Memorandum

To: Steering Committee members
From: CASA Co-Chairs
Date: December 7, 2018
Re: CASA Compact Updates and proposed additions and changes

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This memo provides you with both a recap of the Technical Committee meeting held on Monday, December 3rd and proposed updates and changes to the Compact.

Technical Committee Meeting Recap

The CASA Compact has been posted as part of the Steering Committee meeting package. Earlier this week on Monday, December 3rd the Technical Committee voted on the Compact using a gradients of agreement system.

The votes were overwhelmingly positive with 28 members voting favorably, and 1 voting negatively. The thoughts shared by the Technical Committee were also very positive reflecting an appreciation for the accomplishments to date, individual commitments to continue the work on selective issues, and the importance of holding the Compact together as a package as we work to move it through the California Legislature.

There was also robust public comment with broad support for the tenant protection elements, an appreciation for both the importance and depth of the overall Compact work, and some concerns about how the regional housing entity governance structure will work. Overall, the public comment was 15 speakers supportive, 8 expressing concerns or opposed; and 4 sharing comments but not overtly supportive or opposed.

Proposed Compact Updates and Changes

The items below are a combination of words or concepts inadvertently left out of the Compact, clarifications where needed, and changes proposed based on Technical Committee meeting.

1. Recommendations for Compact Element #2 Emergency Rent Cap

   1a) Under the Pass-Throughs section, the following changes are proposed:

   Delete: A landlord should be able to pass through a percentage of capital improvements and expenses to renters, not to exceed a fixed dollar amount per year.

   Replace with: A landlord should be able to pass through actual operating expenses increases including water and sewer, wastewater, trash, electric and gas using industry standards such as the RUBS system (Ratio Utility Billing Systems). The costs of capital improvements inclusive of a 4% return on investment that are necessary to maintain the building(s) with reasonable upgrades and maintenance items to address health and safety, shall be allowed to be passed through to tenants on an amortized basis, per IRS standards.

1b) Add the following language at the end of the Compact Element:

Add new language: **Administration:** This Compact Element will likely require some type of oversight function.

2. Recommendations for Compact Element #3 Emergency Rent Assistance and Access to Legal Counsel

Under the Desired Effect, the following changes will be made:

Substitute: "Bay Area" for "Alameda County" in Paragraph 2

Add the following sentences after Paragraph 2:

There is a recognition of the importance of keeping people housed, and a significant portion of funding identified to help with housing instability will likely be earmarked to emergency rental assistance.

This Compact Element is not intended to supersede any local government programs that might be more expansive that what is contemplated herein.

3. Recommendations for Compact Element #5 Minimum Zoning Near Transit

3a) Under Minimum Zoning Near Transit, the following language in blue will be added:

Add in language in blue:

High quality bus service: Residential uses up to 36' tall with development standards (such as lot coverage, setbacks, density limits, and maximum unit size) should be allowed within ½ mile of bus stops with at least 15-minute headways at peak periods and 30-minute headways on weekends.

Major transit stop: Residential uses up to 55' tall (75' tall with density bonus) that have development standards similar to those above (such as lot coverage, setbacks, density limits, and maximum unit size) should be allowed within 1/4 -mile radius of major transit stops (rail stations and ferry terminals).

Neither development standards nor other zoning and design controls should mandate densities lower than those prescribed above. These shall not be used to reduce density where higher local standards or plans apply.

3b) Under the Sensitive Communities section here and elsewhere in the Compact, make the following change:

Substitute: Wherever the phrase "opt-out period" has been used inadvertently, it will be substituted with "deferral period".

3c) Replace Figure 5: Map of Transit Access and Sensitive Communities

Replace: Current Figure 5 Map will be replaced with an updated Map of Transit Access and Sensitive Communities attached as Exhibit A.

The updated map contains the following changes:

1. Removes the Community Air Risk Evaluation (CARE) communities designated by the Air District since it is based on air quality indicators. Sensitive Communities are now the intersection of two adopted definitions of disadvantaged communities, that of MTC and Bay Conservation and Development Commission (BCDC).
2. Consequently, adds additional areas to the Sensitive Communities, including parts of West Bay (East Palo Alto), San Francisco (Richmond District) and North Bay (San Rafael, Santa Rosa, Napa and Fairfield).

4. Recommendations to Compact Element #7 Expedited Approvals and Financial Incentives for Select Housing

4a) Under the Desired Effect, the following sentence will be added at the end of the paragraph:

Add: The intent of this element is that it does not overrule local inclusionary zoning.

4b) Under Qualifying Projects, add the following sentence:

Add: Complies with all proposed labor standards contained in SB 35 and shall include prevailing wages and trained apprentices to help grow the construction workforce.

4c) The following bullet shall be deleted and restated as follows:

Delete:

- Restricts at least twenty percent (20%) of on-site housing units to middle-income households (approximately 80% to 150% of AMI depending on local market conditions) with an average affordability of 110% of AMI.

Replace with new sentence with changes shown in blue:

- Restricts at least twenty percent (20%) of on-site housing units to middle-income households through recorded long-term deed restrictions (that may range from 80% to 150% of AMI depending on localized rents and market conditions) with an average affordability not to exceed 110% of AMI.

5. Recommendations to Compact Element #9 Funding and Financing the CASA Compact

   5a) Under Funding Gap, the following sentence shall be added to the end of the paragraph:

   Add: Any regional impositions that duplicate similar local impositions shall be reduced proportionally.

   5b) Under the Potential Sources section, add the following section before the final sentence of the paragraph:

   Add: CASA also recommends exploring with other stakeholders whether a 'mega measure' involving transportation and funding could be pursued.

   5c) Under Potential Sources, the following language in blue will be added to the second sentence:

   Add the language in blue: In principle, new revenue would be raised from a range of sources to spread the responsibility among different sectors of the economy.

6. Recommendations to Compact Element #10 Regional Housing Enterprise

   Under the Roles and Responsibilities section, amend the Monitoring and reporting section as follows:

   Strike, replace and add language shown in strike format and blue in the first sentence to amend the section to read:

   Monitoring and reporting – the RHE ~~may~~ will coordinate with MTC/ABAG and local jurisdictions to collect ~~relevant~~ specified data….

7. Recommendations to Calls for Action section

   7a) In Call for Action: Redevelopment 2.0 in the Call to Action section, the following word will be deleted:

   Delete one word shown in strike format: Pass legislation enabling the re-establishment of redevelopment ~~agencies~~ in California….

   7b) In Call for Action: Proposition 13 Reforms Fiscalization of Land Use, correct this title to read as follows:

   Delete language in strike format: ~~Proposition 13 Reforms~~ Fiscalization of Land Use

8. Recommendation to the Local Best Practices section

   8a) Delete the section contents in their entirety and replace with the language in Exhibit B.

Exhibit A – New Map

The following Figure 5: Map of Transit Access and Sensitive Community Areas shall be substituted into the Compact. A larger version of the map will be provided at the Steering Committee meeting.

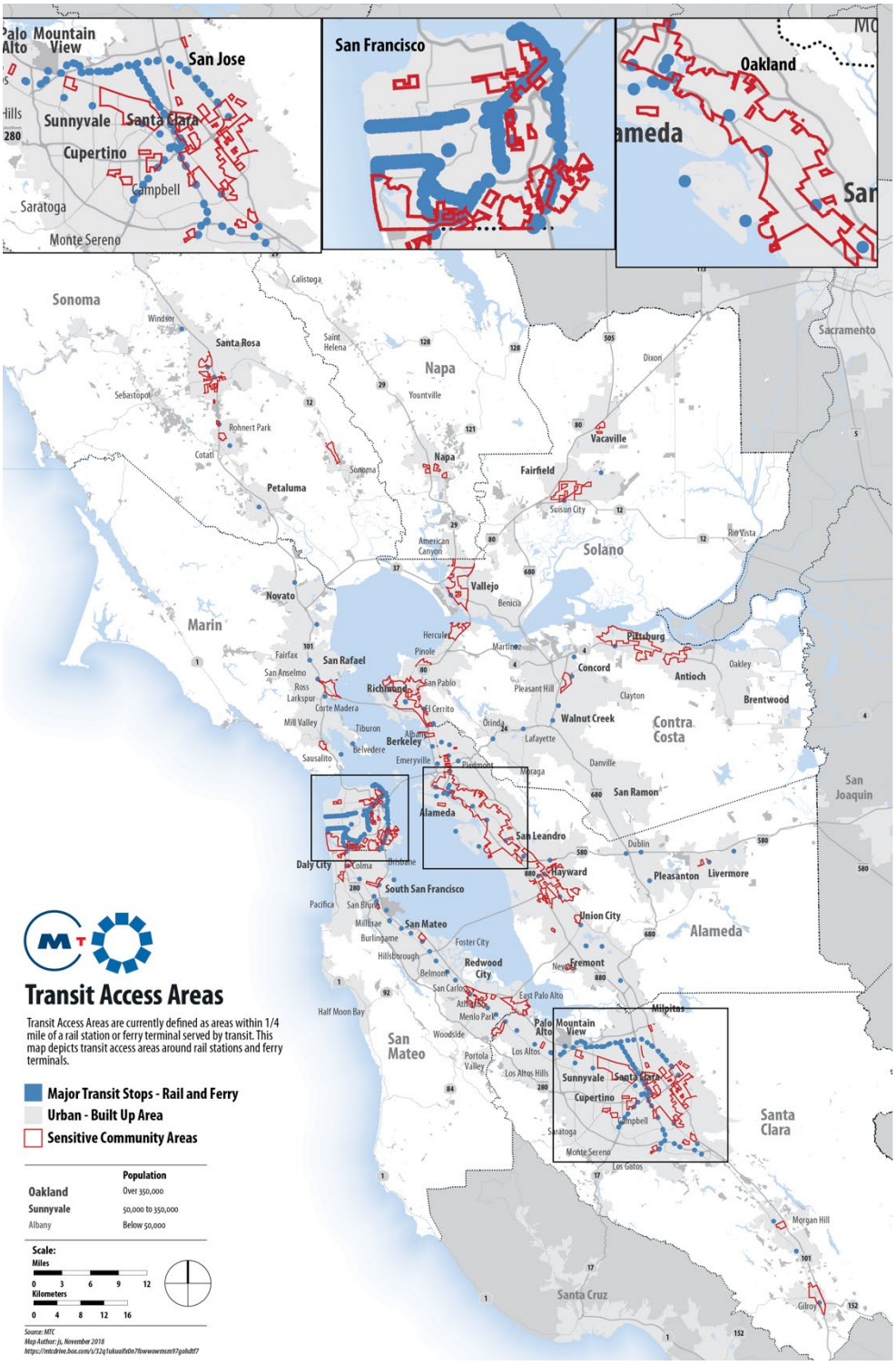


Exhibit B – Local Best Practices

The following new Local Best Practices section shall be substituted into the Compact.

Local Best Practices

This section describes local best practices that are relevant to the CASA Compact.

Protection, Preservation and Production (3-Ps) Framework

While many jurisdictions in the Bay Area focus on one or two of three Ps, the City of Oakland was one of the first to codify the 3-P framework in a citywide policy developed through a multi-stakeholder process. The underlying policy outcome for Oakland was to address housing insecurity in a rapidly changing community that faces both historic disinvestment as well as very high displacement pressures.

City of Oakland

In 2016, the Oakland Housing Cabinet developed a comprehensive plan, called *Oakland at Home – Recommendations for Implementing A Roadmap Toward Equity*, to address the city's chronic housing affordability and homelessness crisis. The plan outlines a three-pronged strategy to protect renters, preserve existing affordable housing by taking it off the speculative real estate market and produce more affordable and market-rate housing.

The plan identifies several strategies under each "P" designed to significantly improve housing affordability in Oakland. CASA borrowed this concept from Oakland's plan to form the three Ps framework.

Rent Stabilization

13 jurisdictions in the Bay Area have adopted some form of rent stabilization policies. This section highlights two such examples, in the City of Richmond and County of Sonoma.

City of Richmond

In 2016, Richmond residents approved Measure L, which established the *Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance*. The ordinance applies to all multifamily properties, including duplexes. The annual rent increase is set at 100% of the Consumer Price Index. Landlords are required to file all notices of rent increase, termination of tenancy, and change of terms of tenancy notices with the Rent Program. Landlords and tenants may petition the *Rent Board* for an Individual Rent Adjustment.

The city established a Rent Board, an appointed governing body, and a Rent Program Department to administer the program. The department is set up to function on a cost-recovery basis, with no financial assistance from the city's general funds. Funding for the department comes from Rental Housing Fee, which must be paid by all Richmond Landlords on an annual basis.

City of Santa Rosa and County of Sonoma

On October 9, 2017, the Governor of California issued an Executive Order declaring a state of emergency in Napa and Sonoma Counties due to widespread damage caused by wildfires. California Penal Code section 396 prohibits price gouging (defined as increases over 10%) for necessary goods and services after the governor declares a state of emergency, including rental housing and hotels.

The City of Santa Rosa adopted additional protections for tenants, which allow renters to file civil lawsuits for violations. The county also adopted protections for tenants in mobile home parks. In addition, the county adopted several *Urgency Ordinances* to address the immediate need for housing for persons displaced by the wildfires.

The Urgency Ordinance allows: the use of recreational vehicles and trailers as homes, with an emergency temporary permit; a Safe Parking Program for RVs, trailers and campers, to be parked overnight on county-owned land (basic services such as bathrooms, showers, and warming stations are provided); year-round occupancy in seasonal farmworker housing; replacement schools and child care centers in specific zones without a use permit; and long-term rental of bed and breakfasts, inns, resorts.

Just Cause Eviction Protections

10 jurisdictions in the Bay Area have already adopted some form of just cause eviction protections for renters. This section highlights one such example, in the City of East Palo Alto.

City of East Palo Alto

East Palo Alto has adopted both a *Just Cause for Eviction* as well as a *Rent Stabilization Ordinance* to protect tenants in the city from harassment and displacement due to rising market pressures on the city's existing housing stock. The just cause policy applies to both mobile home parks and residential rental units, including single family dwellings. The ordinance identifies fourteen just causes for eviction, establishes a noticing and filing requirement (with the city rent board) and gives tenants the right to request documentation of all rent payments and charges. The program is funded entirely through fees, half of which are passed on to tenants.

Access to Legal Counsel

City and County of San Francisco

In June of 2018, San Francisco voters approved Proposition F that guarantee free legal representation for any renter facing eviction, regardless of income. Proposition F calls for full-scope representation within thirty days of an eviction notice or filing of an unlawful detainer action. San Francisco estimates that as many as thirty-five hundred tenants a year will be eligible for the free services, for which it earmarked $5.8 million over the first two years of the program. San Francisco also currently spends $4.4 million a year on eviction-related services such as counseling, education, outreach and basic no-cost or low-cost legal services.

Rent Assistance

26 jurisdictions in the Bay Area provide some form of tenant assistance. This section highlights one such example, in the County of Sonoma.

County of Sonoma

Lastly, the county's *Home Tenant-Based Rental Assistance Program* (TBA) provides rent subsidies to homeless families in shelters, survivors of domestic violence, seniors and persons with HIV/AIDS. Only very low-income individuals are eligible to receive this assistance. They are referred by emergency shelters, transitional shelters, non-profit service providers, the County's Human Services Department and the Division of Adult and Aging Services. The TBA program is administered similarly to the US Department of Housing and Urban Development's Section 8 program.

Acquisition and Rehabilitation of Affordable Units

30 jurisdictions in the Bay Area have established some form of a preservation program to support acquisition, rehabilitation and protection of affordable units occupied by low-income renters. This section highlights one such example, in the City and County of San Francisco.

City and County of San Francisco

Launched by the Mayor's Office of Housing and Community Development in 2014, San Francisco's *Small Sites Program* (SSP) is an acquisition and rehabilitation loan program for small multifamily rental buildings. The program was created to protect and establish long-term affordable housing throughout San Francisco. SSP is funded through multiple sources, including voter-approved bonds, inclusionary housing fees, and the city's *Housing Trust Fund*.

As of May 2018, the program has acquired 160 units in 25 buildings, serving 327 residents that earn less than 65% of the Area Median Income. The units are located in the following neighborhoods: the Mission District, Downtown/Civic Center, South of Market, Castro/Upper Market, Haight Ashbury, Bernal Heights and Richmond.

Homebuyer Assistance

28 jurisdictions in the Bay Area have established some form of a homebuyer program. This section highlights two such examples, in the cities of Napa and Oakland.

City of Napa

Napa's *Down Payment Assistance Program*, funded with grants from the State of California Department of Housing and Community Development, provides assistance to lower-income first time home buyers in the form of a silent (deferred) loan of up to $150,000. To qualify, an applicant must meet income and credit restrictions and cannot have owned a home in the last three years. Homes must be located within city limits and cannot be bigger than 3 bedrooms and 2 baths.

City of Oakland

Hello Housing, a regional non-profit organization, has partnered with the City of Oakland and the Alameda County Treasurer-Tax Collector's Office, to acquire and convert formerly blighted and tax-defaulted properties into permanently affordable housing for low-and-moderate income residents. Hello Housing and three local developers have acquired 26 vacant, a majority of which will be developed into single-family homes for ownership and two properties into multifamily affordable rental units to house approximately 15 to 20 families. Construction on the first homes is now underway with occupancy on many of the homeownership properties expected in late 2018 and early 2019.

Permit Streamlining

50 jurisdictions in the Bay Area have adopted some form of permit streamlining policies. This section highlights two such examples, in the County of Sonoma and the City of San Jose.

City of Santa Rosa and County of Sonoma

In the aftermath of the wildfires in Sonoma in 2017, the City of Santa Rosa adopted multiple policies to expedite the permitting process for those who wanted to rebuild. There included: establishing a *Resilient City Permit Center* with dedicated staff; exemptions from environmental review; expansion of damaged nonconforming residential structures to added living areas, ADUs, and JADUs; increasing the allowable residential floor area in mixed-use projects from 50 to 80 percent; and delaying collection of fees until near occupancy. The county also established a *Resiliency Permit Center* to expedite permitting, and relaxed rules related to accessory dwelling units (ADUs).

City of San Jose

In 2014, the City of San Jose formed an ad-hoc committee to explore permit streamlining for small businesses as well as for major projects. Based on the committee's recommendations, the city created a planning desk dedicated to small projects and recently established an electronic plan review system to simplify permitting. The electronic system has resulted in time and cost savings for both the city as well as the applicant. The system provides real-time updates on the status of the approval process.

Fee Waiver

26 jurisdictions in the Bay Area offer some form of fee waivers to housing developers. This section highlights one such example, in the City of Sunnyvale.

City of Sunnyvale

Sunnyvale charges all new rental housing projects an impact fee of $9 to $18 per habitable square feet. If a developer opts to provide affordable units on-site instead of paying the housing impact fee, the city credits the developer $300,000 per very low-income unit and $150,000 for every low-income unit, up to the total housing impact fee amount owed by the project. In case any fee obligation remains after the affordable unit developer credits are applied, the developer may opt to provide additional affordable units to reduce the fee to zero.

These developer credits are based on the subsidy amounts required to develop affordable units, which the 2014 rental impact fee nexus study determined to be $302,496 for a very low-income unit and $146,233 for a low-income unit. The city also waives the park and recreation fee for affordable units.

Housing Overlay Zoning

24 jurisdictions in the Bay Area have adopted some form of a zoning overlay for housing projects. This section highlights one such example, in the City of Menlo Park.

City of Menlo Park

Menlo Park's *Affordable Housing Overlay* (AHO) zone was established to encourage the development of housing for low, very low and extremely low-income households on housing opportunity sites identified in the city's adopted Housing Element. The AHO establishes development standards for these sites and is designed to benefit all affordable housing projects, including market-rate developments that provide a higher share of low- and very low-income units than what is called for in the State's *Density Bonus Program*.

New Revenue and Organizational Capacity for Housing

Multiple cities and counties in the Bay Area have raised new revenue for housing in the last two election cycles and/or adopted a regional or sub-regional approach to solving the housing crisis. This section highlights two such examples, in the counties of Santa Clara and Sonoma.

County of Santa Clara

In June 2016, Santa Clara voters approved Measure A, a $950 million affordable housing bond program to build and preserve 5,000 affordable housing units countywide. The bond proceeds will help stabilize housing for the county's most vulnerable populations including veterans, seniors, the disabled, low and moderate-income individuals or families, foster youth, victims of abuse, the homeless and individuals suffering from mental health or substance abuse illnesses. Measure A priorities include advancing supportive housing for special needs populations, including homeless and chronically homeless persons and increasing housing supply for extremely low-income populations.

As of June 2018, the first year of implementation, the county approved $111 million for 10 projects that will add more than 800 multifamily units in 6 cities. The county also approved $25 million for a first-time homebuyer program.

County of Sonoma

The City of Santa Rosa and the county are moving forward with establishing a joint powers authority, called the Renewal Enterprise District (RED), with the explicit goal for regionalizing housing production; pooling and leveraging financing and funding; sharing risks and benefits of development in new ways; streamlining environmental review and providing confidence in good projects; and putting equity, affordability and climate solutions in the center of local economic strategy.

When established the RED will focus housing development in specific geographies; define project criteria for which incentives and streamlined permitting processes are appropriate; pursue new models for public-private partnerships; expand, pool, and leverage public and private financing in new ways; explore the most strategic use of publicly-owned land; and leverage the regional housing planning tools and resources of MTC/ABAG

Cross-Jurisdictional Collaboration

This section highlights the unique process in San Mateo County to coordinate housing strategies across jurisdictions, including conducting a "nexus" study for setting impact fees.

Cities in the County of San Mateo

The 21 Elements Effort

21 Elements is a multi-year, multi-phase collaboration of all twenty-one San Mateo County jurisdictions, along with partner agencies and stakeholder organizations. The project aims to support jurisdictions in developing, adopting, and implementing local housing policies and programs. It is a forum for sharing resources, successful strategies and best practices. The projects is co-sponsored and coordinated by the San Mateo County Department of Housing (DOH) and the City/County Association of Governments of San Mateo County (C/CAG).

The project recognizes that cities in the county often struggle with similar housing issues and consider similar solutions. 21 Elements helps those cities find policies that are right for them, working with their neighbors in a supportive, cooperative environment. Respecting local control, 21 Elements makes it easier to adopt innovative policies that address important housing needs. From affordable housing to accessory dwelling units, 21 Elements has resources to help.

Grand Nexus Study

Through a multi-jurisdiction collaborative process, 15 cities in San Mateo County and the City of Palo Alto embarked on developing a nexus study for their respective linkage fee programs. This project, which came to be known as the Grand Nexus Study, reduced costs by 75 percent and helped establish best practices. Customized, jurisdiction-specific reports focusing on local conditions were completed and provided to each participating city in the second half of 2015.

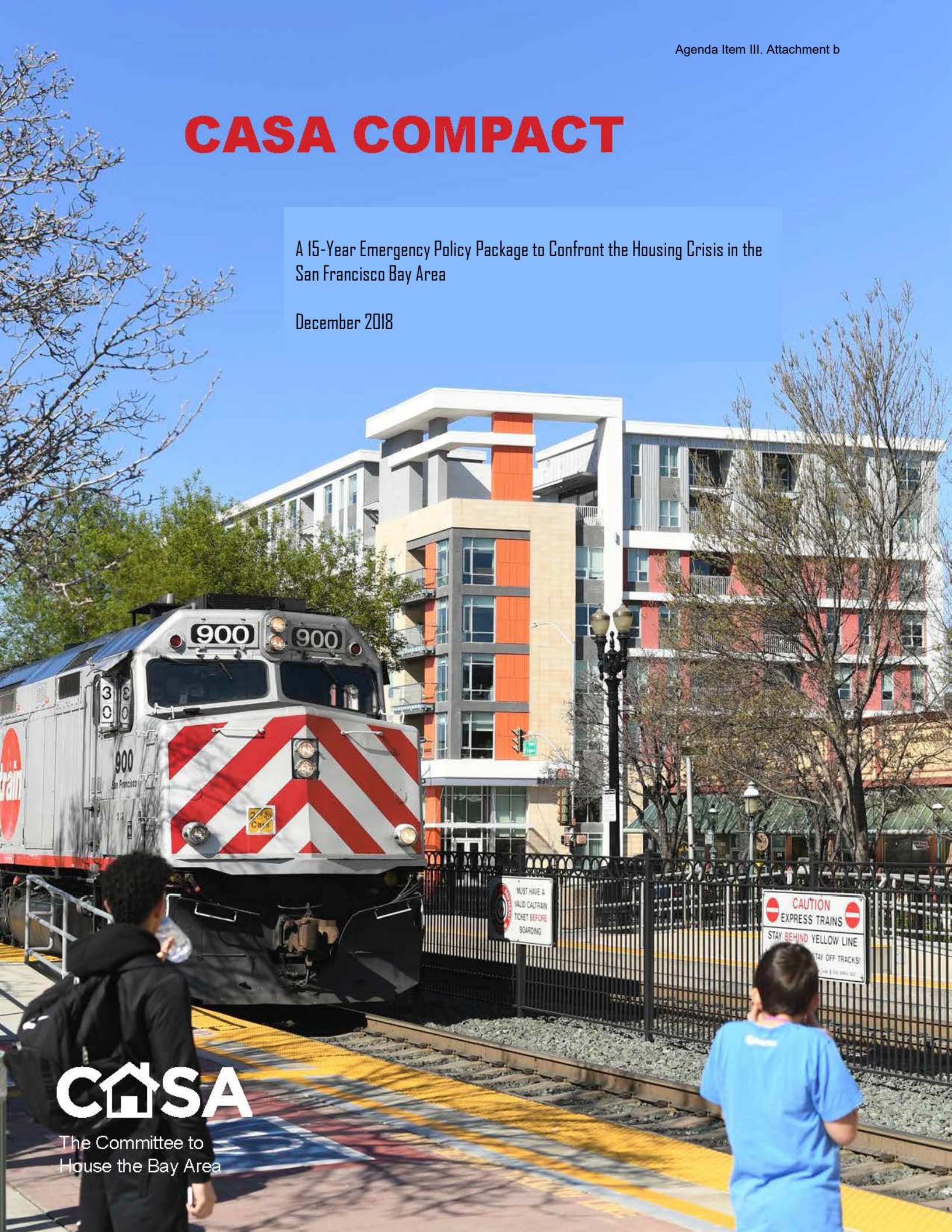
Affordable Housing Needs Allocation

In the fourth Regional Housing Needs Allocation (RHNA) cycle, 11 of San Mateo County's 21 jurisdictions engaged in "housing unit trades." Five of these jurisdictions accepted additional unit allocations for proposed development adjacent to their city limits. Three additional jurisdictions who had already adopted a land use plan that calls for more housing development also accepted additional allocations. In all, these trades covered a total of 396 units, or 2.5% of the total 8-year allocation for the county. While numerically insignificant, the trades represent an important accomplishment for these 11 jurisdictions as they work together on multiple other efforts to meet the county's housing crisis.

CASA COMPACT

A 15-Year Emergency Policy Package to Confront the Housing Crisis in the San Francisco Bay Area

December 2018



CASA

The Committee to House the Bay Area

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CASA Preamble

The Bay Area faces many pressing regional problems — traffic congestion, air pollution, the threat of earthquakes and other natural disasters, to name a few. But the housing shortage has reached crisis proportions. During our remarkable run of economic expansion since the Great Recession ended in 2010, the Bay Area has added 722,000 jobs but constructed only 106,000 housing units. With housing supply and demand that far out of whack, prices have shot through the roof and long-time residents as well as newcomers are suffering the consequences.

"The Bay Area is in a state of great peril today; CASA is the best chance to fix this crisis."

FRED BLACKWELL

In one of the wealthiest metropolitan areas on the planet, hundreds of thousands of our fellow citizens are ill-housed or not even housed at all. Many more families are just one missed paycheck away from eviction. While the recent wildfires have underscored the devastating effects of suddenly losing a home, the reality is that too many Bay Area residents face that situation every day.

Our housing crisis is also a transportation crisis. Nearly 190,000 workers commute from outside the nine-county Bay Area to the business parks of Silicon Valley and the Tri-Valley, and more than 220,000 East Bay residents cross the toll bridges to the Peninsula every day. Driven by the search for reasonably-priced housing, these "super-commuters" are clogging the roads and transit systems that we all rely on.

The Bay Area faces a housing crisis because we have failed at three tasks: (1) we have failed to produce enough housing for residents at all income levels; (2) we have failed to preserve the affordable housing that already exists; and (3) we have failed to protect current residents from displacement where neighborhoods are changing rapidly.

These 3 P's — Production, Preservation, and Protection — are not only the signposts of our collective failure, but they should be the focus of our future efforts to overcome the crisis we have created.

What is CASA? Of course, it is the Spanish word for "house". It is also the name of a blue-ribbon task force of elected and civic leaders convened by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). Its three Co-Chairs are Fred Blackwell of the San Francisco Foundation, Leslye Corsiglia of Silicon Valley @ Home and Michael Covarrubias of TMG Partners. The CASA Compact is a 15-year emergency policy package to confront the region's housing crisis head-on. It includes a series of policy reforms that will allow the Bay Area to build more housing at all income levels while protecting tenants and low-income communities from unjust evictions and displacement.

"Our goal is to reach consensus on big picture responses that will move the needle on housing affordability in this region."

LESLYE CORSIGLIA

The Compact also includes a series of revenue recommendations needed to, preserve our existing housing stock, subsidize the construction of more affordable housing, and provide assistance to tenants facing eviction.

Finally, the CASA coalition proposes to create a new Regional Housing Enterprise to provide technical assistance to local governments, collect data to monitor our progress, and administer any new regional funds that might be approved. The new enterprise will not have direct land use authority. These three R's — Reform, Revenue, and Regionalism — form the crux of the CASA Compact.

Animating our work has been a deep concern about how we grow housing in a more inclusive manner in all neighborhoods and not accelerate displacement in the most vulnerable communities. The Bay Area's segregated housing patterns — both by race and by income — are a legacy of decades of discriminatory government policies and private sector lending practices. The CASA Compact contains specific protections for neighborhoods and residents most affected by that horrible history. And while the Compact was not designed to deal directly with all aspects of the region's chronic homelessness problem, many of its elements should result in more and better options to shelter this particularly vulnerable segment of the Bay Area's population.

When Bay Area residents are polled about who is responsible for the region's housing crisis, they spread the blame far and wide: it's the businesses who create all the jobs, it's the developers who build the luxury housing, it's local government officials who oppose new housing developments, it's environmental and labor interests whose demands make new housing more expensive, it's community

groups who fear the changes that new development will bring.

All those interests (and more) came together around the CASA table for the past 18 months. They worked in the spirit of finding common ground, working through entrenched differences and charting a course forward for the good of the region. The resulting Compact represents an interlocking series of agreements among the negotiating parties. Each signatory to the Compact pledges to support the entire agreement and all of its provisions.

The signatories to the CASA Compact further pledge that their work will not stop when they put down their ceremonial pens. The real work will have just begun.

Implementation of the CASA Compact will require bills to be passed in Sacramento, it will require leadership from our new governor Gavin Newsom, it will require regional ballot measure campaigns in 2020 and the years beyond, it will require changes in transportation and housing policy-making at both ABAG and MTC, and it will require every local government in the Bay Area to do their part.

"We must compromise, break down silos, and set aside differences for the greater good of the Bay Area."

MICHAEL COVARRUBIAS

It is a commonplace to say problems that have been decades in the making can't be solved overnight. But we can't afford to take our time in confronting the Bay Area's housing crisis. We need to make significant progress in the next 3–5 years. The CASA Compact is detailed, comprehensive, and actionable. Yet, the region's housing challenge really boils down to a simple, quite personal question: shouldn't our region be able to grow and prosper while also ensuring that our kids and grandkids can live as adults in the neighborhoods where they grew up?

We say the answer is yes.

CASA is about what kind of place our kids and grandkids will live in.

Introduction

About CASA

The recommendations in this Compact are the result of an intensive dialogue among the key interests who are collectively responsible for housing the Bay Area. Over the course of 18 months, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) convened a series of structured discussions with local government officials, developers, major employers, labor interests, housing and policy experts, social equity advocates and non-profit housing providers. The goal was straightforward but by no means simple: find common ground on a comprehensive set of solutions to the Bay Area's housing crisis.

CASA was led by three Co-Chairs (Fred Blackwell, Leslye Corsiglia and Michael Covarrubias), and Steve Heminger, Executive Director of MTC/ABAG. It was structured around a Technical Committee of policy experts and practitioners and a Steering Committee of elected officials, thought leaders and major employers. The Technical Committee's role was to recommend actions for addressing the crisis. Those recommendations went to the Steering Committee for review, refinement and final approval. The CASA effort was supported and staffed by MTC/ABAG and a team of consultants. Profiles of the Co-Chairs and rosters for both the Steering and Technical Committees are included as appendices to this document.

Phase One: Foundational Work (June 2017-Jan 2018)

The first phase of the CASA process was focused on learning, sharing perspectives, and developing a framework for the process of developing the CASA Compact. Experts from UC Berkeley provided in-depth analysis of the many causes and consequences of the crisis, ensuring that all members of the Committees were operating from a shared base of knowledge.

On the basis of this shared understanding, the Co-Chairs and Committee forged a detailed framework (shown as Figure A) to shape the CASA process and the ultimate Compact. The framework is organized around three principal outcomes, or 'Three Ps' as they became known in CASA parlance:

(1) Increasing housing *production* at all levels of affordability,

(2) *Preserving* existing affordable housing, and

(3) *Protecting* vulnerable households from housing instability and displacement.

Phase Two: Brainstorming Action Ideas (Jan-July 2018)

Next, the Committees spent six months brainstorming and vetting upwards of 30 action ideas. This process was driven by workgroups who dedicated hundreds of hours to meeting, researching and drafting ideas. Community-based organizations and members of the public also participating in generating ideas. A series of listening sessions around the region solicited input from vulnerable households in identifying priority actions that CASA should consider. Members of the public also shared ideas and feedback through public comment. Each idea was written up and presented to the Technical Committee for vetting. The Committee members used a "gradients of agreement" tool to score each idea on a scale of 1-5. The Steering Committee reviewed and refined the most promising ideas that emerged from the Technical Committee.

Phase 3: Crafting the Compact (Sept-Dec 2018)

In the final phase, the Co-Chairs distilled the 30+ action plans into the Compact you see before you. This happened through an iterative process, with successive versions of the Compact presented to both the Technical and Steering Committees and refined based on their input.

Phase 4, CASA Implementation

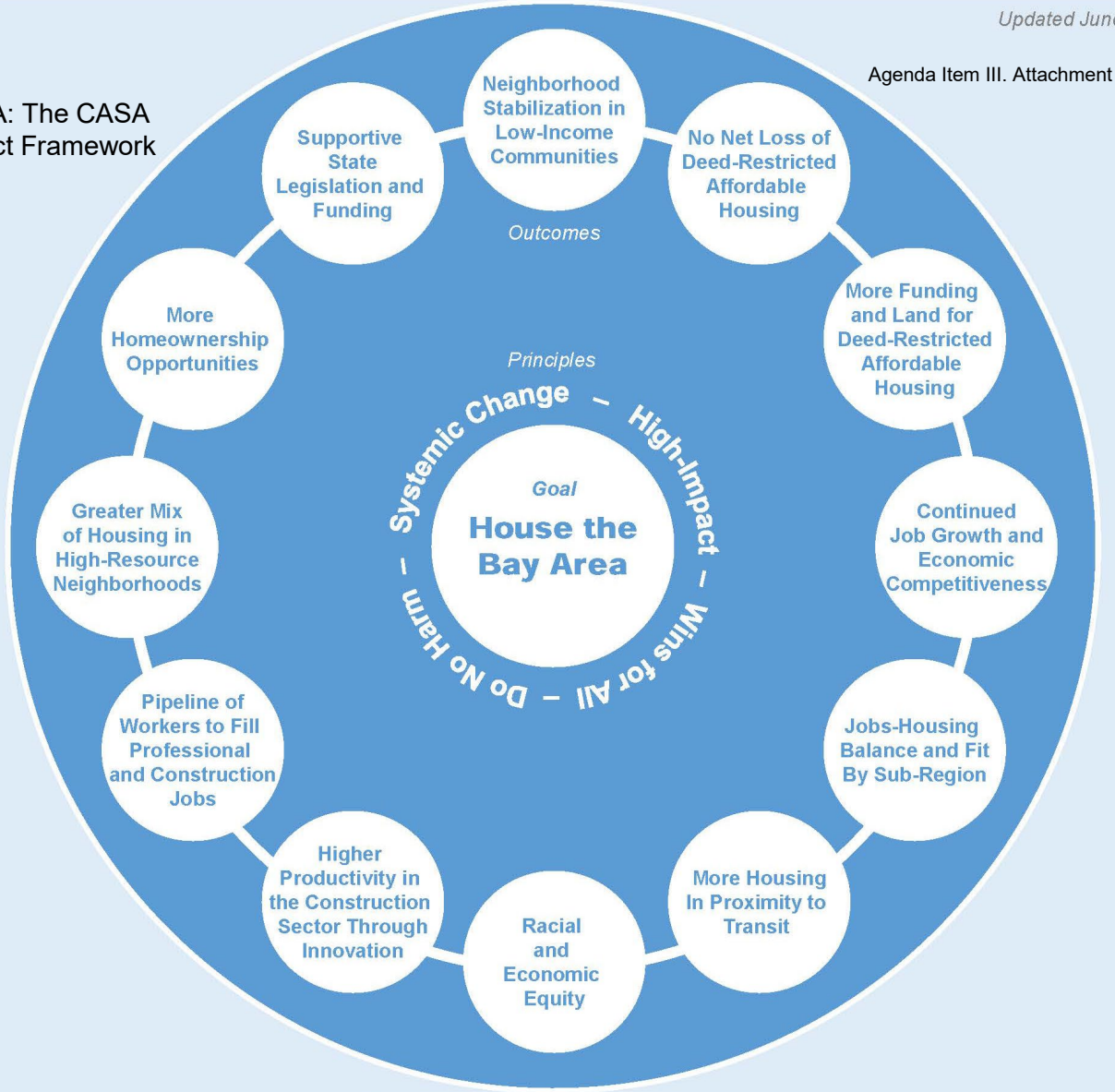
CASA leadership and key members will continue to work in cross-sector coordination with State and local elected officials and agencies to implement the principles of the CASA Compact.

Core Principles

Over the course of this process, the participants forged an understanding around core principles that underpin the recommendations in this document. These include:

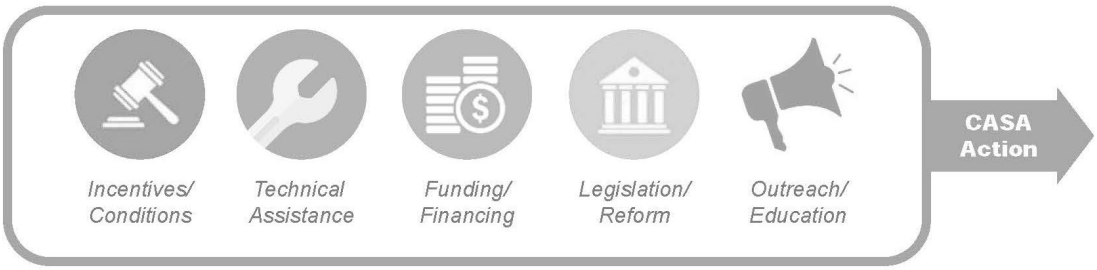
1. ***Shared responsibility:*** All sectors and interests should share the burdens and benefits of housing the Bay Area.
2. ***Inclusion everywhere:*** Find ways to include more housing at all income levels, in every jurisdiction.
3. ***Promote 'Missing Middle' housing types:*** Encourage the development of smaller homes that are more affordable by design and less likely to cause displacement.
4. ***Stabilize communities:*** Preserve the historic diversity and access to opportunity in the Bay Area.
5. ***Balance across the Three Ps:*** Individual components of the Compact should move forward together and avoid undermining each other.
6. ***Level the playing field:*** The Compact should create fair, more uniform standards for the housing development process, across the Bay Area.
7. ***Minimize administrative burden:*** We should minimize new administrative requirements and focus on strategies that can be implemented rapidly and efficiently.

Figure A: The CASA Compact Framework



	Produce	Preserve	Protect
	+/-	+/-	+/-
Numeric Targets	**35,000 Housing Units / Year** 14,000 of Which are Affordable to Lower-Income and 7,000 to Moderate-Income Households	**30,000 Affordable Units** 26,000 of Which are Market-Rate Affordable Units, and 4,000 are At-Risk Over the Next 5 Years	**300,000 Lower-Income HHs** Who are Extremely Rent-Burdened (they spend more than 50 percent of their income on housing)
"Lenses"	***Timeframe***	***Geography***	***Level of Effort***
	Near-Term	Within/Outside PDAs	Early Wins
	Medium-Term	High-Opportunity Areas	Low-Hanging Fruit
	Long-Term	Disadvantaged Areas	Big Ideas

Typology of Actions



Compact Element #1: Just Cause Eviction Policy

Brief Summary: Ensure that all Bay Area tenants are protected from arbitrary evictions by adopting a region-wide policy requiring landlords to cite specific "just causes" (both fault and no-fault) for termination of tenancy, such as failure to pay rent or violation of lease terms. Require landlords to provide relocation assistance for covered no-fault evictions.

Desired Effect: Just cause protects tenants from arbitrary evictions. Studies show that eviction can cause health issues, emotional trauma, school disruption for children, longer and costly commutes, and reduced wage earnings for adults. Just cause eviction protections promote tenant stability and limit eviction-related health consequences. See Figure 1 for recent eviction trends in San Francisco.

References and Models: Action Plan 2.1; NJ state Just Cause Law; Large cities in CA (SF, Oakland, San Jose, LA)

Detailed Proposal:

Permissible causes for eviction: both fault and no-fault evictions should be allowable under a region-wide just cause policy. Fault eviction causes should include failure to pay rent, substantial breach of a material term of the rental agreement, nuisance, waste, or illegal conduct. No-fault causes should include owner move-in, withdrawal of unit from rental market (Ellis Act/condo conversions), unit unsafe for habitation, or demolition/substantial rehabilitation

Coverage: just cause eviction standards should apply to all rental units except the following:

- Government owned and government subsidized housing units or housing with existing government regulatory assessments that govern rent increases in subsidized rental units (e.g., Section 8)
- Transient and tourist hotel occupancy as defined in Civil Code Section 1940(b)
- Housing accommodations in nonprofit hospital, religious facility, or extended care facility
- Dormitories owned and operated by an institution of higher education or a K-12 school
- Tenant shares bathroom/kitchen with the owner who maintains principal residence there
- Single owner-occupied residences including when the owner-occupant rents or leases 2 units (including ADU and JADU) or bedrooms
- Resident-owned nonprofit housing

Waiting Period: the protections should apply only after a tenant has been in occupancy (with or without a lease) for at least 12 months. All existing tenancies should be subject to these protections, effective immediately upon the policy being signed into law.

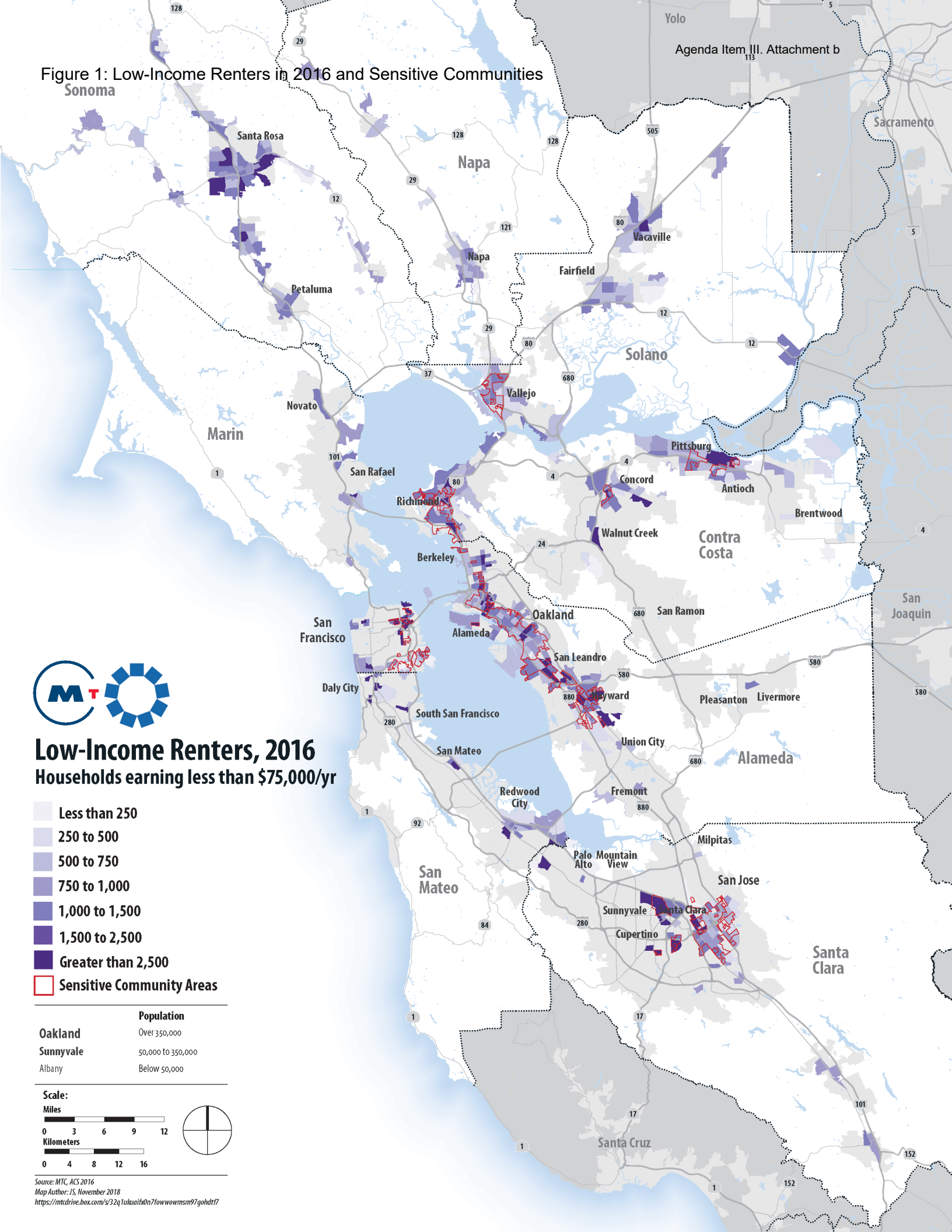
Notice Requirements: owners should be required to provide notice to tenants at the beginning of each tenancy as to tenant rights with copy of lease. This notice should be in the form of a lease addendum that is signed by the tenant at the time the lease is signed. The grounds for eviction should be set forth in the notice to terminate tenancy.

If the reason for the termination is a curable lease violation, the owner should be required to provide an initial notice with an opportunity to cure before the notice of termination. If the lease violation is related to specific illegal activity that presents the potential for harm to other tenants, there should not be a right to cure. Separate provisions should be made for domestic violence situations.

Relocation Assistance: relocation assistance should be provided in all covered no-fault causes where tenants have been in occupancy for at least 12 months, except in cases where the owner is moving into the unit. At time of service of notice to quit, the landlord should notify the tenants of their right to relocation assistance and provide payment directly to the tenant. The amount of relocation assistance should be tiered based on number of bedrooms (see San Jose example). Relocation assistance should be available to all qualifying tenants regardless of income.

Preemption of Local Ordinances: this law should not preempt more restrictive local ordinances.

Figure 1: Low-Income Renters in 2016 and Sensitive Communities



Compact Element #2: Emergency Rent Cap

Brief Summary: Establish a Bay Area-wide emergency rent cap that limits annual increases in rent to a reasonable amount.

Desired Effect: An emergency rent cap would prevent extreme increases in rent on a year-to-year basis, thereby decreasing the number of households who are at risk of displacement and homelessness, decreasing the number of households who are rent burdened, and promoting tenant and community stability. Extreme rent increases can pose a particular burden for tenants who are low and fixed income. Can be extended after the emergency period. Figure 2 maps the many Bay Area communities at risk of displacement.

References and Models: Action Plans 1.1, 1.2, 1.3; Existing State Anti-Gouging Law in States of Emergency

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Detailed Proposal:

Cap on Annual Rent Increase: for an emergency period (15 years), no landlord should increase rent by more than CPI+5% in any year of tenancy. The notice of allowable rent increase should be provided annually.

Vacancy Provision: the cap on rent increase should apply to the renter, not the unit.

Coverage: the following unit types should be exempt from the cap:

- Affordable housing properties governed by regulatory agreements;
- ADUs on owner-occupied properties;
- Dormitories.

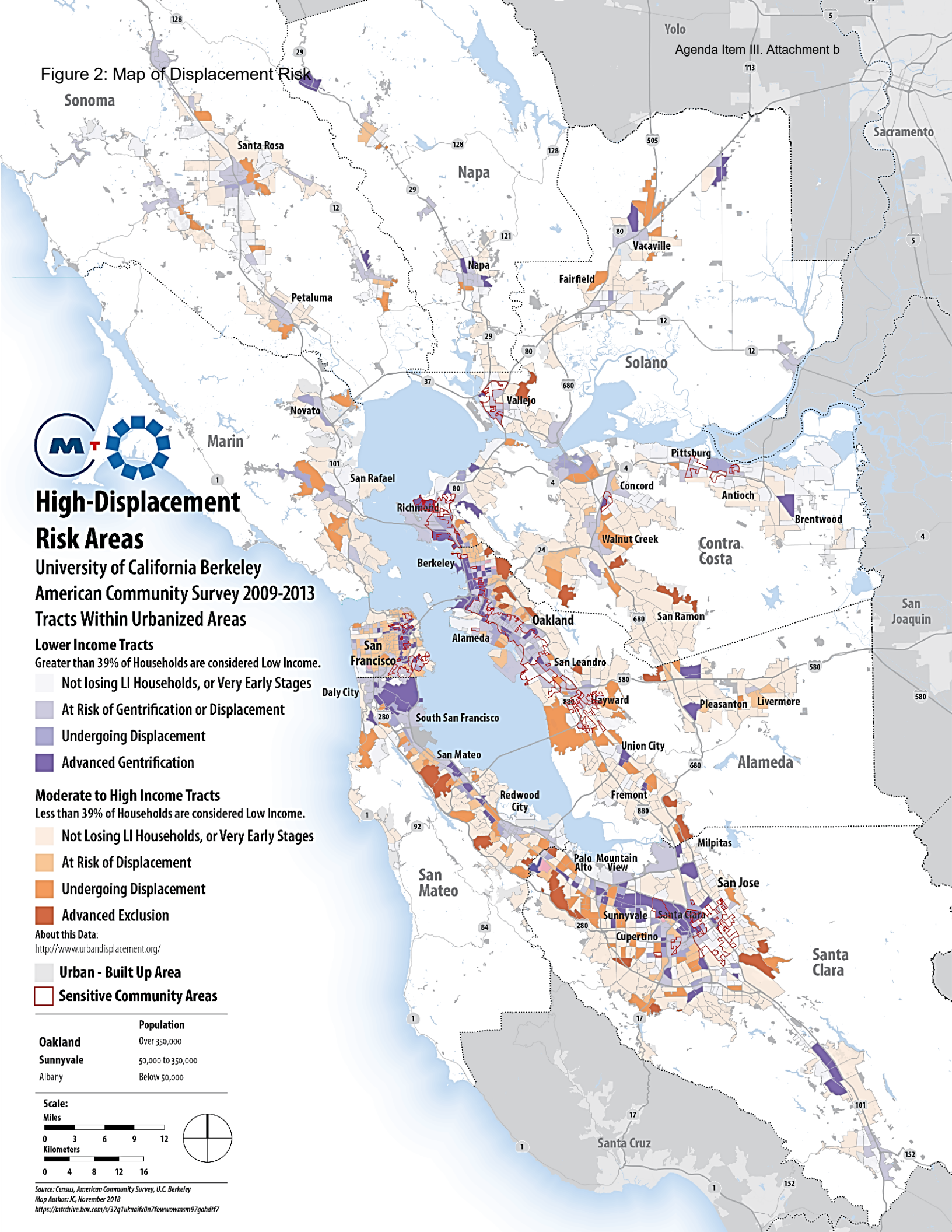
Pass-Throughs, Banking and Capital Improvements: if rent has declined or if landlord has not increased rents for several consecutive years, landlords should be able to bank those unused rent increases for 3-5 years. When drawing upon banked rent increases, landlords should not be allowed to increase rents more than 10-15% annually.

A landlord should be able to pass through a percentage of capital improvements and expenses to renters, not to exceed a fixed dollar amount per year.

Preemption of Local Ordinances: this law should not preempt more restrictive local ordinances.

State of Emergency: rent cap shall be evaluated before any extension is granted to study impact of rent cap on housing market overall.

Figure 2: Map of Displacement Risk



Compact Element #3: Emergency Rent Assistance and Access to Legal Counsel

Brief Summary: For low-income tenants facing eviction, provide access to free legal counsel and emergency rent assistance.

Desired Effect: Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have access to legal counsel would create a fairer justice system; prevent evictions and homelessness; improve health, stability, and opportunity for thousands of residents including children; and preserve existing affordable housing.

Non-payment of rent is the leading cause of evictions in the Bay Area. Figure 3 shows rent increase trends in Alameda County. An emergency rent assistance program would assist in cases where tenants have an urgent, temporary financial gap. It would help tenants stay in their homes, preventing evictions, periods of marginal housing, and homelessness for households at risk of eviction due to financial instability.

References and Models: Action Plans 3.1 and 4.1; SF Prop F (June 2018); New York City; Santa Clara County Emergency Assistance Network

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Detailed Proposal:

Legal Representation: all tenants who are faced with legal proceedings to evict them from their residence should have access to legal counsel, except when eviction proceedings are brought by a landlord or master tenant who resides in the same dwelling unit or property with tenant. The term "legal representation" should mean full scope representation provided to an individual by a designated organization or attorney which includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court proceedings, and providing legal advice.

Emergency Rent Assistance: low-income tenants facing eviction and homelessness due to non-payment of rent should be eligible to receive emergency rent assistance. This assistance should be targeted to tenants who have an urgent, temporary financial gap and are at high risk for becoming homeless if evicted. The Regional Housing Enterprise (see Compact Element #10) should establish guidelines and policies for administering the program, including how to determine eligibility. The regional agency should identify, fund and oversee local service providers (public or non-profit) to carry out the program.

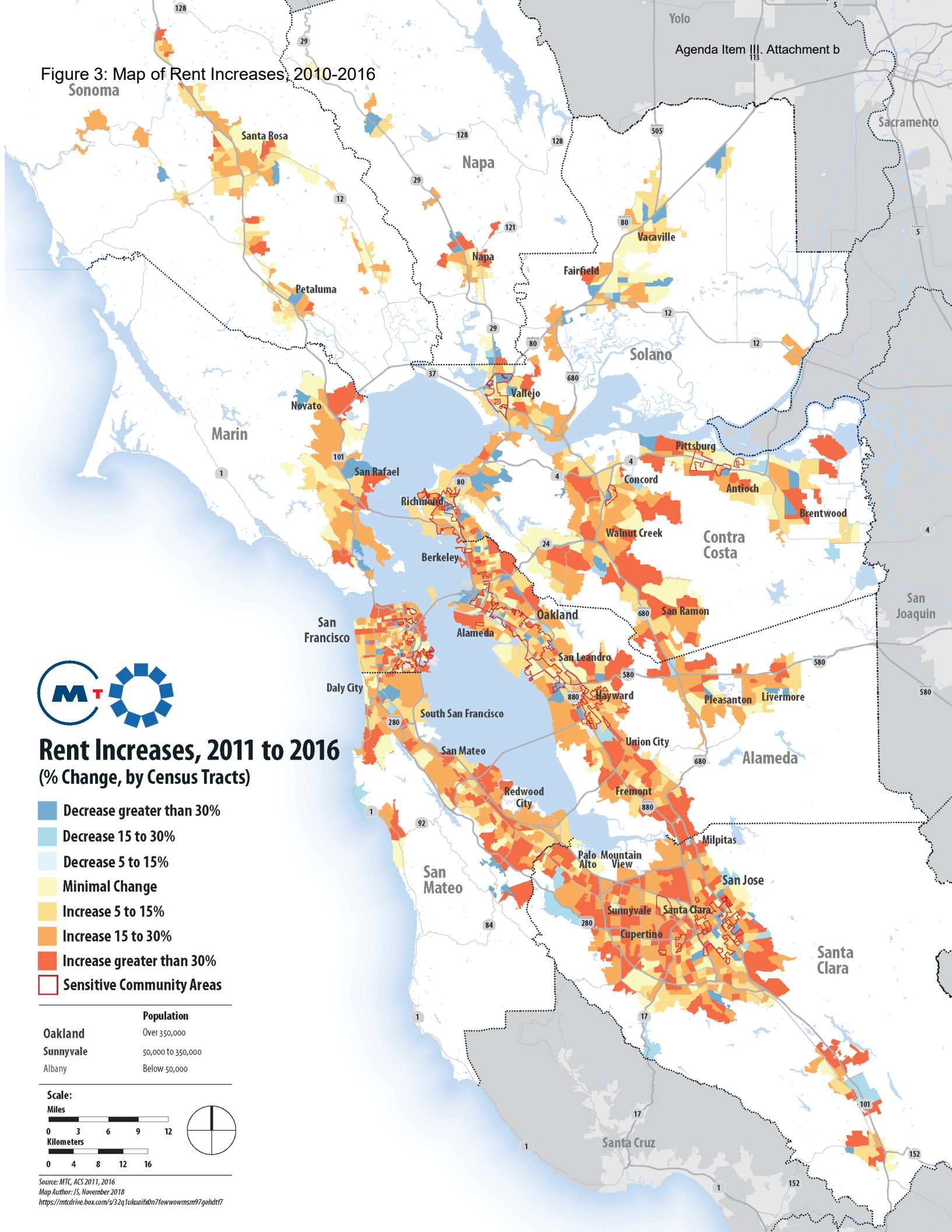
Cap on Assistance: the amount of total assistance should be capped at $5,000 - $10,000 per tenancy.

Landlord Obligation: landlord obligation should be limited to providing an addendum notice of this access in lease and eviction notice. Landlord should have no payment or any other obligations. If a tenant fails to seek legal counsel, it will not impede eviction proceedings for landlord.

Means Testing: emergency rental assistance should be limited those whose incomes do not exceed 80% of AMI. Legal services should be provided to all qualifying tenants regardless of income.

Funding: generate significant funds through Compact Element #9 to fund regional access to legal counsel and emergency rent assistance. Pro-bono counsel for tenants shall be encouraged.

Figure 3: Map of Rent Increases, 2010-2016



Compact Element #4: Remove Regulatory Barriers to ADUs

Brief Summary: Extend current Bay Area best practices regarding Accessory Dwelling Units (ADUs) to every jurisdiction in the region. Amend existing state ADU law to remove regulatory barriers including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code (AB 2890 Ting).

Desired Effect: Existing single-family homes make up a significant portion of the region's land base. Local best practices in the region today allow both an ADU and Junior ADU on single family lots and multiple ADUs in existing multi-family buildings with ministerial approval. See Figure 4 for a prototypical ADU. Expanding these best practices regionwide would allow for a rapid increase in more affordable homes, and would help stabilize cost-burdened homeowners by creating a new source of income. If 20% of the region's 1.5 million single-family homeowners choose to build an ADU, this policy could create 300,000 new homes distributed throughout existing neighborhoods. This includes about 50,000 new units in Priority Development Areas alone.

References and Models: Action Plans 10.3, 10.4; UCB Chapple 2014; UCB Terner Center 2017; Legislative history SB 1069, AB 2890; Arlington VA, Portland OR, Seattle WA, Vancouver BC, State of Oregon Tiny Homes Code.

Detailed Proposal:

Local Standards for ADUs (see AB 2890 Ting): new state law should require local jurisdictions in the Bay Area to encourage the creation of ADUs as follows:

- Require ministerial approval for both an ADU and a Junior ADU (JADU) in all residential zones including in rear yards or by division of existing homes into two units;
- ADUs receiving ministerial permits should not be used for short-term rentals;
- Encourage forgiveness of code violations (except health and safety) in grandfathered ADUs;
- Apply the Housing Accountability Act's provisions for determining project consistency.

Sprinklers should be required for ADUs if required under the building code for comparable home construction. Use of unlicensed contractors under "owner builder" permits shall be discouraged by requiring that a statement of owner liability be provided when building permit is issued.

Impact Fees: require impact fees for ADUs and tiny homes to be charged on a per-square-foot basis and (2) only on net new living area over 500 sq. ft. per accessory unit.

Small and Tiny Homes Building Code: state law should create a building code for small homes and wheeled homes to reduce non-safety code requirements that disproportionately make small homes and tiny homes infeasible including energy standards, appliance and room sizes, and similar. Life-safety standards must be upheld.

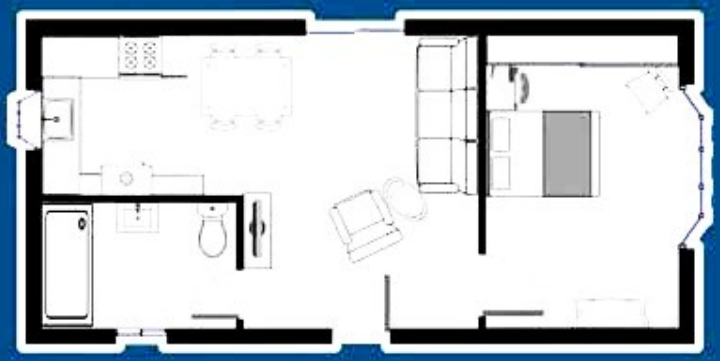
Owner Occupancy: Local jurisdictions should be encouraged to adopt owner occupancy requirements for properties containing ADUs. If owner occupancy is required, reasonable annual monitoring programs that rely on existing published documents should be established.

Figure 4: Prototypes for Accessory Dwelling Units

Unit Specifics

Unit Type	Detached
Bedrooms	1
Bathrooms	1
Square feet	495
Year built	2003
Construction	New construction
Total Cost	$117k
Jurisdiction	Pacifica
Neighborhood	Sharp Park
Designer	Ernie Broussal, Daly City
Builder	Rick Lee, Pacifica
Use	Rent to a family member

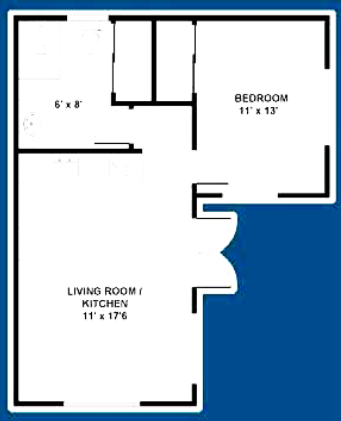
11



Unit Specifics

Unit Type	New construction
Bedrooms	2
Bathrooms	2
Square feet	800
Year built	2010-12
Construction	New construction *(including primary dwelling)*
Total Cost	$1.1 million *for entire project - second unit was approximately 25%*
Jurisdiction	San Carlos
Neighborhood	Devonshire
Designer	Fred Stratchclee
Builder	Victor (homeowner)
Use	Residence (rents primary dwelling)

Kate & Miranda's Retirement Plan
336 sq ft - 1 bedroom, 1 bath, kitchen, living room



Pedro's Backyard Cottage
496 sq ft - 1 bedroom, 1 bath, kitchen, living room

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Compact Element #5: Minimum Zoning near Transit

Brief Summary: this element includes three components. In neighborhoods served by high quality bus service, establish minimum zoning on all residential, commercial, and institutional zones to allow 'missing middle' housing types up to 36' tall. In neighborhoods surrounding the region's major transit stops (rail stations and ferry terminals), establish minimum zoning to allow midrise residential housing up to 55' tall (75' tall with a density bonus). Allow sensitive communities to defer rezoning above 36' while they develop context-sensitive plans. On large commercial-zoned parcels located near job centers, make housing an allowable use. For projects with 20 units or more, require inclusion of affordable units.

Desired Effect: This policy would create an inclusive mix of homes near transit and jobs, consistent with the goals of Plan Bay Area. It would spur the development of 'missing middle' housing types that are within reach of working families and blend into existing neighborhoods. This type of housing is common in pre-war neighborhoods of the East Bay and Peninsula but has largely been zoned out of existence in recent decades.

References and Model Policies: SB 827 (Wiener, 2017). CASA Action Plans 8.2, 10.3, 10.5, 10.6

Detailed Proposal:

Minimum Zoning Near Transit: the state should establish minimum zoning for housing in neighborhoods served by existing high-quality transit as follows:

- *High quality bus service:* Residential uses up to 36' tall should be allowed within ½ mile of bus stops with at least 15-minute headways at peak periods and 30-minute headways on weekends (as defined in SB 827).
- *Major transit stop:* Residential uses up to 55' tall (75' tall with density bonus) should be allowed within 1/4 -mile radius of major transit stops (rail stations and ferry terminals).

Development standards such as setbacks, unit sizes and lot coverage requirements should apply. Neither development standards nor other zoning and design controls should mandate densities lower than those prescribed above. . **Housing Overlay on Large Low-Density Commercial Sites:** the state should establish minimum zoning for housing on low-density commercial sites above a certain acreage that are located within the transit areas defined above.

Tenant Protections and Preservation: All sites rezoned under this policy should be subject to tenant protections, demolition controls and no net loss provisions. Sites occupied by a mobile home park, public housing, or Single Room Occupancy (SRO) built prior to the effective date of the enabling legislation should not be eligible for rezoning.

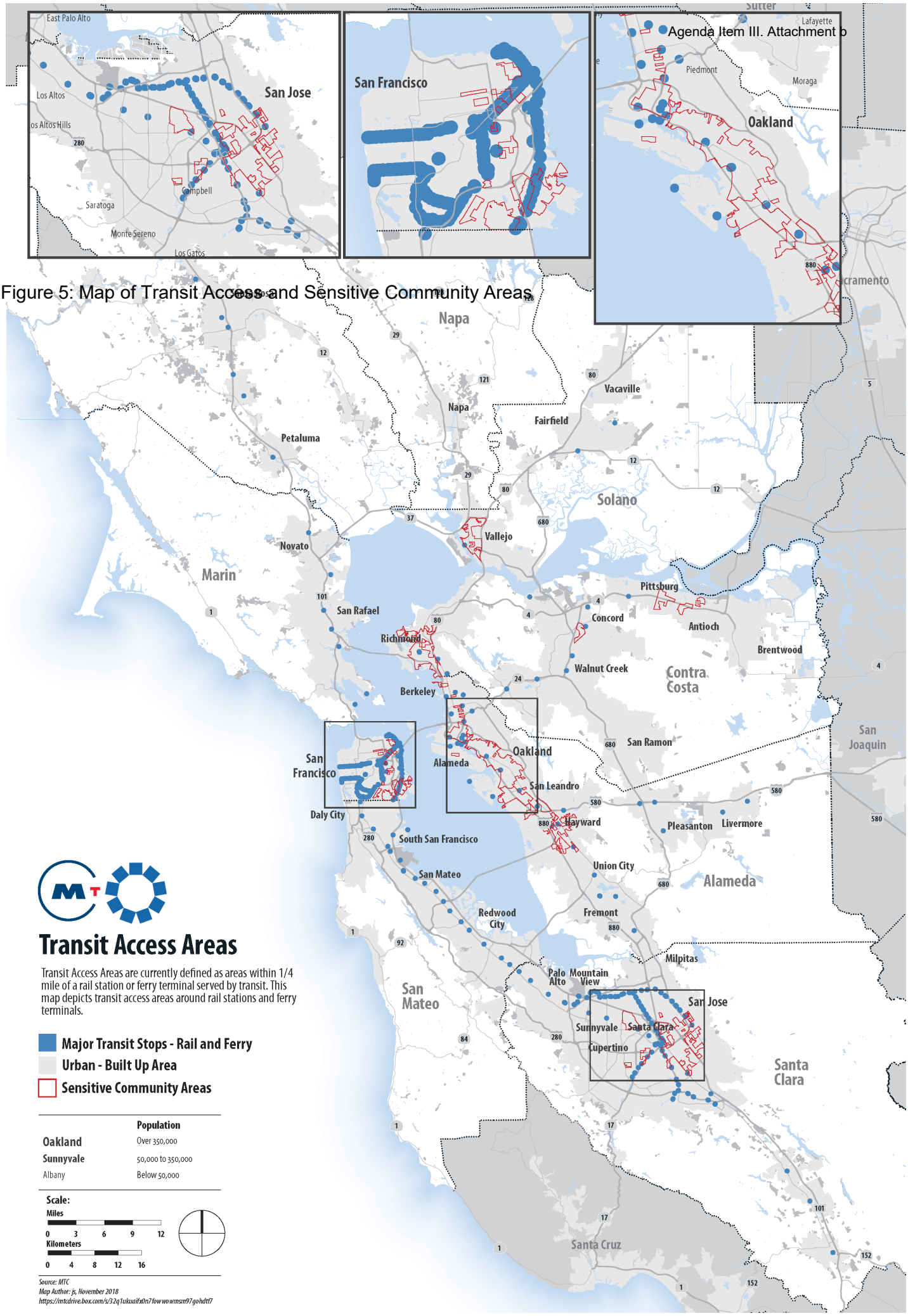
Affordable Housing Requirements: onsite affordable housing should be required at levels not less than state density bonus law.

Projects with 10-20 units should have the option to pay an in-lieu fee. This in-lieu fee should be deferred or waived for units that are sold or rented at or below missing middle income levels. This fee should be imposed at the time of sale. Funds generated by this fee should be deposited into a local or regional housing fund.

Sensitive Communities: if a major transit stop is located in or adjacent to a sensitive community, up-zoning above 36' should be automatically deferred for a period of 3 years while the jurisdiction develops a context-sensitive plan for that community. The opt-out period should be extended beyond 3 years where good faith planning efforts are underway. If the community so chooses, it may opt into up-zoning to 55' without a deferral period or community plan. The decision to opt in should be made by the local legislative body (city council or board of supervisors) and must involve consultation with residents of the sensitive community and at least one public hearing. Sensitive community areas represent the intersection of disadvantaged and vulnerable communities as defined by the following Bay Area regional agencies: MTC, SF Bay Conservation and Development Commission (BCDC), and the Bay Area Air Quality Management District. See Figure 5 for the map of these Transit Access and Sensitive Community Areas.

Labor Standards: The residential development shall comply with all applicable labor, construction, employment, and wage standards otherwise required by law and any other generally applicable requirement regarding the approval of a development project, including, but not limited to, the local government's conditional use or other discretionary permit approval process, the California Environmental Quality Act, or a streamlined approval process that includes labor protections.

Figure 5: Map of Transit Access and Sensitive Community Areas



Compact Element #6: Good Government Reforms to Housing Approval Process

Brief Summary: Establish 'good government' standards for the entitlement and permitting of zoning-compliant residential projects. Require transparency and consistency in how residential impact fees are set and enforced. Figure 6 shows how complicated the approval process for housing can be in California.

Desired Effect: Research by the UC Berkeley Terner Center for Housing Innovation demonstrates that local government impact fees and inclusionary requirements, when combined with regulatory uncertainty and record-high construction costs, have made it economically infeasible to build a standard mid-rise housing project in many parts of the Bay Area. The American Planning Association recommends that local governments should restore direct reliance on adopted plans and create transparency, predictability, reliability and timeliness to the housing approvals process.

References and Model Policies: CASA Action Plan 12.1; Terner Center Report on Fee Costs; Berkeley Law Land Use Study; Roseville fee transparency

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Detailed Proposal:

Standards for Processing Zoning-Compliant Residential Applications with Fewer than 500 Units: local jurisdictions should be required to process zoning-compliant residential development applications in accordance with the following standards:

- Each jurisdiction should create and maintain an up-to-date listing of all rules, codes and standards that apply to residential development applications, including how an application is deemed complete. This information should be made available online and in print.
- Rules, fees and historic status should be locked at the date of application completeness.
- Rules, fees and historic status should be locked at the date of application completeness which shall be defined as providing only the elements on the agencies written application material.
- The jurisdiction should require no more than three de novo public hearings on a zoning-compliant residential application.
- Building permits should expire if not used in 24 months, with flexibility to adapt to changing economic conditions and other extenuating circumstances.
- Jurisdictions should apply the Housing Accountability Act's standards for project consistency and remedies

Standards for Impact Fees: state law should create a set of uniform standards and requirements for Bay Area jurisdictions to follow when imposing impact fees on new residential development, as recommended by the UC Berkeley Terner Center:

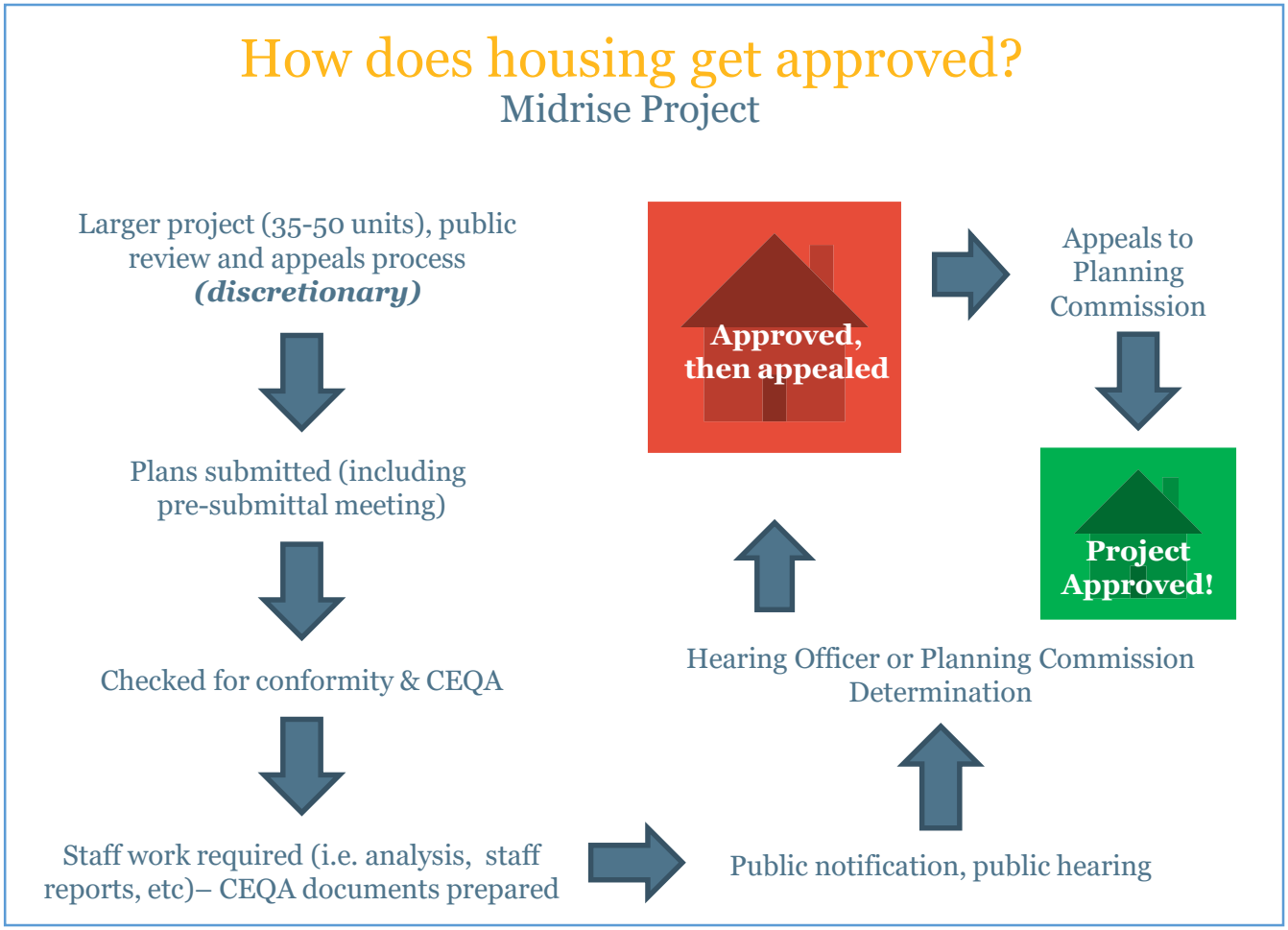
- Every jurisdiction should conduct a comprehensive review and assessment of their fees to better understand the aggregate costs imposed.
- When determining the amount of fees to charge to new residential projects, jurisdictions should adhere to a standardized methodology and set of objective standards, rather than the current "reasonableness" test which is overly broad.
- Every jurisdiction should create and maintain an up-to-date fee schedule in a publicly accessible format.
- Adopt fee deferral programs which allow builders to pay some fees later in the development process.

Standards for Inclusionary Zoning: state law should establish that programs which require inclusion, such as density bonus, local inclusionary requirements, housing impact fees and in-lieu fees, should not be additive. Require that in-lieu fees should be an option for fulfilling inclusionary requirements imposed without the density bonus. Existing local policies should be grandfathered in.

Standards for Downzoning and Moratoria: the State should create standards that govern the circumstances in which local governments downzone or impose building moratoria in existing or planned residential neighborhoods. Such actions run counter to state housing law and should only be undertaken to address an immediate crisis, such as a health and safety hazard or protection of low-income families at risk of displacement.

Report Impositions That May Suppress Housing above the Hard Cost of Housing Construction: jurisdictions should annually document all local agency impositions that increase the hard cost (excluding labor and materials) of housing construction, including fees and inclusionary zoning requirements. This information should be included in the jurisdiction's annual Housing Element report.

Figure 6: Typical Local Housing Approval Processes and Timeframes



Source: the Terner Center for Housing Innovation, UC Berkeley, 2018,

Compact Element #7: Expedited Approvals and Financial Incentives for Select Housing

Brief Summary: ensure timely approval of zoning-compliant housing projects and create financial incentives for enabling on-site affordability and prevailing wages. This streamlining policy will provide another option for projects that may not benefit from SB 35. This policy does not amend or replace SB 35. Allow Sensitive Communities to defer implementation while they develop a context-sensitive plan.

Desired Effect: This policy would make it possible to build more housing projects while addressing the critical shortage of housing labor, curbing unsafe labor practices, and providing on-site affordability for missing-middle income ranges that aren't eligible for other sources of subsidy. By harnessing future tax increment from the proposed housing development itself, local jurisdictions can get more affordable units built with less public subsidy. All taxing agencies will benefit from the multiplier effect of new construction beyond the project site. By providing expedited approvals, these projects will be approved and built more quickly.

Models and References: SB 35 (Wiener,2017); New York tax abatement; Action Plans Referenced: 12.2, 12.3, 17.1, 17.2

Detailed Proposal:

Streamlined Review Process: state law should create a new, expedited review process for residential projects that meet thresholds outlined below. These projects should be granted a statutory CEQA exemption and should be subject to a limited discretionary review process. Projects should be approved within one year and should be subject to no more than three de novo public hearings.

Qualifying Projects: to qualify for streamlined review, projects should meet all of the following criteria:

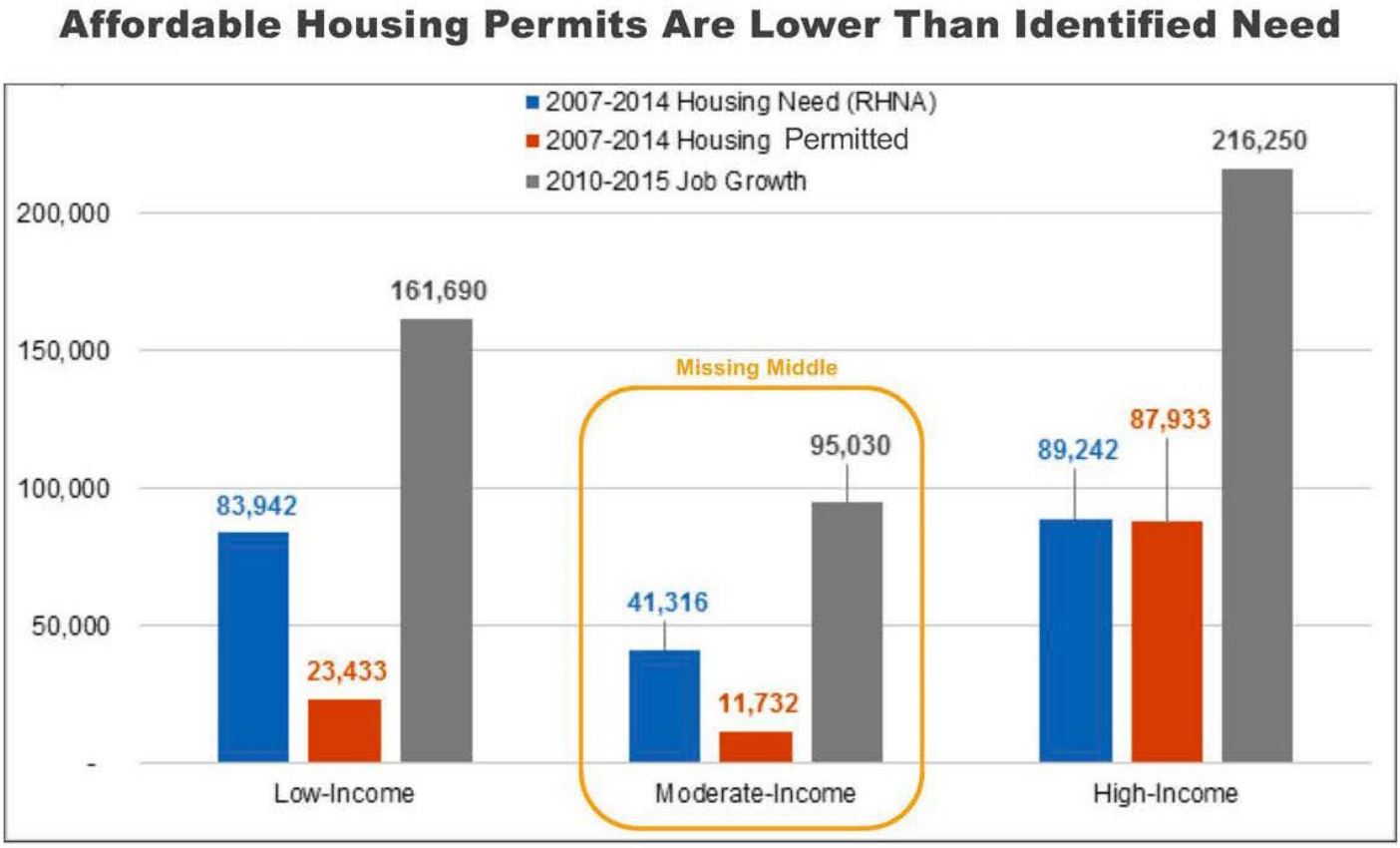
- Complies with existing zoning standards;
- Located in an existing urbanized area;
- Eligible sites as defined in SB 35;
- Restricts at least twenty percent (20%) of onsite housing units to middle-income households (approximately 80% - 150% AMI depending on local market conditions), with an average affordability of 110% AMI;
- Provides prevailing wages and safe working conditions for all workers;
- Utilizes apprentice labor to grow the construction workforce.

Financial Incentives to Offset Costs: qualifying projects should receive financial incentives to offset the costs associated with providing income-restricted housing units and higher wages. Incentives could include some combination of the following:

- Fifteen years of property tax increment abatement, modeled on the New York City program. Abatement should be structured so that units rented or sold at missing middle prices (ie 150% AMI or less) receive full abatement, and units rented or sold above this shall receive a lesser abatement (ie 50% -75% abatement)
- Cap impact fees at a reasonable level that allows project feasibility targeted to regional median
- Density bonus of 35%
- Parking reduced to 50% of local requirement (at the discretion of the developer)
- Relief from strict liability standards for ownership housing

Sensitive Communities: implementation of this policy in sensitive communities should be automatically deferred for a period of up to 3 years. During this time, the local jurisdiction should develop a context-sensitive plan for that community. The opt-out period should be extended beyond 3 years where good faith planning efforts are underway. If a Sensitive Community so choses, it may opt to implement this policy effective immediately. The decision to opt in should be made by the local legislative body (city council or board of supervisors) and must involve consultation with residents of the sensitive community, and at least one public hearing. Sensitive community areas represent the intersection of disadvantaged and vulnerable communities as defined by the following Bay Area regional agencies: MTC, SF Bay Conservation and Development Commission (BCDC), and the Bay Area Air Quality Management District. See Figure 5 for the map of these Transit Access and Sensitive Community Areas.

Figure 7: Regional Housing Production is Worst for the “Missing Middle”



Compact Element #8: Unlock Public Land for Affordable Housing

Brief Summary: Promote increased utilization of public land (surplus and underutilized) for affordable housing through a variety of legislative and regulatory changes, as well as the creation of new regional coordination and planning functions.

Desired Effect: Encourage the reuse of public land for creation of mixed-income/affordable housing by reducing barriers to development on public land. See Figure 8 for the largest public agency landowners near public transit.

References and Models: Action Plans 16.1; 16.2; Puget Sound region including Seattle; Enterprise; MTC/ABAG Study.

Detailed Proposal:

Support reforms introduced in AB 2065 (Ting, 2017)

- Respond to the issue of charter cities and the requirement that all cities comply with State surplus lands law
- Create clear definition of "surplus" and "underutilized"
- Require cities, counties, State agencies, and all public agencies to create a full inventory of their publicly-owned sites and report them to HCD.
- Direct HCD to develop a statewide public lands database that will include all publicly-owned sites in the State of California, starting with a pilot in the Bay Area. The database will also include information on present uses. HCD would enforce a revised State Surplus Land Act with referral power to the Attorney General's Office for infractions.

Amend State Housing Element Law to:

- Allow residential uses on all developable public land, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (eg not parkland).
- Require that Housing Elements include a discussion of the jurisdiction's policies and plans to encourage the development of affordable housing on these sites.
- Require jurisdictions to report annually through housing element progress reports how they disposed of public and surplus sites.
- State and regional agencies should give preference in screening and scoring projects for discretionary funds to public agency project sponsors that dispose of surplus lands for affordable housing.

Regulatory and Process Changes

- Require State agencies to comply with the State Surplus Land Act and make surplus and underutilized property available for affordable housing, including deploying 10% of underutilized/surplus property for affordable housing on an annual basis.
- Amend State law time frames for surplus land disposition to expedite the process to no more than 24 months.
- Competitive funding programs for affordable housing, including the Low-Income Housing Tax Credit (LIHTC) and Affordable Housing & Sustainable Communities (AHSC) programs, should reward additional points to projects that propose affordable development on public land.
- The State of California should review its spatial guidelines for public facilities (i.e., schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services.

Labor Standards: public lands released for housing should include policies that help expand the trained labor pool available for housing construction including requirements for trained apprentices and prevailing wages. Exceptions to these requirements on should be made for temporary housing built to address an emergency, and for housing built with volunteer labor (see Labor Code § 1720.4). Temporary housing shall be defined as follows:

Designed and constructed to be relocatable and transportable over public streets.

- Floor area of 500 square feet or less when measured at the most exterior walls.
- Sited upon a temporary foundation in a manner that is designed to permit easy removal.
- Designed to be removed within three (3) years of installation.

Figure 8: Top Ten Landowners for Publicly-Owned Parcels Suitable for Housing Near Transit

Publicly-Owned Land

Source: MTC

Landowner	Number of Parcels	Total Acres
Bay Area Rapid Transit (BART) District	91	**229**
Santa Clara Valley Transportation Authority (VTA)	26	**178**
State of California	17	**42**
City/County of San Francisco	18	**26**
San Mateo County Transit District (SamTrans)	11	**18**
Union City Community Redevelopment	6	**15**
County of Santa Clara	7	**15**
City of Oakland	19	**10**
City of San Jose	5	**8**
Suisun City	17	**8**
Total	**217**	**548**

Compact Element #9: Funding and Financing the CASA Compact

Brief Summary: Raise $1.5 billion in new revenue annually from a broad range of sources, including property owners, developers, employers, local governments and the taxpayers, to fund implementation of the CASA Compact. While not all revenue ideas in Figure 9 will be implemented, no one sector would bear the burden on its own. No more than one revenue idea should be implemented under each of the five categories.

Desired Effect: The Compact identifies a range of strategies to protect tenants, preserve affordability and produce new units. Many of the strategies, such as "Access to Legal Counsel," building 14,000 new subsidized housing units annually, and preserving 26,000 market-rate units as permanently subsidized units for lower-income households, require an infusion of new revenue.

References and Models: The entire CASA Compact

Detailed Proposal:

Funding gap: CASA estimates that the funding gap to implement the Compact is $2.5 billion per year over the next 15 years. CASA proposes to meet $1.5 billion of this deficit with regional and local self-help measures. The remainder would be funded from additional state and federal sources.

Potential sources: new revenue could be raised through fees or taxes. In principle, new revenue would be raised from a range of sources to spread the responsibility. These sources may include property owners, developers, employers, local governments and taxpayers. The Compact identifies a menu of options (for further details see Figure 9):

A. Vacant Homes Tax levied on property owners;

B. Parcel Tax levied on property owners (residential and commercial);

C. Commercial Linkage Fee charged to developers;

D. Gross Receipts Tax levied on employers;

E. Head Tax levied on employers;

F. Revenue Set Asides for Redevelopment Agencies (local governments);

G. Revenue Sharing Contribution into a region-wide housing program for local governments;

H. 1/4-cent Sales Tax; and

I. General Obligation Bonds, reissued every five years.

Allocation formula: new revenues would be allocated by the following shares:

- Up to 10 percent for local jurisdiction incentives (including funding for hiring more building inspectors);
- Up to 10 percent for tenant protection services;
- Up to 20 percent for preservation; and
- A minimum of 60 percent for subsidized housing production.

Distribution formula: new revenues would be distributed by the following shares (total expenditures would still meet the allocation formula (see above), and be subject to objective performance standards and outcomes):

- 75 percent to county of origin (return to source); and
- 25 percent to a regional program (revenue-sharing).

Labor Standards: public funding through CASA shall include a requirement for trained apprentices and prevailing wages, calibrated to ensure affordable housing project feasibility and continued eligibility for state resources. Projects under a certain size should be required to comply with existing wage and labor laws and standards.

Administration: revenue collection and disbursement would be managed by the Regional Housing Enterprise (see next Element). New revenue would be authorized based on fund source but may include state enabling legislation, a decision of the RHE board, or a vote of the people in the Bay Area.

Figure 9: Funding Options

Menu of Funding Sources to Implement the Compact

Potential New Sources of Revenue

Target: $1.5 billion per year

Property Owners

$100 million
1 percent
Vacant Homes Tax on the assessed value of vacant home, region-wide

Vancouver adopted an Empty Homes Tax of 1 percent in 2016
Oakland adopted a Vacant Property (parcel) Tax of $3,000 to 6,000 in 2018

$100 million
$48 per year
Parcel Tax, region-wide

Bay Area approved Measure AA for $12 per year in 2016

Developers

$200 million
$5-$20 per sq. ft.
Commercial Linkage Fee on new construction; variable rates based on number of workers at location, jobs-housing ratio of host jurisdiction, and location within or outside transit-served areas, region-wide

38 jurisdictions in the Bay Area have a commercial linkage fee, with a median of $10 per sq. ft.

Jurisdictions with an existing linkage fee (which is set aside for housing) will get a credit

$200 million
$10 per sq. ft.
Flat Commercial Linkage Fee on new construction, region-wide

Employers

$200 million
0.1%-0.75%
Gross Receipts Tax, variable rates based on sector and firm size, region-wide

Almost half the jurisdictions in the Bay Area charge some form of gross receipts tax, often as a business tax

Small businesses would be exempt from the tax. Employers in a jurisdictions with an existing tax will get a credit

$200 million
$40-120 per job
Head Tax; variable rates based on number of employees, jobs-housing ratio and transit access, region-wide

Mountain View adopted a Head Tax of up to $149 in 2018

Local Governments

$200 million
25 percent
Redevelopment Revenue Set-Aside for affordable housing in TPAs (including portion for schools and special districts), **statewide**

Former Redevelopment Agencies were required to set aside 20 percent of their revenue towards affordable housing

$100 million
20 percent
Revenue Sharing Contribution from future property tax growth, region-wide

Minneapolis-St. Paul adopted a seven-county Fiscal Disparities Program (tax-base sharing) in 1971 that pools 40 percent of future revenue increase

Taxpayers

$400 million
1/4-cent
Sales Tax, region-wide

Most jurisdiction have local sales taxes. Should be linked to "point of sale" and e-commerce legislation. Could be folded into a "mega-measure" that includes funding for transportation

$100 million
5-Yr. Term
General Obligation Bonds, issued by a regional housing enterprise, renewed every five years, region-wide

Philanthropy

CZI-TSFF Initiative
Policy and Infrastructure Funds

Key

- Voter Approval
- State Legislation
- Policy Benefit
- Fee Imposition

Compact Element #10: Regional Housing Enterprise

Brief Summary: Establish a regional leadership entity to implement the CASA Compact, track and report progress, and provide incentives and technical assistance. The entity must be governed by an independent board with representation for key stakeholder groups that helped develop the Compact. The housing entity would not play a regulatory/enforcement role.

Desired Effect: Existing regional agencies either do not have the mandate (for e.g., the Metropolitan Transportation Commission) or the resources/tools (for e.g., the Association of Bay Area Governments) to directly tackle the region's pressing displacement and affordable housing crisis. The CASA Compact will set a bold region-wide agenda for addressing protection of existing tenants, preservation of existing affordable units and production of both market-rate and subsidized units. To implement this agenda, a broad coalition of stakeholders, who have helped shape the CASA Compact, must stay engaged with state legislative advocacy, building support for raising new revenue and financing programs, tracking and monitoring progress, keeping the public engaged, and taking a regional approach to challenges such as homelessness. A regional approach can balance inequities and imbalances across multiple jurisdiction that have to contend with varying market strengths, fiscal challenges and staff expertise.

Models: New York City Housing Development Corporation (housing finance); Twin Cities (revenue-sharing)

References: The entire CASA Compact

Detailed Proposal:

Board Structure and Governance: CASA recommends establishing a Regional Housing Enterprise (RHE) to coordinate and lead implementation of the CASA Compact. State law should establish an independent board, with broad representation to MTC, ABAG and key stakeholder groups that helped develop the CASA Compact. See Figure 10 for graphic depiction of RHE.

Authority: the state should form the RHE through an act of legislation and give it authority to collect new revenue (through fees or taxes); disburse the revenue to programs and projects in the expenditure plans (consistent with the CASA Compact); purchase, lease and hold land; and provide direct assistance. The RHE will not have regulatory authority.

Roles and Responsibilities

Revenue administration and debt issuance – using the authority to levy fees and seek voter approval to impose taxes for housing, the RHE may collect and disburse new funding, issue debt based as needed, and allocate funding to protection, preservation and production programs, as laid out in the CASA Compact.

Land leasing and disposition – the RHE may act on behalf of the related public agency to lease or purchase land for housing development and assemble parcels, when appropriate. The RHE may hold and bank land, based on market conditions.

Monitoring and reporting – the RHE may coordinate with MTC/ABAG to collect relevant data (including on local housing performance), conduct research and analysis, and disseminate information as part of its monitoring and reporting role. The RHE may also conduct evaluation of its program to improve stated CASA outcomes.

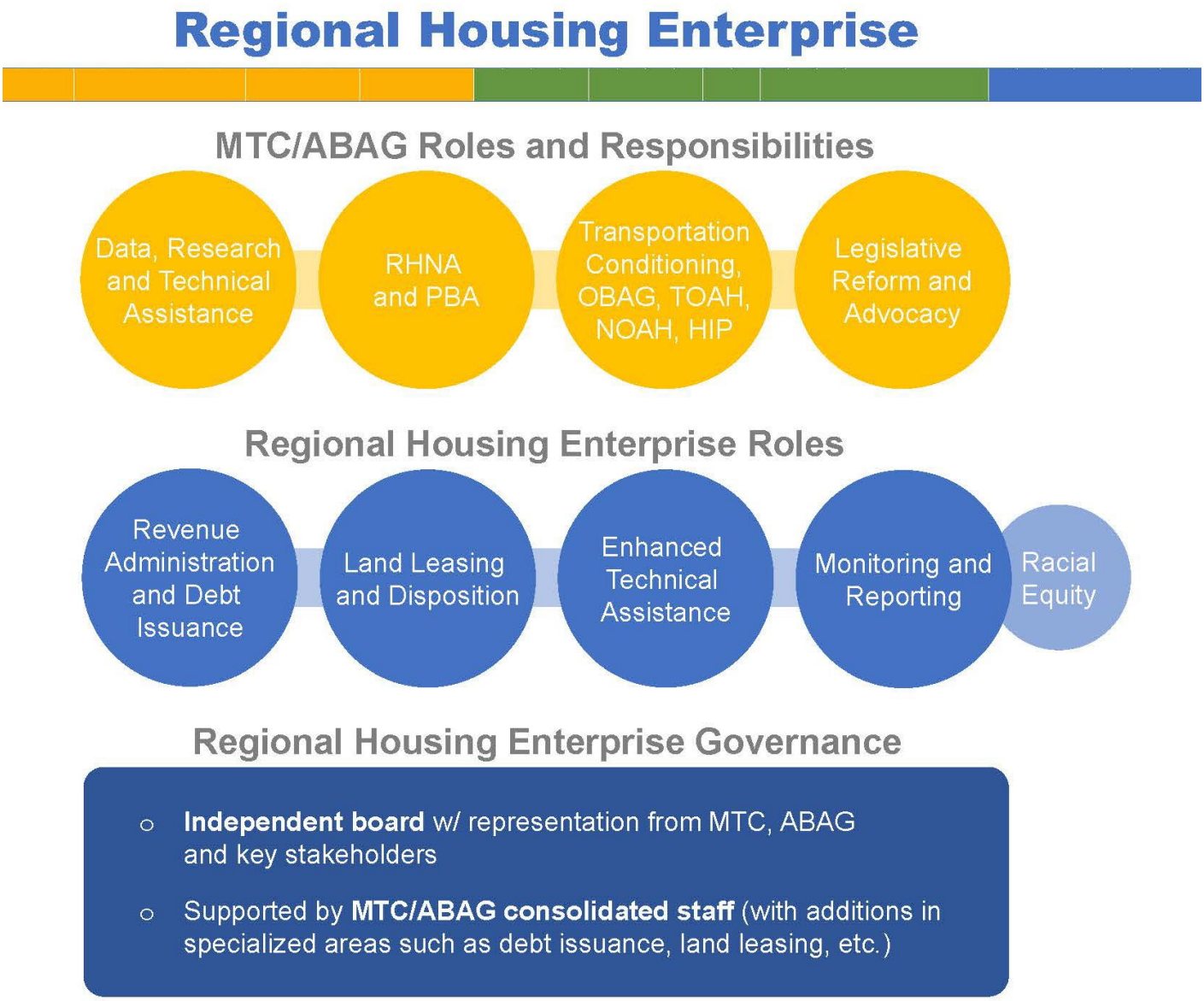
Enhanced technical assistance – the RHE may coordinate with MTC/ABAG to provide extensive support and technical assistance to local jurisdictions (especially smaller jurisdictions with limited staff capacity), education and awareness for stakeholders (such as tenants and landlords), and communication materials for the broader public.

Oversight of protections programs – while the RHE will not have an administrative role in implementing tenant protection policies, the board would provide oversight when allocating funding.

Staffing: the RHE will be supported by the consolidated staff of MTC/ABAG, with additional staff added in specialized areas such as debt issuance, land leasing and disposition, financing projects, etc.

Administration: this state-enabled policy package in the CASA Compact will be implemented by the RHE. Some capacity would be needed at the local and county-level to implement the protection strategies.

Figure 10: Regional Housing Enterprise



Calls for Action

The CASA Compact sets a bold region-wide agenda for addressing the protection of existing tenants, preservation of existing affordable units and production of both market-rate and subsidized units. The CASA Compact Elements represent key reforms that were developed through an intensive 18-month process encompassing multiple stakeholders and constituencies. Supportive state action on the issues outlined below in concert with the implementation of the CASA Compact will fundamentally "turn the tide" on the Bay Area's housing crisis.

Call for Action: Redevelopment 2.0

Background: The elimination of redevelopment agencies in California severely restricted the production of affordable housing and market rate housing in the Bay Area. Prior to dissolution, redevelopment agencies in the region provided $200 million in annual funding for affordable housing that was highly leveraged with other funding sources. In addition, redevelopment agencies provided funding, expertise and infrastructure to advance the production of market rate housing in mixed-use, infill developments. CASA supports the development of a new redevelopment framework to advance the production of extremely low, very low, and low-income housing, and to leverage funding for mixed income, infill housing.

CASA Call for Action: Pass legislation enabling the re-establishment of redevelopment agencies in California to provide a significant source of new funding for affordable and mixed income development. Redevelopment agencies should be focused on development activities that are audited regularly, with local projects subject to state level reviews. A new redevelopment framework in California should reinforce a strong link between housing and jobs and transit. Funding should be designed to leverage other sources, including new regional funding through the implementation of the CASA Compact.

References: The entire CASA Compact

Call for Action: Lower the Voter Threshold for Housing Funding Measures

Background: Bay Area voters have demonstrated — through their past approval of major transportation, school, housing, and water bonds — that they understand the importance of investing in the region's future. Although Bay Area voters have passed a significant number of funding measures to expand the supply of affordable housing, on too many occasions an overwhelming majority of voters have supported new funding but the final tally fell short of the two-thirds majority needed for approval under current state law. When provided the opportunity, voters supported lowering the voter threshold for school bonds to a 55 percent vote. The well-being of California's children was a motivating factor in lowering the voter threshold for school funding. Ensuring that future generations, our children and grandchildren, have the housing opportunities they will need to remain in the Bay Area is a central purpose of the CASA Compact.

CASA Call for Action: Pass legislation that will provide voters statewide with the opportunity to apply a 55 percent threshold for investments in affordable housing and housing production. This legislative priority is critical to the successful implementation of the CASA Compact — and to the Bay Area's prosperity and quality of life.

References: The entire CASA Compact

Call for Action: Proposition 13 Fiscal Reforms Fiscalization of Land Use

Background: Under Proposition 13, local jurisdictions in California are "paid more" for commercial land uses than for housing. This "fiscalization of land use" is a central factor in the Jobs-Housing Imbalance that exists in the Bay Area resulting in long commutes, traffic congestion and a diminished quality of life for millions of Bay Area residents. The California Tax Code in effect punishes cities that build more housing and rewards cities that build commercial space without commensurate housing for workers and their families. To address the revenue imbalance related to new housing, jurisdictions have raised impact fees and other development requirements that make housing even more expensive so that cities and counties may maintain infrastructure and provide for the needs of existing residents.

CASA Call for Action: Pass legislation that will return e-commerce/internet sales tax revenues to the point of sale - not the point of distribution as currently - to provide cities that have a significant residential base with a commensurate fiscal stimulus for new housing. Also pass legislation that will change the Proposition 13 property tax allocation formula to provide jurisdictions building more housing with a higher share of property tax revenue.

References: CASA Elements # 9 and # 10.

Call for Action: Homelessness

Background: The Bay Area has one of the largest and least sheltered homeless populations in North America. The proliferation of homeless encampments from select urban neighborhoods to locations across the region is the most visible and arguably disheartening manifestation of the Bay Area's extreme housing affordability crisis. Although this is one of the most prosperous regions in the world, every night thousands of people sleep on our streets. The complexity and scale of homelessness in the Bay Area has increased exponentially as previously housed people including families with children, veterans, and senior citizens cannot find shelter. In the nation's most expensive housing market, commonplace life circumstances (e.g. illness, job loss, and separation/divorce) result in too many of our neighbors being unable to afford monthly rent and resulting in a downward spiral to homelessness.

CASA Call for Action: California is experiencing an affordability and housing crisis that is negatively impacting thousands of Californians. The work of CASA has endeavored to put forth a package of policy interventions to house the Bay Area. Homelessness is a humanitarian crisis that deeply impacting the entire Bay Area. CASA recognizes that homelessness is a regional issue that requires alignment across geographies in order to tackle this problem. CASA's funding package must include resources that help produce housing for formerly homeless people, prevent homelessness when possible and make homelessness rare, brief and non-reoccurring.

References: The following CASA Elements include measures to reduce the region's unhoused population, provide more temporary options for homeless housing, and streamline approvals of permanent homeless housing developments which are often strongly opposed by project neighbors:

CASA Elements 1,2,3 - Tenant Protections: Critical to stabilize households and reduce displacement from housing that has caused significant rapid rise in unhoused population

CASA Element 4 – Accessory Dwelling Units (ADUs) /Tiny Homes: create more housing options for populations vulnerable to economic setback by allowing more of the smallest naturally affordable home types in every neighborhood including seniors or their family members, disabled family members, students, Section 8 recipients.

CASA Elements 5, 6, 7- Up-zone and streamline to increase income restricted and market rate housing options and reduce displacement and upward rent pressure on existing homes and neighborhoods

CASA Element 8 - Public land: encourage immediate disposal of more public land for affordable housing to create more sites and reduce the subsidy needed.

CASA Element 9 - Public funding: More funding for the preservation and production of affordable housing, the provision for new tenant protection measures, and new permanent supportive housing

Call for Action: Grow and Stabilize the Construction Labor Force

Background: Growing the construction labor force and improving labor force productivity is critical to expanding the supply of housing. By increasing the safety and desirability of construction work, and thereby expanding the pool of available workers and contractors, we can grow the labor force without which we cannot increase housing production. The following are recommended by CASA as a starting point. We also recommend ongoing work to implement the CASA recommendations in a manner which creates an effective and coordinated regional and State response the need for a larger construction labor force.

CASA Call for Action:
1. Grow the workforce by increasing apprentice training, placement, and payment of prevailing wages when direct public funding, public land, fee abatement, tax abatement, CEQA exemptions, and other fiscal/economic development incentives are provided for housing (Compact items 7, 8, 9).
2. Discourage the underground economy and require following of existing wage and workforce laws (Compact items 4, 5).
3. Create a CASA/State labor workgroup charged with coordinating implementation of CASA policies and needed labor force expansion consistent with CASA principles.
4. Call upon the State to use its workforce development and training programs to improve the construction employment pipeline and create improved pathways from secondary education into apprentice training programs.

References: Compact Elements 4, 5, 7, 8 and 9.

Local Best Practices

Local governments have a strong role to plan in implementing CASA. This section will summarize a handful of best practices that could serve as a model for other jurisdictions in the region. The case study presented below is for illustrative purposes only. Other case studies will be added here by January 2019.

Emergency Response to Fires in Sonoma County and the City of Santa Rosa

Sonoma County/City of Santa Rosa	Alignment with CASA Compact Elements
Targets	
Production: 30,000 units in five years (4,000 low-income subsidized)	*Protection:* 300,000 lower-income HHs *Preservation:* 2,000 units/year in 15 yrs *Production:* 35,000 units/year in 15 years
Tenant Protections	
Protection from Price Gouging • *State law* – 10 percent cap on rent increases till end-2018, incl. building materials. • *City* – protections that allow civil lawsuits. • *County* – tenants of mobile home parks. **Urgency Ordinance for Temporary Housing to Prevent Homelessness (County)** The ordinance would allow: • Use of recreational vehicles and trailers as homes, with an emergency temporary permit. • Safe Parking Program for RVs, trailers and campers, to be parked overnight on county-owned land (basic services such as bathrooms, showers, and warming stations are provided). • Year-round occupancy in seasonal farmworker housing. • Replacement schools and child care centers in specific zones without a use permit. • Long-term rental of bed and breakfasts, inns, resorts, etc.	**Just Cause Eviction Policy** **Emergency Rent Cap** **Access to Legal Counsel in Eviction Proceedings**
Housing Inclusion and Capacity	
Incentives for ADUs • *Impact fee waivers* – for capital facilities, housing and parks. • *Utility connection fee waiver* – for new connection or capacity change for ADUs 750 sq.ft. or smaller. **Incentives for Multi-Family Projects in Downtown Santa Rosa** • Partial reduction in impact fees (capital and park fees). • Additional discounts for affordable/inclusionary housing. **Additional inclusive housing capacity changes:** • Make small SRO projects a permitted use/ remove size limits. • Allow transitional & supportive housing in single-family zones. **The County passed code changes to expand opportunities for housing in urban service areas by:** • Simplifying development standards for multi-family housing • Allowing higher densities near jobs and transit, as a new Workforce Housing Combining Zone.	**Removing Barriers to ADUs** **Minimum Zoning for Housing Near Transit** **Expedited Approvals and Financial Incentives**

• Allowing "cottage housing" that provides multi-unit housing in low- and medium-density areas. • Allowing new density unit equivalent concept to encourage smaller rental units	
Approval Process and Timeline	
Additional Staff Capacity • *Resiliency Permit Center (County)* – expedited checks and permitting w/ contract staff • *Resilient City Permit Center (Santa Rosa)* – expedited checks and permitting for fire affected property owners w/ contract staff **CEQA Exemption and Judicial Streamlining** • Requested for two specific plans (pending) **Permit and Approval Streamlining** The City of Santa Rosa has streamlined permitting by: • **Allowing expansion of damaged nonconforming residential structures** to added living areas, ADUs, and JADUs. • Increasing the allowable residential floor area in mixed-use projects from 50 to 80 percent. • Delaying collection of fees until near occupancy. **County of Sonoma has created expedited permitting for housing and ADUs**	**Good Government Reform for Approval Process** **Removing Regulatory Barriers for ADUs** **Expedited Approvals and Financial Incentives** **Call to Action: Labor Force Expansion** Reduce planning staff workload per project Provide CEQA statutory exemption Expand construction and building inspection labor force Improve streamlining for all eligible projects
Funding and Coordination	
New Revenue and Financing Tools • $124 million, 30-year bond measure (failed November 2018 ballot). • Portion of County Educational Revenue Augmentation Fund redirected to the RED for an Enhanced Infrastructure Finance District (EIFD) and affordable housing. **Renewal Enterprise District (RED)** • Joint powers authority proposed by County and City (to be decided in December 2018).	**New Revenue and Financing Tools** • Public Land and $1.5 billion/year • Portion of BATA funds redirected to a Regional Infrastructure Bank (RIB). **Regional Housing Enterprise (RHE)** • Revenue collection/allocation • Land leasing/purchase • Technical assistance • Monitoring and reporting

Appendices

A. CASA Leadership Profiles (Co-Chairs and Moderators)
B. Steering Committee Roster
C. Technical Committee Roster