other areas targeted for growth.

### ***Model Ordinances/Useful Sources:***

- Nonprofit Housing Association of Northern California (NPH), *Inclusionary Housing Advocacy Toolkit*, [http://www.nonprofithousing.org/pdf\\_toolkits/InclusionaryTool.pdf](http://www.nonprofithousing.org/pdf_toolkits/InclusionaryTool.pdf)

- California Rural Housing Association, *Inclusionary Housing Database*: [http://www.calruralhousing.org/?page\\_id=110](http://www.calruralhousing.org/?page_id=110)
- Institute for Local Government (ILG), *California Inclusionary Housing Reader*: [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_California\\_Inclusionary\\_Housing\\_Reader.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_California_Inclusionary_Housing_Reader.pdf)
- Nonprofit Housing Association of Northern California (NPH), *Protecting Inclusionary Housing Requirements*, December 5, 2013, Link: <http://www.21elements.com/Download-document/603-Protecting-Inclusionary-Requirements.html>
- Goldfarb and Lipman Attorneys, *Presentation: Inclusionary Housing - Current Legal Issues*, January 23, 2014, Link: <http://www.21elements.com/Download-document/653-The-Current-State-of-Inclusionary-Housing-1/22/13.html>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to [www.21elements.com](http://www.21elements.com).*

## Source of Income Ordinance

### *Summary and Benefits:*

Since the 2009 ruling on *Palmer v. City of Los Angeles*, which restricted local jurisdictions' ability to promote mixed-income housing, there have been few avenues available to ensure low-income households have the ability to live in to high opportunity areas. Federal rent subsidy programs like the federal Housing Choice Voucher program (Section 8) offer the ability for low income residents to pay market rate rents and more effectively compete for housing. The advantages of vouchers over project-based housing assistance depend on the ability of voucher recipients to locate a landlord who will accept the voucher. Some landlords wish to avoid the administrative burden associated with the voucher program. Other landlords perceive voucher recipients to be undesirable tenants and/or fear their other tenants would object to voucher recipients as neighbors.

Under California law, it is unlawful for a landlord, managing agent, real estate broker, or salesperson to discriminate against a person or harass a person because of the person's race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, or disability. Source of Income anti-discrimination laws make it illegal for landlords to discriminate against voucher recipients solely on the basis of their having a voucher.

### *Potential Policies:*

- Consider an ordinance similar to East Palo Alto's Source of Income Ordinance EPAMC § 14.16.010.A.4 which prohibiting Income-Based Rental Housing Discrimination.
- *For further consideration* - Consider requirement for the inclusion of Section 8 Housing Choice Voucher Program tenants in new developments within the plan area where a community benefit agreement or development agreement is negotiated.

### *Model Ordinances/Useful Sources:*

- City of East Palo Alto, link: [HERE](#)
- Poverty and Race Research Action Council, Appendix B:State, Local, and Federal Laws Barring Source-of-Income Discrimination, link: <http://www.prrac.org/pdf/AppendixB.pdf>
- Fair Housing Law Project, *Housing Discrimination Based on Income*, link: <http://www.lawfoundation.org/repository/Income.pdf>
- U.S. Department of Housing, *The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes*, [http://www.huduser.org/publications/pdf/Freeman\\_ImpactLaws\\_AssistedHousingRCR06.pdf](http://www.huduser.org/publications/pdf/Freeman_ImpactLaws_AssistedHousingRCR06.pdf)
- 21 Elements Policy Best Practices: [HERE](#)

## **Commercial Linkage Fee**

### ***Summary and Benefits:***

A portion of jobs created by new commercial development – hotel, retail, office, etc.- are low-paying and the new employees cannot afford market-rate housing. With commercial linkage fees – also known as job-housing linkage fees - developers are expected to ameliorate some of the housing impacts generated by such projects. This impact is measured through a Job-Housing Nexus Analysis that shows the connection between the construction of new commercial buildings, employment, and the need for affordable housing. They are usually performed by consulting firms that have specialized in this type of analysis.

Methodologies vary, but in most cases the analysis begins with an estimation of the number of employees for a prototypical 100,000 sq.ft. building and ends with the cost per-square foot for that building to provide housing for those employees who would live in that locality but could not afford to live there. Consultants routinely recommend fee levels much lower than the maximum. Given that, depending on the land use, there are different concentrations of employees per area of buildings, fee levels vary, with office usually the highest, and warehousing the lowest. Some localities, heavily impacted by specific types of development, might exact fee from only those uses, as is the cases in some Silicon Valley cities targeting the high tech industry.

Commercial linkage fees are adopted at the local level, and as such they reflect the diversity of each locality's economic, political and cultural traits. Linkage fees can vary by development type, fee level, exemptions, options/thresholds, terms of payment, and results. About twenty cities in California have enacted commercial linkage fees. Compared to the number of localities with inclusionary housing programs, the number of localities with commercial linkage fees is rather low. A possible explanation is fear of discouraging economic growth. However, reasonable fees enacted in areas experiencing high levels of economic growth and strong demand for commercial space should not negatively affect the rate of commercial development. This is especially true if one considers that the additional costs to developers will bring about a readjustment of land prices in a period of a few years, i.e., the landowner will pay the additional cost of development through a reduction of the price of land. (See below, Jobs-Housing Nexus Study Prepared for the City of San Diego by Keyser Marston associates, Inc. August 2013, page 62).

### ***Potential Policies:***

- Some cities in the Bay Area already have commercial linkage fees. Those cities experiencing high levels of growth should consider increasing their existing fees. In some cases there are no provisions for inflation adjustment, as in Berkeley. The City of San Diego passed legislation last year to increase their fees to reflect the failure in adjusting their fees since 1990, the date of adoption of their program. Finally, cities without commercial linkage fees but experiencing high rates of commercial growth should consider adopting a commercial linkage fee program.

### ***Model Ordinances/Useful Sources:***

- City of Menlo Park Commercial Development Fee - Zoning Code Chapter 16.96.030, Link: <http://www.codepublishing.com/CA/menloPark/?MenloPark16/MenloPark1696.html>
- City of Oakland Jobs/Housing Linkage Fee - Building Code Chapter 15.68. Link: [http://library.municode.com/HTML/16308/level2/TIT15BUCO\\_CH15.68JOHOIMFEAFHOTR\\_FU.html#TOPTITLE](http://library.municode.com/HTML/16308/level2/TIT15BUCO_CH15.68JOHOIMFEAFHOTR_FU.html#TOPTITLE)

- City of Oakland Jobs/Housing Linkage Fee Nexus Study and related reports. Link: <http://www2.oaklandnet.com/Government/o/hcd/s/Data/DOWD008692#linkage>
- Jobs- Housing Nexus Study Prepared for the City of San Diego by Keyser Marston associates, Inc. August 2013:  
[http://sdhc.org/uploadedFiles/Real\\_Estate/Best\\_Practices\\_Task\\_Force/SDHC%20Job%20Housing%20Nexus%20Study%202013\(1\).pdf](http://sdhc.org/uploadedFiles/Real_Estate/Best_Practices_Task_Force/SDHC%20Job%20Housing%20Nexus%20Study%202013(1).pdf)
- City of San Jose, Housing Needs and Strategy Study Session Follow-up Administrative Report, Link: <http://sanjoseca.gov/DocumentCenter/View/12862>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to [www.21elements.com](http://www.21elements.com).*

## **Housing Impact Fee**

### ***Summary and Benefits:***

In the wake of the Palmer decision, which limits the ability of cities to apply inclusionary zoning requirements to rental housing unless some form of financial assistance is provided, many cities have turned instead to the use of development impact fees charged on new, market-rate housing development. Known as “Housing Impact Fees”, these fees are based on an assessment of the extent to which the development of new market-rate housing generates additional demand for affordable housing.

As is the case with Commercial Linkage Fees, adoption of a Housing Impact Fee requires the preparation of a nexus study. Typically, this study will assess the extent to which new market-rate development attracts higher income households who will spend more on retail and services. That increased spending creates new jobs, attracting new workers to live in the city, some of whom will be lower income and require affordable housing..

A financial feasibility study is also recommended to ensure that any Housing Impact doesn't render development infeasible.

### ***Potential Policies:***

- Commit to conducting a nexus study and financial feasibility study for a Housing Impact Fee to assess new market rate development for the increased demand that it creates for affordable housing.
- Adopt a Housing Impact Fee, with funds dedicated to an affordable housing trust fund to be used to preserve and expand the supply of affordable housing.

### ***Model Ordinances/Useful Sources:***

- City of San Carlos Housing Impact Fee, Affordable Housing Program - Zoning Code Chapter 18.16, Link: <http://www.codepublishing.com/ca/SanCarlos/html/SanCarlos18/SanCarlos1816.html#18.16>, Nexus Study and Fee Analysis: <http://www.21elements.com/Download-document/492-San-Carlos-Nexus-Study-Fee-Analysis.html>
- City of Fremont Housing Impact Fee, Affordable Housing - Establishment of Fees - Zoning Code 18.155.090, Link: <http://www.codepublishing.com/ca/fremont/html/Fremont18/Fremont18155.html#18.155.090>
- City of Berkeley Housing Impact Fee Nexus Study, Link: [http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/2011/01Jan/2011-01-25\\_Item\\_14a\\_Affordable\\_Housing\\_Impact\\_Fee.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3_-_City_Council/2011/01Jan/2011-01-25_Item_14a_Affordable_Housing_Impact_Fee.pdf)
- San Luis Obispo County Housing Impact Fee Nexus Study, Link: <http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1612/QXR0YWNobWVudCBCIC0gUmVzaWRlbnRpYWwgSG91c2luZyBJbXBhY3QgRmVlIE5leHVzIFN0dWR5X0EucGRm/12/n/9978.doc>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to [www.21elements.com](http://www.21elements.com).*

## **Rededication of “Boomerang Funds” to Affordable Housing**

### ***Summary and Benefits:***

With the dissolution of Redevelopment Agencies (RDA), the State of California deprived local jurisdictions of their largest and most significant source of local funding for affordable homes. Across the state redevelopment was responsible for over \$1 billion in direct funding for affordable housing with its 20% tax increment set-aside. These local funds often served as “first in” money that could be leveraged to acquire other sources of funding. Some Bay Area affordable housing developers report that over 75% of their projects in recent years involved some level of RDA funding. A portion of those former tax increment funds come back to local jurisdictions as both a one-time lump sum from their former Low and Moderate Income Housing Fund (LMIHF) and an ongoing bump to their property tax. Counties receive such funds from each former redevelopment agency within the county. These have been referred to as “Boomerang Funds.”

### ***Potential Policies:***

- Consider dedication of 100% of the one-time lump sum distribution of former Low and Moderate Income Housing Fund money back into funding for affordable housing.
- Dedication of at least 20% of the ongoing year-over-year tax-increment distributions now realized as increased property tax distributions back into funding for affordable housing.

### ***Model Ordinances/Useful Sources:***

- County of San Mateo, Administrative Report, *Use of Unrestricted General Funds Derived from One-Time Distribution of Housing Trust Funds of Former Redevelopment Agencies*, Link: <http://sanmateo.siretechnologies.com/sirepub/cache/2/e43oowhzorkxrqv2mzj3sagw/2976401302014051731203.PDF>
- County of Santa Clara, Resolution, *Resolution establishing a policy regarding the use of new revenues from the dissolution of redevelopment agencies*, Link: [http://sccgov.iqm2.com/Citizens/Detail\\_LegiFile.aspx?ID=68014](http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=68014)
- City of Oakland, Ordinance establishing set aside of boomerang funds. Link: <https://oakland.legistar.com/View.ashx?M=F&ID=2644368&GUID=D42A5E35-CC52-4D92-802B-ADE4629D4CE2>

## **Affordable Housing Sites:**

### ***Summary and Benefits:***

A key part of every Housing Element is the identification of adequate sites to serve a range of incomes, including households at very low and low income levels. Since both Plan Bay Area and the RHNA site the majority of new growth within Priority Development Areas, local housing elements should identify affordable housing opportunity sites within PDAs. Also, while the law requires only that the sites be adequately zoned, for these sites to become affordable housing sites, they must be competitive for affordable housing funding, particularly Low Income Housing Tax Credits.

### ***Potential Policies:***

- Site the majority of affordable housing parcels entirely within local Priority Development Areas or Transit Priority Areas/PDA-like places
- Site affordable housing locations to maximize Low Income Housing Tax Credit (LIHTC) potential. Jurisdictions are encouraged to work with affordable housing developers active in their area to analyze whether identified sites would be competitive for tax credits.

### ***Model Ordinances/Useful Sources:***

- [California Tax Credit Allocation Committee](http://www.treasurer.ca.gov/ctcac/programreg/2014/20140129/regulations.pdf), Adopted Regulations (January 29, 2014) <http://www.treasurer.ca.gov/ctcac/programreg/2014/20140129/regulations.pdf> - Regulation Section 10325 - Application Selection Criteria
- ABAG GIS Catalog, Plan Bay Area Priority Development Areas, Link: <http://gis.abag.ca.gov/>
- San Mateo County 21 Elements, *LIHTC Fact Sheet*, Link: <http://www.21elements.com/Download-document/553-Low-Income-Housing-Tax-Credit-Fact-Sheet.html>

## **Priority Development Areas**

### ***Summary and Benefits:***

Plan Bay Area - the regional land use and transportation plan designed to reduce greenhouse gas emissions by reducing vehicle miles traveled - identifies Priority Development Areas (PDAs) throughout the region where most growth is to be concentrated. These are areas close to transit stations or along major transit corridors. However, these PDAs were established voluntarily by cities and there are some areas well served by transit that have not been designated. In addition, it is up to localities to identify policies and establish plans for siting affordable housing in PDAs. Expanding PDAs to cover all “PDA-like” places and having strong policies for developing affordable housing in PDAs are critical for regional housing equity. Local housing elements should include such actions in their implementation program.

### ***Potential Policies:***

- Expand designated Priority Development Areas to additional locations that are transit accessible.
- Jurisdictions should identify specific policies that promote inclusion of affordable housing within PDAs

### ***Model Ordinances/Useful Sources:***

- ABAG, FOCUS: Priority Development Area, <http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html>
- ABAG GIS Catalog, Plan Bay Area Priority Development Areas, Link: <http://gis.abag.ca.gov/>
- ABAG, *Inner Bay Area Corridors PDA Implementation Memo*, January 7, 2014, Link: <http://www.abag.ca.gov/abag/events/agendas/e011614a-Item%202008,%20Inner%20Bay%20Area%20PDA%20Update.pdf>

## Parcel Assembly

### *Summary and Benefits:*

Infill development is often difficult due to the presence of small, oddly-shaped parcels in older parts of cities and towns. Generally, to build sites that fit with the character of the neighborhood at densities that are economically feasible, developers assemble larger sites from smaller parcels. Parcel assembly can be problematic, however, as owners of the last parcel needed to assemble the whole site can exact significant financial concessions from developers in turn incentivizing all neighbors to be the last to sell. Jurisdictions have traditionally responded through the use of eminent domain, a highly unpopular and rarely invoked option.

Graduated density zoning provides jurisdictions with another tool to assemble larger sites from smaller parcels. Jurisdictions are able to keep lower-density zoning for sites less than a given size but allow higher density development on sites that exceed a certain “trigger” size. Owners are motivated to sell if the values of their assembled parcels at higher densities greatly exceed the current value of their parcel alone. All owners have to sell in order to achieve economic gains from their parcels as the density bonus is only triggered when the site reaches a certain minimum size. As a result there is an incentive to not be the last one to sell, as the last owner could be left with an oddly shaped parcel that would be difficult if not impossible to assemble into a larger site.

### *Potential Policies:*

Jurisdictions can choose to institute an “abrupt” or “sliding” scale of graduated density zoning or even downzone in certain instances:

- Abrupt: If an assembled site achieves a minimum size then higher densities are triggered.
- Sliding: A site’s density is increased with each subsequent increase in size up to a maximum density.
- Graduated density does not require upzoning. A neighborhood that is zoned at higher densities (i.e. 50 du/acre) but is holding out for higher prices could also be downzoned to allow the original density (50 du/acre) only on sites larger than a minimum size.

Table 1 Abrupt vs. Sliding Graduated Density Zoning :

*Taken from Donald Shoup “Graduated Density Zoning” Journal of Planning Education and Research*

	<b>Abrupt</b>		<b>Sliding</b>	
<b>Area (Acres)</b>	<b>Density (units/acre)</b>	<b>Units</b>	<b>Density (units/acre)</b>	<b>Units</b>
0.2	5	1	14	3
0.4	5	2	23	9
0.6	5	3	32	19
0.8	5	4	41	33

<b>1.0</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>
1.2	50	60	50	60

For either option the aim is to create a situation where the base density is much lower than developers want while offering a substantial density bonus for larger sites. The “abrupt” option creates a stronger incentive for the last owner to sell as the density bonus is not realized without the last parcel. By gradually increasing density, the “sliding” option creates stronger incentives for the initial owners to sell and puts less pressure on the owner of the last parcel.

***Model Ordinances/Useful Sources:***

- Shoup, Donald. "Graduated Density." *Journal of Planning Education and Research*. (2008): n. page. Web. 10 Dec. 2013. <<http://its.ucla.edu/shoup/graduateddensityzoning.pdf>>.
- City of San Bruno’s 2009 General Plan allows for higher FARs on lots bigger than 20,000 sq ft, see section 2-8 “Multi-use Residential Focus”:  
[http://www.sanbruno.ca.gov/comdev\\_images/planning/General%20Plan/Approved/SBGP\\_CompleteGP.pdf](http://www.sanbruno.ca.gov/comdev_images/planning/General%20Plan/Approved/SBGP_CompleteGP.pdf)
- City of Glendale provides a 25% density bonus in some neighborhoods:  
[http://www.ci.glendale.ca.us/gmc/Zoning\\_Code/Chapter30-36.pdf](http://www.ci.glendale.ca.us/gmc/Zoning_Code/Chapter30-36.pdf)
- Simi Valley provides a graduated density bonus in its Kadota Fig neighborhood on sites larger than 13 acres: <http://its.ucla.edu/shoup/graduateddensityzoning.pdf>

## **Parking**

### ***Summary and Benefits:***

Parking policies impact the design, location, and financial viability of new developments. The costs of providing parking can affect whether a project is viable and the level of affordability that can be achieved, as providing a single parking space ranges from \$5,000 per surface parking spot to as much as \$60,000 per each underground parking space.

Also, even though such spaces come at great cost, they may not be fully utilized—particularly in affordable housing developments. Parking requirements have a disproportionate impact on housing for low income households because low income households consistently own fewer vehicles than their higher income counterparts and are more burdened by the extra expenses. In a study of affordable housing and parking needs, the City of San Diego found that residents of affordable housing owned cars at half the rate of residents of market rate rental housing. In addition to reducing housing costs, modifications to parking policies can encourage residents to own fewer cars, drive less, and increase use of transit, walking and biking which contributes to better health.

In the Bay Area, Priority Development Areas (PDAs) are an excellent location for affordable housing development. The proximity to quality transit warrants lower parking levels for new housing, which lowers per-unit developmental costs and allows for more housing for a given budget, while providing other less expensive modes of access for residents.

### ***Potential Policies:***

1. *Reduce or eliminate unnecessary parking requirements:* Eliminate requirements for additional parking for new development in downtowns and town centers, allowing customized approaches.
  - a. *Unbundle parking (residential and commercial):* Require the cost to own or lease a parking space to be unbundled from the price to rent or own a commercial or residential space. This increases housing affordability for households that do not use parking.
  - b. *Share parking:* Adopt policies to encourage or require shared parking between uses rather than reserved parking for specific users and tenants.
  - c. *Allow tandem parking* (when two spaces are located end to end) to count toward satisfying parking requirements.
  - d. *Consider parking maximums* for very transit-rich, walkable and congested areas to reduce local congestion and enhance the environment for walking and use of alternative modes.
2. *Promote alternative modes (with transit passes, car sharing, bike lanes, pedestrian amenities, etc.):* Incorporate requirements for free or discounted transit passes, carshare incentives, bicycle parking and pedestrian amenities in lieu of some parking.
3. *Coordinate prices for on-street and off-street parking:* Pricing parking reduces parking demand, ensures that end-users carry more of the cost, and promotes turnover. Coordination of pricing between on-street and off-street is essential to achieve parking management goals. Adopt a parking availability target: Set a goal that parking availability be maintained at around 15 percent through the use of pricing, time limits and adjustable rates/regulations, and allow parking staff to adjust prices to achieve this goal.
4. *Manage parking:* engage in active parking management to better utilize existing parking and use of revenues.
  - a. *Track parking utilization in buildings and the neighborhood:* This allows residents of buildings with less parking to park elsewhere in the neighborhood and enables buildings

- to be built with fewer parking spots than would normally be required.
- b. *Establish parking benefit districts*: Net revenue collected from parking pricing and permit revenues could be dedicated to funding community priorities within designated Parking Benefit Districts.
  - c. *Establish Transferable Parking Entitlements*: Jurisdictions could designate the number of parking spaces made available for a development as an “entitlement” that could be bought or sold if they are unused.
5. *Establish and publicize policies to require or encourage employers to offer alternative access for employees*. Transportation Demand Management refers to a range of policies and programs to reduce vehicle miles travelled (VMT) which, in turn, decrease the need for parking. Possible policies include carpool parking, parking pricing, flexible work schedules, and ridesharing. The Air District and MTC are developing a Bay Area Commuter Benefits Program to promote the use of alternative commute modes such as transit, ridesharing, biking and walking. The program would require employers with 50 or more full-time employees in the Bay Area to offer one of the benefits, see [http://www.mtc.ca.gov/news/current\\_topics/10-13/cbp.htm](http://www.mtc.ca.gov/news/current_topics/10-13/cbp.htm)

#### ***Model Ordinances/Useful Sources:***

- MTC’s Parking Policies for Smart Growth:  
[http://www.mtc.ca.gov/planning/smart\\_growth/parking/](http://www.mtc.ca.gov/planning/smart_growth/parking/)
- Parking Code Guidance: Case Studies and Model Provisions:  
[http://www.mtc.ca.gov/planning/smart\\_growth/parking/6-12/Parking\\_Code\\_Guidance\\_June\\_2012.pdf](http://www.mtc.ca.gov/planning/smart_growth/parking/6-12/Parking_Code_Guidance_June_2012.pdf)
- Redwood City Article 30 Parking and Loading:  
<http://library.municode.com/HTML/16091/level1/ART30OREPALO.html#ART3>
- The city of Berkeley recently partnered with AC Transit and several regional agencies to provide free transit passes and expand access to car sharing in their downtown through their GoBerkeley program: <http://online.wsj.com/article/PR-CO-20130627-910529.html>
- San Francisco’s award winning SF Park program uses demand pricing and innovative payment schemes to encourage parking in underutilized areas: <http://sfpark.org/>
- For a study considering lower rates of auto ownership and affordable housing please see San Diego’s Affordable Housing and Parking study:  
<http://www.sandiego.gov/planning/programs/transportation/mobility/pdf/111231sdafhfinal.pdf>

## Site and Building Regulations

### *Summary and Benefits:*

Developers estimate that every month required for processing a development application adds at least 1 to 2 percent to the overall cost of a housing development. When development processing requires a year or more, the resulting impact on housing costs can be significant. In order to cut down development costs and facilitate the construction of multi-family affordable homes, localities can employ a number of policies to ease or streamline development requirements. These include an array of options such as fee reductions for affordable housing development, streamlined review processes, modifying building height restrictions, and allowing the payment of in-lieu fees to meet certain obligations such as open space or park land requirements.

Below are a few examples of approaches that Bay Area jurisdictions have taken to ease the developmental process:

Jurisdiction	Policy Approaches
<b>City of Fremont</b>	Developments with 5 or more units qualify for a density bonus if affordable housing is included. <a href="#">The city</a> also provides developers with site identification assistance, marketing and tenant screening, modification of development standards, and streamlined processing of plans and permits.
<b>City of Milpitas</b>	Created the <a href="#">Midtown Specific Plan</a> focusing on a 252 acre area that can accommodate up to 4900 housing units. The plan takes advantage of VTA and future BART rail stations in the area to increase housing choices and densities.
<b>Redwood City</b>	Adopted a <a href="#">Downtown Precise Plan</a> that used extensive community input to create a streamlined permitting process to channel regional housing demand to their downtown. The plan provides developers with clear guidelines that, if followed, allows for certainty in permit processing times.

### *Potential Policies:*

#### **Streamlining the Approval Process:**

- Provide clear and objective regulations and guidelines to prospective applicants so that proposed projects conform to local priorities and goals
- Consider “by right” approvals and form-based codes for designated uses
- Provide streamlined permitting review processes for affordable housing

#### **Flexibility in Planning Requirements**

- Encourage mixed-use zones: mixed-use zones create flexible investment opportunities for and locates infill housing in office or retail districts where it may be less controversial. It also has the added benefit of reducing development costs by sharing amenities and parking with other uses.

- Let infill developers meet open space and parkland requirements by paying “in-lieu” fees
- Maximize development potential through the removal of building height restrictions in designated Priority Development Areas
- Limit requirement for ground-floor retail to key nodes, and allow for residential uses on the ground floor in certain locations

***Model Ordinances/Useful Sources:***

- *A Place to Call Home: Housing in the San Francisco Bay Area*, link:  
[http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A\\_Place\\_to\\_Call\\_Home\\_2007.pdf](http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf)
- *Blueprint 2001: Housing Element Ideas and Solutions*, link:  
<http://www.abag.ca.gov/planning/housingneeds/blueprint.html>
- City of Redwood City’s Downtown Precise Plan, link:  
<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/NewDTPPDownload.htm>
- City of Fremont Density Bonus and Affordable Housing Incentives, link:  
<http://www.codepublishing.com/ca/fremont//html/Fremont18/Fremont18165.html#18.165.090>
- City of Milpitas Midtown Specific Plan, link:  
[http://www.ci.milpitas.ca.gov/government/planning/plan\\_midtown\\_specific.asp](http://www.ci.milpitas.ca.gov/government/planning/plan_midtown_specific.asp)

## Universal Design Standards for Apartments

### *Summary and Benefits:*

The goal of universal design is to make the built environment as accessible as possible to people of all ages and abilities without adaptation or specialized design. Universal design features come at little to no extra cost if incorporated in a project as it gets built while significantly reducing or eliminating the need to later retrofit the structure for accessibility.

The principles of universal design as defined by the Center for Universal Design are as follows:

- **Equitable use:** the design is useful and marketable to people with diverse abilities
- **Flexibility in use:** the design accommodates a wide range of individual preferences and abilities
- **Simple and intuitive use:** use of the design is easy to understand regardless of the user's experience, knowledge, language skills, or current concentration level
- **Perceptible information:** the design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities
- **Tolerance for error:** The design minimizes and the adverse consequences of unintended actions
- **Low physical effort:** The design can be used efficiently and comfortably with a minimum of fatigue
- **Size and space for approach and use:** Appropriate size and space is provided for approach, reach, manipulation and use regardless of user's body size, posture, or mobility

For residential properties universal design features could include:

- No-step entry
- Wider interior doors and hallways
- Audio & visual doorbell
- At least one bathroom or powder room on the primary entry level
- Hand-held adjustable shower head
- Kitchen on an accessible route of entry.

### *Potential Policies:*

- The City of Dublin requires that all new construction of single family homes and apartment buildings in excess of 20 units, include certain universal design features to make properties as accessible as possible.

### *Model Ordinances/Useful Sources:*

- City of Dublin, link: <http://www.codepublishing.com/ca/dublin/dublin07/Dublin0790.html>
- City of Dublin universal design checklist: <http://dublin.ca.gov/DocumentCenter/Home/View/59>
- HCD Model Universal Design Ordinance: [http://www.hcd.ca.gov/codes/shl/3-Text-Universal\\_Design\\_Model\\_Ordinance.pdf](http://www.hcd.ca.gov/codes/shl/3-Text-Universal_Design_Model_Ordinance.pdf)
- Principles of Universal Design from the Center for Universal Design: [http://www.ncsu.edu/ncsu/design/cud/pubs\\_p/docs/poster.pdf](http://www.ncsu.edu/ncsu/design/cud/pubs_p/docs/poster.pdf)

## **Emergency Shelters and Homeless Persons (SB2)**

**Summary and Benefits:** SB2 (Chapter 633, Statutes of 2007) clarifies and strengthens the housing element law by ensuring that local zoning encourages and facilitates emergency shelters. SB2 also limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. SB2 planning and approval requirements include:

- identify at least one zone to permit emergency shelter by-right
- conduct need assessment for emergency shelter addressing both seasonal and year-round need
  - need may be reduced by the number of supportive housing units that are identified in the jurisdictions 10-year plan to end homelessness, provided that units are vacant or will be constructed during the planning period with funding identified
- demonstrate that transitional housing and supportive housing are permitted as a residential use and are subject to restrictions that apply to other residential units of the same type and in the same zone
- standards must be objective and promote the use for or encourage development/conversion to emergency shelter
- jurisdictions with existing ordinances for emergency shelter have flexibility in meeting zoning requirements or if they demonstrate that need for emergency shelter can be met in existing shelters or through a multi-jurisdictional agreement
- zones must include sufficient capacity to accommodate the need for emergency shelter
  - if existing zoning does not allow for zoning for emergency shelter by-right or if the identified sites have insufficient capacity to meet the need, the housing element must include a program to identify a specific zone(s) and amend the zoning code within year of adoption of the housing element

### **Potential Policies:**

- Amend/adopt zoning ordinance that provides standards to ensure the development of emergency shelters. Standards permitted for regulation include:
  - Development standards common to the zoning district
  - Maximum number of beds
  - Off-street parking
  - Size and location of exterior/interior on-site waiting and client intake areas
  - Provision of on-site management
  - Length of stay
  - Lighting
  - Provision of security during hours of operation
  - Non-discretionary design standards
  - Proximity to other emergency shelters
  - Voluntary or incentive based standards

### **Model Ordinances/Useful Sources:**

- Chapter 633, Statutes of 2007: [http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb\\_0001-0050/sb\\_2\\_bill\\_20071013\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_2_bill_20071013_chaptered.pdf)
- HCD Memorandum on SB 2 Zoning for Emergency Shelters, Transitional housing, and

Supportive Housing (Updated April 10, 2013):

[http://www.hcd.ca.gov/hpd/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)

- San Mateo County 21 Elements, “Zoning in the Wake of SB2: Best Practices for Emergency, Transitional, and Supportive Housing” <http://www.21elements.com/Download-document/442-Zoning-in-the-Wake-of-SB-2-Best-Practices-for-Emergency-Supportive-and-Transitional-Housing.html>

## **Reasonable Accommodations (SB520 and SB812)**

### ***Summary and Benefits:***

Consistent with state and federal law, housing elements should contain policies and programs to implement fair housing laws and to provide housing for persons with disabilities. Housing element law requires local jurisdictions to conduct a housing needs assessment for persons with disabilities. In recent years, the state has amended the housing element law to remove barriers to housing opportunities for persons with disabilities.

- SB520 (Chapter 671, Statutes of 2001) amended the housing element law by requiring local jurisdictions to:
  - analyze potential and actual constraints on the development, maintenance, and improvement of housing for persons with disabilities (i.e. land use policies, building codes/enforcement, fees, parking requirements, and local processing and permit procedures)
  - analyze local efforts to remove governmental constraints that present barriers to providing housing for persons with disabilities
  - adopt universal design elements in its building codes that address limited lifting, flexibility, mobility, and vision
  - identify/analyze whether it has a reasonable accommodation policy, procedure, or ordinance
  - provide programs to remove identified constraints or provide reasonable accommodations for housing designed for persons with disabilities
- SB812 (Chapter 507, Statutes of 2010) amended the housing element law by requiring local jurisdictions to:
  - as part of special housing needs analysis, include an evaluation of the special housing needs of persons with developmental disabilities
    - estimate the number of persons with developmental disabilities
    - assess housing need and availability of programs (i.e. shared housing, permanent supportive housing/programs)
    - identify potential funding sources designated for persons with developmental disabilities
  - develop and implement programs to meet housing needs for persons with developmental disabilities

### ***Potential Policies:***

- Amend zoning ordinance or adopt a reasonable accommodation ordinance that provides a procedure for requesting reasonable accommodation and flexibility in the application of zoning and land use regulations and procedures (See below ‘HCD Reasonable Accommodation Model Ordinance’)

### ***Model Ordinances/Useful Sources:***

- HCD Memorandum on SB 520 Analysis of Constraints on Development of Housing for Persons With Disabilities: [http://www.hcd.ca.gov/hpd/hrc/plan/he/sb520\\_hpd.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/sb520_hpd.pdf)
- HCD Memorandum on SB 812 Analysis of Special Housing Needs for Persons With Developmental Disabilities: <http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf>
- HCD “Constraints: Housing for Persons with Disabilities”

[http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_disabilities.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php)

- HCD Reasonable Accommodation Model Ordinance  
[http://www.hcd.ca.gov/hpd/housing\\_element2/documents/MODEL\\_REASONABLE\\_ACCOMMODATION\\_ORDINANCE.pdf](http://www.hcd.ca.gov/hpd/housing_element2/documents/MODEL_REASONABLE_ACCOMMODATION_ORDINANCE.pdf)
- City of Santa Rosa, Reasonable Accommodation Ordinance:  
[http://www.hcd.ca.gov/hpd/housing\\_element2/documents/Reasonable\\_Accommodation\\_Ordinance\\_Santa\\_Rosa.pdf](http://www.hcd.ca.gov/hpd/housing_element2/documents/Reasonable_Accommodation_Ordinance_Santa_Rosa.pdf)
- Mental Health Advocacy Services, Inc., “Fair Housing Reasonable Accommodation: A Guide to Assist Developers and Providers of Housing for People with Disabilities in California”  
<http://www.mhas-la.org/DeveloperGuide3-9-05.pdf>

## **Second-Unit Law (AB1866)**

**Summary and Benefits:** AB1866 amended the state’s second-unit law by requiring local governments with a local second-unit ordinance to ministerially consider second-unit applications without discretionary review or a hearing. Jurisdictions without a second-unit ordinance are required to ministerially consider second-unit application according to state standards. Second units approved ministerially are statutorily exempt from CEQA<sup>2</sup>.

AB1866 also clarified existing housing element law to allow local governments to identify the realistic capacity of new second-unit development to meet its RHNA requirements.

Jurisdictions may count the realistic potential for new second units within the planning period considering the following:

- the number of second units developed in the previous planning period
- an estimate of potential increase due to policies, programs, and incentives that encourage the development of second units
- other relevant factors

### **Potential Policies:**

- Adopt a second-unit ordinance that includes, in addition to elements required by state law, design/development standards, zones permitted for second units, permit procedures, and incentives that encourage the construction of second units
- Review existing second-unit ordinances for compliance to updated law and make necessary amendments
- Include incentives in second-unit ordinances such as:
  - flexible zoning requirements and development standards
  - reduced or modified parking requirements
  - reduced setback requirements
  - prioritized processing
  - certain fee waivers of developments that involve second units for low or very-low income households
  - allow for owner-occupancy in either primary or secondary unit
- Create an amnesty program to allow owners of illegal units to legalize their units
- Provide informational materials to homeowners and developers to market second-unit construction that includes a second unit application, explanation of the application process, and benefits/incentives of constructing or legalizing second units

### **Model Ordinances/Useful Sources:**

- HCD Memorandum on AB1866 Second Unit Law and the Creation of Second Units in Meeting Regional Housing Need: [http://www.hcd.ca.gov/hpd/hpd\\_memo\\_ab1866.pdf](http://www.hcd.ca.gov/hpd/hpd_memo_ab1866.pdf)
- HCD “Second Units” [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_secondunits.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_secondunits.php)
- San Mateo County 21 Elements, Second Units Memo “Best Practices and Sample Housing Element Language” <http://www.21elements.com/Download-document/485-Best-Practices-for-Second-Units-Fact-Sheet-for-San-Mateo-County.html>
- City of Santa Cruz, Accessory Dwelling Unit Development Program: <http://www.cityofsantacruz.com/index.aspx?page=1150>

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<sup>2</sup>Section 15268 of the CEQA guidelines and Section 21080 (b)(1) of the Public Resources Code: <http://ceres.ca.gov/ceqa/guidelines/art18.html>

- City of Santa Cruz, Accessory Dwelling Units Zoning Regulations: <http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=8862>
- Marin County, Second Units Amnesty Program: <http://www.21elements.com/Download-document/483-Amnesty-Program-for-Second-Units-Fact-Sheet.html>
- University of California, Berkeley, Center for Community Innovation, *Yes in My Backyard: Mobilizing the Market for Secondary Units*, Link: <http://communityinnovation.berkeley.edu/reports/secondary-units.pdf>

## State Density Bonus Law

**Summary and Benefits:** In 2010, the state updated its density bonus law which requires local jurisdictions to provide density bonuses and other incentives to developers of affordable housing who commit a certain percentage of units for persons who fall within certain income levels. Density bonus may only be approved in conjunction with a development permit. Density bonuses are granted when a developer agrees to construct a housing development that includes at least one of the following:

- 5% of total units for very low income households
- 10% of total units for low income households
- 10% of total units (within a common interest development) for moderate income households
- Local jurisdictions must also provide bonuses in response to certain land donation, if developments include the construction of a childcare facility, and certain developments of senior housing.

Concessions and incentives will be granted at the applicant's request based on specific criteria. San Mateo County's [21 Elements](#) provides a breakdown of how concessions and incentives are granted based on the following criteria:

Target Group*	Target Units	Density Bonus	Concessions or Incentives
Very Low Income <sup>(1)</sup>	5%	20%	1
	10%	33%	2
	15% or above	35%	3
Lower Income <sup>(2)</sup>	10%	20%	1
	20%	35%	2
	30% or above	35%	3
Moderate Income <sup>(3)</sup> (condominium or planned development)	10%	5%	1
	20%	15%	2
	30% or above	25%	3

\* California Civil Code Section 65915 applies only to proposed developments of five (5) or more units.

(1) For each 1% increase over 5% of the Target Units the Density Bonus shall be increased by 2.5% up to a maximum of 35%

(2) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1.5% up to a maximum of 35%

(3) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1% up to a maximum of 35%

Target Group	Target Units	Density Bonus	Concessions or Incentives
Senior Housing (1)	100%	20%	1
Land Donation (2)	10% (very low income)	15-35%	1

(1) 35 units dedicated to senior housing as defined in Civil Code Sections 51.3 and 51.12

(2) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1% up to a maximum of 35%

**Potential Policies:**

- Amend density bonus ordinance to demonstrate how compliance with updated density bonus law will be implemented
- Identify specific incentives and concessions within the ordinance to encourage the construction of or conversion to affordable housing units, such as:
  - reductions in site development standards or modification of zoning code or architectural design requirements that result in identifiable, financially sufficient, and actual cost reductions
  - reductions in setback or square footage requirements
  - approval of mixed use zoning if it will reduce costs of housing development
  - other incentives that result in identifiable cost reductions

**Model Ordinances/Useful Sources:**

- California Government Code §65915: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65915-65918>
- San Mateo County 21 Elements: <http://www.21elements.com/Download-document/518-State-Density-Bonus-Law.html>
- ABAG’s Housing Element Tool Kit “Density Bonuses” <http://www.abag.ca.gov/planning/toolkit/24density.html>
- American Planning Association’s Model Affordable Housing Density Bonus Ordinance: <http://www.planning.org/research/smartgrowth/pdf/section44.pdf>

## Permanently Affordable Homeownership – Community Land Trusts

### *Summary and Benefits:*

A community land trust (CLT) is a nonprofit organization formed to hold title to land to ensure long-term availability for affordable housing or other community uses. CLTs acquire property through public or private donations of land or use government subsidies to purchase land on which affordable housing can be built. The homes are sold to low or moderate-income families, in accordance with the deed restriction, and the CLT retains ownership of the land and provides long-term ground leases and stewardship to homebuyers in return for a minimal fee. The CLT restricts the resale of the home to a formula-driven price and retains an irrevocable option to purchase to ensure future affordability.

CLTs have been a particularly strong and unique development option in the San Francisco Bay area, where the land trusts are able to provide a variety of homeownership opportunities not often available to low and moderate income individuals in areas experiencing a rapid rise in land value. CLTs in the Bay Area have been able to provide housing opportunities in the form of single family homes, limited equity condominiums, limited equity housing cooperatives, and zero equity cooperatives to low and moderate income individuals. These options allow low and moderate individuals and families the opportunity for homeownership at a lower buy-in than many other forms of ownership.

Since the early 1970s, Community Land Trusts have been used to permanently preserve affordable ownership housing for low and moderate-income families. Recently, there has been a national boom in CLT formation with nearly 20 new community land trusts being created each year. Two key policy needs are driving this new interest in CLTs—particularly in jurisdictions with a social priority of promoting homeownership for lower-income families and a fiscal priority on protecting the public’s investment in affordable housing:

- **Long-term preservation of subsidies.** With local governments now assuming greater responsibility for creating affordable housing, policy makers must find ways to ensure that their investments have a sustained impact. CLT ownership of land, along with long-term affordability constraints over the resale of housing units built on that land, ensures that municipally subsidized homes remain available for lower-income homebuyers for generations to come. In the Bay Area market rate home prices are outstripping growth in incomes, as shown by the median home price to median income ratio growing from 4.9 in 1999, to 6.8 by the end of 2012.
- **Long-term stewardship of housing.** Preserving affordability requires long-term monitoring and enforcement, an administrative burden that local governments are neither equipped for nor generally interested in taking on. CLTs are well positioned to play this stewardship role by administering the municipality’s eligibility, affordability, and occupancy controls, while also backstopping lower-income owners to protect subsidized homes against loss through deferred maintenance or mortgage foreclosure.

### *Potential Policies:*

- Promote the formation of start-up CLTs:
  - Facilitate public information/outreach activities
  - Create municipally supported CLTs
  - Provide start-up financing
  - Commit multi-year operational funds

- Commit project funding and/or municipal property for permanently affordable ownership housing in the CLT model
- Subsidize affordable housing development by either donating land and buildings from the municipality's own inventory to a community land trust or selling the properties at a discount
- Regulatory concessions: Municipalities sometimes support development of CLT homes by reducing or waiving application and impact fees, relaxing zoning requirements for parking or lot coverage, and offering other regulatory concessions

#### ***Model Ordinances/Useful Sources:***

- The City of Petaluma has encouraged developers of several subdivisions to meet its city-mandated inclusionary requirements by conveying homes to the Housing Land Trust of Sonoma County. Under these agreements, developers sell the homes to CLT-selected buyers and simultaneously donate the land under the homes to the land trust. This program allows developers to meet their inclusionary requirements without having to monitor and report. CLT oversight is also in the jurisdiction's best interest because many for-profit development companies dissolve after they complete their projects. See 2.3 page 9 of <http://cityofpetaluma.net/cdd/pdf/housing-element-2009-2014.pdf>
- A broad overview of how cities and CLTs are partnering to create and preserve permanently affordable ownership housing: "The City-CLT Partnership: Municipal Support for Community Land Trusts" [https://www.lincolnst.edu/pubs/dl/1395\\_712\\_City-CLT-Policy-Report.pdf](https://www.lincolnst.edu/pubs/dl/1395_712_City-CLT-Policy-Report.pdf)
- A very useful policy paper with several case studies of cities using the CLT model for TODs is "The Role of Community Land Trusts in Fostering Equitable, Transit-Oriented Development: Case Studies from Atlanta, Denver, and the Twin Cities" [https://www.lincolnst.edu/pubs/dl/2243\\_1579\\_Hickey\\_WP13RH1.pdf](https://www.lincolnst.edu/pubs/dl/2243_1579_Hickey_WP13RH1.pdf)
- The City of Irvine plans to place most of the inclusionary housing units constructed in future years into the CLT's portfolio.
- The city council of Washington, DC, committed \$10 million in public funds to help subsidize the first 1,000 units of resale-restricted, owner-occupied housing developed by City First Homes, a District-wide CLT that plans to eventually create 10,000 units of affordable housing.
- The City of Minneapolis provides interest-free, deferred loans with a 30-year term to the City of Lakes CLT. The loans are forgiven at maturity as long as the CLT consistently meets the city's performance standards.

## **Home Sharing**

### ***Summary and Benefits:***

Home Sharing partners those who have space in their home with those who need an affordable place to live, turning existing housing stock into a new affordable housing option. While the average rent for a one-bedroom apartment in San Mateo County is \$2095, the rents in home sharing range between \$600 and \$800. As a result, home sharing is one of the few affordable housing options available in San Mateo County.

An example of this is HIP Housing in San Mateo County. Established in 1972, it is a well-established program with many best practices. The program provides criminal background checking, income verification, mediation, living together agreements and long-term case management to ensure the best matches possible. As a result, the average home sharing match is 2.5 years.

Outcome data from HIP Housing's work indicates that of those placed through home sharing:

- 90% are low-income
  - 20% low (80% AMI)
  - 25% very low (50% AMI)
  - 46% extremely low (30 or below AMI)
- 53% are seniors
  - 70% of the home providers are seniors
- 38% are disabled
- 58% are at risk of homelessness
- 8% are homeless
- 61% are female head of households

In San Mateo County, every municipality benefits from the HIP Housing Home Sharing Program. Someone in Pacifica could be matched with someone in Daly City; someone from Menlo Park with someone from Redwood City; San Mateo and Belmont. Preschool teachers, law clerks, students, construction workers, medical assistants, bank tellers, home health aides, seniors and single parents use the program as well as many others.

Home Sharing meets the housing needs of low, very low, and extremely low-income people. Because so few affordable housing options exist in San Mateo County, it is important that Home Sharing be included in every city's housing element as part of the policies and practices they employ to ensure that there are housing options for those at every income level, including those at the lowest income levels.

While Home Sharing may not create RHNA-recognized units, it is a vital option to be considered in any municipality's strategy to meet the growing need for housing, especially in communities that have numbers of residents that are considered "house rich, cash poor."

### ***Potential Policies:***

- Prominently list local home sharing organization's Home Sharing Program when addressing the housing options and needs for people who are:

- Homeless
- At risk of homelessness
- Seniors
- Female head of household
- Low, very low and extremely low income
- Sample Language: [Insert City Name] supports [local home sharing organization] Home Sharing Program as part of a collection of policies, programs and practices for addressing the housing needs of those at the lowest income levels including seniors, those living with disabilities, those at risk of homelessness and female head of households.

***Model Ordinances/Useful Sources:***

- Housing Elements currently in place for the cities of Belmont, Burlingame, Daly City, Foster City, and San Mateo
- HIP Housing, San Mateo County, link: [www.hiphousing.org](http://www.hiphousing.org)

### **Additional Useful Sources**

- Public Interest Law Project, *California Housing Element Manual, 3rd Ed.*, November 2013, Link: <http://pilpca.org/wp-content/uploads/2013/11/California-Housing-Element-Manual-3rd-Ed.-November-2013.pdf>
- Public Interest Law Project, *California Housing Element Manual Appendices, 3rd Ed.*, November 2013, Link: <http://pilpca.org/wp-content/uploads/2010/10/California-Housing-Element-Manual-3rd-Ed.-Appendices-2013.pdf>
- 21 Elements, San Mateo Countywide Housing Element Update Project, [www.21elements.com](http://www.21elements.com)
- Association of Bay Area Governments, *Blueprint 2001 for Bay Area Housing*, <http://www.abag.ca.gov/planning/housingneeds/blueprint.html>

**From:** Jeffrey Marque [mailto:jjmarque@sbcglobal.net]  
**Sent:** Friday, February 21, 2014 4:37 PM  
**To:** Julia Klein  
**Subject:** Comments on Housing Element 2014-2022

Ms. Klein,

I recently attended a meeting in which a City of San Mateo planner went over plans for transportation change ideas in San Mateo, including bike lanes, pedestrian friendly sidewalks, increased pedestrian safety, etc. It was mentioned that the population of San Mateo was expected to rise by about 30,000 people over the next decade or so, and that our city's population is expected to age. There was also mention of high-rise housing units being built at the corner of 27th Avenue & El Camino Real, among other places.

What seems to be missing in all this planning, and what I encourage you and our governments to start seriously thinking about, is making it possible for large numbers of citizens of San Mateo to get out of their cars for many of their daily trips, both around town and along the peninsula. Right now, most people in San Mateo, and indeed the entire Bay Area, are trapped in their cars because the frequency and reliability of public transportation (Sam Trans, CalTrain on the peninsula) are so poor.

The cost of adding buses and trains along the peninsula, so that their frequency is tripled or quadrupled, and adding new lines (e.g., along 28th Avenue) is a tiny, tiny, fraction of the \$100,000,000,000 bullet train project that California is, unfortunately, implementing. Instead of spending tens of billions on a project of very doubtful benefit for the long term, intelligent political leadership and planning can almost *immediately* reduce traffic congestion (and our city's carbon footprint) by merely enhancing the frequency and reliability of public transportation infrastructure that already exists.

The idea of adding more than 30% to our city's population, and presumably its automobile population as well, without a major improvement to our public transportation, will prove to be very poor planning, both in the short term and in the long term.

I do not have time to attend the public meetings announced for Housing Element 2014-2022, so the above comments must constitute my contribution to the public discussion of housing planning in San Mateo.

Jeffrey Marque



**TO: Sandy Council, City of San Mateo**  
**FR: HIP Housing**  
**RE: 2014 Housing Element**  
**DT: February 2014**  
**BY: Kate Comfort Harr, Executive Director, HIP Housing**

HIPhousing

**OBJECTIVE:** The inclusion of HIP Housing’s Home Sharing program in every housing element in San Mateo County as a solution for providing a permanent affordable housing option for people who are:

<ul style="list-style-type: none"> <li>▪ Homeless</li> <li>▪ At risk of homelessness</li> <li>▪ Seniors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disabled</li> <li>▪ Female head of household</li> <li>▪ Low, very low and extremely low income</li> </ul>
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**Executive Summary:**

HIP Housing’s Home Sharing program matches those who have space in their home with those who need an affordable place to live, maximizing housing inventory and turning existing housing stock into a new affordable housing option. It is the only program of its kind in San Mateo County and provides a housing option for over 700 people each year. Over 90% of those using the Home Sharing program are low to extremely low income. Due to the extraordinarily constrained environment for the developing new affordable housing that exists in San Mateo County, finding creative solutions like Home Sharing is a critical component to a local municipality’s ability to provide fair housing choice and should be part of every municipalities efforts to provide housing for people at every income level.

**Housing Element Suggestions:**

**Section H - Policies and Practices:** Prominently list HIP Housing’s Home Sharing Program when addressing the housing options and needs for people who are:

- Homeless; At Risk of Homelessness; Seniors; Female Head of Household; Low, Very Low and Extremely Low Income

**Useful Resources:**

- Previous/Current Housing Elements for the cities of Belmont, Burlingame, Daly City, Foster City, and San Mateo
- Current Housing Element Draft for the City of Menlo Park

**Sample Language:**

*The City of San Mateo* supports HIP Housing Home Sharing Program as part of a collection of policies, programs and practices for addressing the housing needs of those at the lowest income levels including seniors, those living with disabilities, those at risk of homelessness and female head of households.

## **Why Home Sharing works for municipalities in San Mateo County:**

Home Sharing programs like those provided by HIP Housing are a critical source of permanent housing for low-income households in San Mateo County.

As explained in the Executive Summary, Home Sharing partners those who have space in their home with those who need an affordable place to live, turning existing housing stock into a new affordable housing option. While the average rent for a one-bedroom apartment countywide is \$2095, the rents in home sharing ranges between \$600 and \$800. The wait list with Home Sharing is never closed as new home providers are constantly recruited. As a result, Home Sharing is one of the few affordable housing options continually available in San Mateo County, especially for those at the lowest income levels.

HIP Housing offers the only Home Sharing program in the County. Established in 1972, it is a well-established program with many best practices. The program provides criminal background checking, income verification, mediation, living together agreements and long-term case management to ensure the best possible matches possible. As a result, the average home sharing match is 2.5 years. The program has wide ranging support from local jurisdictions which is critical to the programs credibility and viability. Additionally, HIP Housing collaborates with a wide array of local nonprofits creating a strong referral network.

Of those placed in housing through Home Sharing:

- 91% are low-income
  - 20% low (80% AMI)
  - 25% very low (50% AMI)
  - 46% extremely low (30 or below AMI)
- 53% are seniors
  - 70% of the home providers are seniors
- 38% are disabled
- 58% at risk of homelessness
- 8% of are homelessness
- 61% are female head of households

Every municipality in San Mateo County benefit's from the HIP Housing Home Sharing Program. Someone in Pacifica could be matched with someone in Daly City; someone from Menlo Park with someone from Redwood City; San Mateo and Belmont. Preschool teachers, law clerks, students, construction workers, medical assistants, bank tellers, home health aides, seniors and single parents as well as many others use the program.

Home Sharing meets the housing needs of low, very low, and extremely low-income people. Because so few affordable housing options exists in San Mateo County, it is important that Home Sharing be included in every cities housing element as part of the policies and practices employed to ensure that there are housing options for those at every income level, including those at the lowest income levels.

## **Constraints to Affordable Housing that make Home Sharing Critical:**

When it comes to providing affordable housing, San Mateo County exists under a variety of unique and significant constraints that make Home Sharing a critical component to any local affordable housing strategy. Calculated by any standard, San Mateo County is in the top five most expensive places to live in the United States. Desirable weather, limited land options, and proximity to both Silicon Valley and San Francisco collide to create one of the most competitive housing markets, for both buyers and renters, in the nation. This competition is exacerbated by significant constraints to the development of new affordable housing making it extremely difficult for low-income people and families to find housing.

### **Market Constraints:**

Over the past 30 years, housing costs have skyrocketed out of proportion to many peoples ability to pay. Escalating construction costs, exceptionally high land values and an abundance of high wage earners who can pay high rents and high home prices, create market forces that perpetually drive housing costs up. The average rent for a one bedroom in San Mateo County is currently \$2095<sup>(6)</sup> and the average cost of a family home is \$825,000<sup>(5)</sup>. Because the local market forces have, and will continue, to drive prices up, building new affordable housing units is difficult. This is especially true for building units that will accommodate the lowest income earners. Construction costs and land values alone make it nearly impossible to create housing developments where rents can remain low and still pencil out financially.

### **Social Constraints:**

The foreclosure crisis of 2008 pushed many former homeowners into the rental market. Similarly, many who rented homes that went into foreclosure were also pushed into the rental market. Foreclosures have also provided investor opportunities for the purchase of multifamily apartment complexes. In scenarios occurring all over the County, investors are purchasing apartment buildings. To get the highest return on their investment, rents are pushed up dramatically, displacing current residents in exchange for those who can pay higher rents. Meanwhile a booming technology industry continues to bring employees to the area and with each new high paid worker, as many as 4 lower paid service positions are created. The combination of these social forces has made competition in the rental market fierce.

### **Governmental Constraints:**

Additional constraints to the creation of affordable housing in San Mateo County are governmental. The tools that local municipalities have historically used to create affordable housing have been dramatically reduced in recent years. At the Federal level, HUD reductions to HOME and CDBG funding and ongoing Sequestration cuts have dramatically reduced the funding available to help underwrite affordable housing developments. Meanwhile, the State of California's decision to eliminate Redevelopment Agencies stripped municipalities of their primary financing source for affordable housing. Equally devastating to affording housing development in California has been the 2008 Palmer Decision restricting the use of inclusionary housing ordinances. As a result, municipalities in San Mateo County have very few tools to facilitate affordable housing development other than the creation of local policies and practices. However, with the unusually competitive Market and Social Constraints that exist countywide, even with the best policies in place, convincing developers to create affordable housing is still very difficult and financially challenging.

## **Outcomes of Constraints:**

San Mateo County currently has a 97% occupancy rate and there is an estimated shortfall of 9,610 units of affordable housing countywide. Homelessness is up 12% since 2011<sup>(1)</sup>, housing inventory is at the lowest levels in decades<sup>(2)</sup> and the gap between those at the highest income levels and those at the lowest levels has expanded<sup>(3)</sup>. Every affordable housing complex and emergency shelter in the county has a waitlist and most waitlist are closed, leaving home sharing as one of the only open doors in the County.

Currently, 57% of San Mateo and Santa Clara county residents are low-income earning 60% or less of AMI<sup>(4)</sup> and the local housing authorities are bracing for a new round of sequestration cuts that will reduce the amount covered in a rental subsidies. With a medium home price of \$825,000<sup>(5)</sup> and the average rent for a one-bedroom apartment over \$2000<sup>(6)</sup>, people living in San Mateo County must earn between \$84,000-\$124,000 annually to afford housing. As a result, the United Way of the Bay Area is reporting that 1 in 5 families can't afford their current housing situation<sup>(7)</sup>. Equally daunting, it is estimated that 184,000 people commute into the County each day to work because they can't afford to live close to where they are employed<sup>(8)</sup>. Due to the circumstances surrounding affordable housing, the County of San Mateo formally recognizes the lack of affordable housing throughout the county as an over arching impediment to fair housing choice.

## **Conclusion:**

Creative affordable housing solutions are desperately needed in San Mateo County as the long-term effects of the 2008 recession coupled with market, social and governmental constraints continue to drive housing costs up. HIP Housing's Home Sharing program is a practical solution that benefits every city in the County and allows for greater housing choice. Formal adoption of policies that support the Home Sharing program will help to ensure that there are greater housing opportunities and choice for housing people at all income levels.

### *References:*

*1; 2013 San Mateo County Homeless Census and Survey*

*2-4: Index Silicon Valley, Joint Venture 2013*

*5: Zillow*

*6. San Mateo County Housing Indicators, June 2013*

*7: United Way, 2012*

*8. Source: Moving Silicon Valley Forward, NPH 2012 and OnTheMap Census data)*