

Wednesday, April 18, 2018 11:00 pm to 2:00 pm

CASA Technical Committee Meeting #8

Yerba Buena Conference Room Bay Area Metro Center, 375 Beale Street, San Francisco

CASA Co-Chairs:

- Fred Blackwell, Chief Executive Officer, The San Francisco Foundation
- Leslye Corsiglia, Executive Director, Silicon Valley at Home
- Michael Covarrubias, Chief Executive Officer, TMG Partners

Note: This meeting will be webcast live on the Metropolitan Transportation Commission's website: http://mtc.ca.gov/whats-happening/meetings

For information regarding CASA Technical Committee meetings, contact Wally Charles at wcharles@bayareametro.gov or 415-820-7993. For more information about the CASA process, visit the website at http://mtc.ca.gov/CASA.

Agenda

11:00 am	I.	Welcome and Updates Co-Chairs
11:10	II.	CASA Action Plan Calendar Update Jennifer LeSar
11:20	III.	 Action Plan Presentations and Gradients of Agreement Voting a. Protections Work Group (Jennifer Martinez, Linda Mandolini i. Right to Legal Counsel for Eviction Proceedings ii. Regional Eviction and Homelessness Prevention Program iii. Relocation Assistance b. Production Work Group (Derecka Mehrens, Denise Pinkston) i. Allow Middle-Income Units to Count towards Affordability Requirements ii. Missing Middle Work Group iii. Strict Liability Laws iv. Missing Middle Housing Problem Statement and Solutions
1:20	IV.	Public Comments Ken Kirkey
1:40	V.	Next Steps and Input on Process Jennifer LeSar
2:00		Close

Attachments:

1. Protection Work Group Action Plans (3 Total)

CASA TC Agenda April 18, 2018



- Production Work Group Action Plans (3 Total)
 Missing-Middle Housing Problem Statement and Solutions



	Action Plan:		
	Right to Legal Counsel for Eviction Proceedings (Unlawful Detainer)		
1.1	Key Element of Casa Compact	#3 Tenant Services and Right to Counsel	
1.2	Brief Description 1-3 sentence summary of action or policy	All tenants facing eviction would have the right to legal counsel, leveling the playing field and protecting tenants from illegal evictions.	
1.3	Supports these CASA goals: (check all that apply)	[X] Protection [X] Preservation [] Production	
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have the right 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. Right to legal counsel would benefit all renter households in the Bay Area. It would particularly fill a gap for low-income renter households, who are disproportionately people of color.	
		Disparity in Legal Representation in Eviction Proceedings and the Inequitable Administration of Justice: Right to legal counsel for eviction proceedings would level the playing field and protect tenants from illegal evictions. The vast majority of tenants in eviction proceedings cannot afford and are not represented by a lawyer, whereas the vast majority of landlords can afford and are represented by a lawyer. Nationwide, 90% of tenants facing eviction do not have legal representation, while 90% of landlords do. According to a 2014 report by the Budget and Legislative Analyst, in San Francisco, tenants are not represented by counsel in over 80% of eviction legal proceedings.	
		This disparity results in the inequitable administration of justice with tenants losing eviction cases simply because they don't have access to a lawyer. Right to legal counsel for evictions would combat this disparity.	
		Prevent Unlawful Evictions, Marginal Housing and Homelessness: Right to legal counsel for evictions would prevent unlawful evictions, periods of marginal housing, and homelessness. Studies have found that providing legal counsel to tenants reduces evictions by more than 75% compared to cases without counsel. In addition, there is often a reduction over time in the overall number of eviction cases as a result of providing right to counsel.	
		Preventing evictions in turn, helps prevent homelessness. New York City estimates that providing right to legal counsel will prevent thousands of families and individuals from winding up in homeless shelters due to eviction. New York City estimates that 47% of the families in homeless shelters are homeless due to eviction. In San Francisco, 70% of San	



		Francisco's homeless population was housed in the city within the last
		three years.
		Improve Health, Stability and Job Outcomes for Thousands of Families: Studies show that eviction can cause health issues, trauma, school disruptions for children, longer and more costly commutes and reduced wage earnings for adults. By preventing unlawful evictions, right to legal counsel promotes tenant stability—particularly in low vacancy and expensive housing markets—and limits eviction-related monetary, health, school and other costs. Eviction-related costs can pose a particular burden for tenants who are low and fixed income, have physical disabilities, or are elderly.
		Preserve Affordable Housing: Landlords have an incentive to evict tenants, especially those in rent-regulated units, and raise rents. When this situation occurs, the Bay Area loses a unit of affordable housing, which is expensive to replace. On average, it can cost over \$600,000 to replace a unit of affordable housing in the Bay Area. Providing tenants with legal counsel decreases the number of evictions, thereby preserving affordable housing.
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved?	Cost: Right to legal counsel often results in an overall cost savings for local jurisdictions, but there are still upfront costs to fund the right and create the legal infrastructure. A funding source would need to be identified.
	What are the major sticking points and areas of negotiation?	
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Studies indicate that right to legal counsel for eviction proceedings often results in a net cost savings overall. For example, an independent cost-benefit analysis of New York City's policy estimates that adopting right to legal counsel for evictions will save New York City \$320 million per year by reducing homeless shelter and unsheltered homeless costs and preserving existing affordable housing (in addition to other unquantified benefits of eviction prevention such as health, school and job-related impacts). ¹
		CASA should commission a detailed cost-benefit analysis of a Bay Areawide right to legal counsel for eviction proceedings similar to the New York City report.
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: Tens of thousands of households from unlawful evictions each year.
		Preserve : Thousands to tens of thousands of units as affordable.
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¹ Stout Risius Ross, Inc. (March 16, 2016). The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A. New York City Bar Association. Retrieved from

 $https://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceed dings.pdf.$



1.8	Potential Vehicles	X Legislation
	for Implementation	X Regional Funding
	Check all that apply	□ Statewide Funding
		□ Regulatory Reform
		□ Education and Advocacy
		X Pilots & Spreading Best Practices
		X Other: Regional fund/program, MTC funding conditions
		Possible Vehicles Include the Following:
		 <u>Legislation</u>: Statewide or Bay Area-wide legislation introduced by a Bay Area legislator.
		Regional Fund/Program (JPA): Create a regional right to counsel
		fund/program that's housed within a new housing department at Bay Area Metro or other new regional housing entity.
		 Conditions: Condition discretionary MTC funds on local adoption
		of right to legal counsel ordinances.
		<u>Technical Assistance</u> : Draft and disseminate best practices and a
		model right to legal counsel ordinance to local jurisdictions.
		Note: An initiative to provide right to legal counsel for evictions in San
		Francisco is on the ballot this June 2018.
	Time Frame	Select one
	Time needed for action to	□ Short-Term (0-2 years)
	be approved and implemented.	X Med-Term (3-5 years)
	третепеа.	□ Long-Term (6-10 years)
1.10		Select one
	Select one and describe	□ Easy
	your rationale for why this level of feasibility is	X Medium X Difficult
	anticipated.	A Difficult
		Rationale: Regional or statewide right to legal counsel would require money and staff (e.g., lawyers) to implement the right.
		Thoriey and stair (c.g., lawyers) to implement the right.



	Action Plan:		
	Regional Eviction and Homelessness Prevention Program		
1.1	Key Element of Casa Compact	#4 Short-Term Rental and Relocation Assistance	
1.2	Brief Description 1-3 sentence summary of action or policy	A regional eviction and homelessness prevention program would provide temporary assistance to tenants to help them stay in their homes. Eviction and homelessness prevention programs often cover a range of services, including financial assistance in covering back rent, move-in costs (i.e., first month's rent, security deposits and last month's rent), utilities and other costs, and temporary rental subsidies (e.g., for 3 to 15 months).	
		The program would (a) provide additional monetary resources to fund temporary assistance needs, (b) act as an information clearinghouse for tenants in need of assistance, and (c) connect individuals with existing local, state, federal and non-profit programs and service providers when appropriate. For example, the program could connect tenants to legal services for eviction defense and foreclosure assistance (<i>see, e.g.</i> , the "Universal Right to Legal Counsel for Eviction Proceedings" policy brief and Alameda's Anti-Displacement Crisis Intervention Program as a model).	
1.3	Supports these CASA goals: (check all that apply)	[X] Protection [X] Preservation [] Production	
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	A regional eviction and homelessness prevention 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.	
	especially beliefit.	A regional eviction and homelessness prevention program would benefit low-income renter households in the Bay Area who are disproportionately people of color, but it would also benefit the Bay Area as a whole. Studies show that evictions can cause physical and mental health issues, school disruptions for children, longer and more costly commutes and reduced wage earnings for adults. By preventing evictions and homelessness, a regional eviction and homelessness prevention program promotes tenant and community stability—particularly in low vacancy and expensive housing markets. Eviction-related costs can pose a particular burden for low-income tenants, tenants who are on a fixed income, tenants with physical disabilities, and elderly tenants.	
		Note: A regional eviction and homelessness prevention program is not meant to address long-term rent increases.	



1.5	Key Questions and Points of Concern What key questions or issues need to be resolved?	Cost: Regional eviction and homelessness prevention programs can result in an overall cost savings for local jurisdictions, but there are still costs to create the program. How do we generate funds for a regional eviction and homelessness prevention program?
	What are the major sticking points and areas of negotiation?	Administration: Who would administer the program? A new regional housing entity at Bay Area Metro could be tasked with administering the program.
		<u>Details</u> : What forms of assistance would be included (e.g., back rent, move-in costs, temporary subsidies, legal aid)?
		Note: Eviction and homelessness prevention programs aim to fill temporary gaps and work best when there are other renter protections in place.
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Eviction and homelessness prevention programs can result in net cost savings overall. By preventing evictions, periods of marginal housing, and homelessness, these programs can reduce the need for homeless shelters, preserve existing affordable housing, and minimize health, school and job-related costs.
		The program cost will depend on the final scope and should be developed based on the current gap financing need. As one example, a \$60 million program could provide an average of \$5,000 in financial assistance to 12,000 households (1% of Bay Area renter households) or an average of \$2,000 in financial assistance to 30,000 households (2.5% of Bay Area renter households). CASA should consider commissioning a Bay Areawide study to assess needs.
1.7	Scale of Impact	Protect: Tens of thousands of people annually.
	(as measured by Plan Bay Area goal alignment)	Preserve: Thousands to tens of thousands of units as affordable.
1.8	Potential Vehicles	□ Legislation
	for Implementation	X Regional Funding
	Check all that apply	□ Statewide Funding
		□ Regulatory Reform
		□ Education and Advocacy
		X Pilots & Spreading Best Practices Other
		Dossible Vehicles Include the Following:
		Regional Fund/Program (JPA): Create a regional fund/program
		that's housed within a new housing department at Bay Area Metro
		or other new regional housing entity.
		<u>Technical Assistance</u> : Draft and disseminate best practices and
		model programs to local jurisdictions.
1.9	Time Frame	Select one
	Time needed for action to be approved and	Short-Term (0-2 years) Med-Term (3-5 years)
	implemented.	□ Long-Term (6-10 years)



1.10	Feasibility

Select one and describe your rationale for why this level of feasibility is anticipated.

Select one

- Easy
- □ **X** Medium
- X Difficult

Rationale: A regional eviction and homelessness prevention program would require money and staff to implement the program.



	Action Plan:			
	Relocation Assistance			
1.1	Key Element of Casa Compact	#4 Short-Term Rental and Relocation Assistance		
1.2	Brief Description 1-3 sentence summary of action or policy	Relocation assistance laws require landlords to provide financial assistance to tenants when they displace tenants due to demolition, renovation, redevelopment, conversion and other activities (i.e., no-fault evictions). The financial assistance helps tenants cover temporary housing costs, moving expenses, deposits (i.e., security deposits, first and last month's rent) and other costs to secure replacement housing. Note: Just cause often includes relocation assistance for no-fault evictions. Relocation assistance laws can be enacted on their own or as		
1.3	Supports these CASA goals: (check all that apply)	part of just cause for evictions. [X] Protection [] Preservation [] Production		
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	Relocation assistance helps cover unexpected moving costs and mitigate the health, safety and economic impacts for tenants who are displaced from their homes due to no-fault evictions. Eviction-related costs can pose a particular burden for tenants who are low and fixed income, have physical disabilities, or are elderly. Relocation assistance helps tenants secure replacement housing and remain housed, preventing homelessness.		
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved? What are the major sticking points and areas of negotiation?	Causes: Which causes of eviction trigger relocation assistance? Just cause eviction protection ordinances typically include relocation assistance for tenants evicted for no-fault reasons (e.g., demolition). Amount: What amount/type of relocation assistance is required? Special-Circumstance Tenants: Do elderly tenants, tenants with disabilities, and households with minors receive an additional amount?		
		Preemption of local ordinances (if statewide): Statewide relocation assistance should not preempt broader local ordinances.		
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Overall, the policy would be no cost to low cost for the state and/or local jurisdictions. In that it helps prevent homelessness, relocation assistance could result in cost savings overall.		
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: Thousands of households annually, possibly more.		



1.8	Potential Vehicles for Implementation Check all that apply	X Legislation Regional Funding Statewide Funding Regulatory Reform Education and Advocacy Pilots & Spreading Best Practices X Other: MTC funding conditions and technical assistance
		Possible Vehicles Include the Following: Legislation: Statewide or Bay Area-wide legislation introduced by a Bay Area legislator (on its own or as part of a statewide just cause for evictions law). Conditions: Condition discretionary MTC funds on local adoption of relocation assistance ordinances or just cause ordinances with relocation assistance. Technical Assistance: Draft and disseminate best practices and model relocation assistance and just cause with relocation assistance ordinances to local jurisdictions.
1.9	Time Frame Time needed for action to be approved and implemented.	Select one X Short-Term (0-2 years) Med-Term (3-5 years) Long-Term (6-10 years)
1.10	Feasibility Select one and describe your rationale for why this level of feasibility is anticipated.	Select one X



	Action Plan:		
	Regional Eviction and Homelessness Prevention Program		
1.1	Key Element of Casa Compact	#4 Short-Term Rental and Relocation Assistance	
1.2	Brief Description 1-3 sentence summary of action or policy	A regional eviction and homelessness prevention program would provide temporary assistance to tenants to help them stay in their homes. Eviction and homelessness prevention programs often cover a range of services, including financial assistance in covering back rent, move-in costs (i.e., first month's rent, security deposits and last month's rent), utilities and other costs, and temporary rental subsidies (e.g., for 3 to 15 months).	
		The program would (a) provide additional monetary resources to fund temporary assistance needs, (b) act as an information clearinghouse for tenants in need of assistance, and (c) connect individuals with existing local, state, federal and non-profit programs and service providers when appropriate. For example, the program could connect tenants to legal services for eviction defense and foreclosure assistance (see, e.g., the "Universal Right to Legal Counsel for Eviction Proceedings" policy brief and Alameda's Anti-Displacement Crisis Intervention Program as a model).	
1.3	Supports these CASA goals: (check all that apply)	[X] Protection [X] Preservation [] Production	
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	A regional eviction and homelessness prevention 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.	
		A regional eviction and homelessness prevention program would benefit low-income renter households in the Bay Area who are disproportionately people of color, but it would also benefit the Bay Area as a whole. Studies show that evictions can cause physical and mental health issues, school disruptions for children, longer and more costly commutes and reduced wage earnings for adults. By preventing evictions and homelessness, a regional eviction and homelessness prevention program promotes tenant and community stability—particularly in low vacancy and expensive housing markets. Eviction-related costs can pose a particular burden for low-income tenants, tenants who are on a fixed income, tenants with physical disabilities, and elderly tenants.	
		Note: A regional eviction and homelessness prevention program is not meant to address long-term rent increases.	
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved?	Cost: Regional eviction and homelessness prevention programs can result in an overall cost savings for local jurisdictions, but there are still costs to create the program. How do we generate funds for a regional eviction and homelessness prevention program?	
	What are the major sticking points and areas of negotiation?	Administration: Who would administer the program? A new regional housing entity at Bay Area Metro could be tasked with administering the program.	



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		<u>Details</u> : What forms of assistance would be included (e.g., back rent, move-in costs, temporary subsidies, legal aid)?
		Note: Eviction and homelessness prevention programs aim to fill temporary gaps and work best when there are other renter protections in place.
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Eviction and homelessness prevention programs can result in net cost savings overall. By preventing evictions, periods of marginal housing, and homelessness, these programs can reduce the need for homeless shelters, preserve existing affordable housing, and minimize health, school and job-related costs.
		The program cost will depend on the final scope and should be developed based on the current gap financing need. As one example, a \$60 million program could provide an average of \$5,000 in financial assistance to 12,000 households (1% of Bay Area renter households) or an average of \$2,000 in financial assistance to 30,000 households (2.5% of Bay Area renter households). CASA should consider commissioning a Bay Areawide study to assess needs.
1.7	Scale of Impact	Protect: Tens of thousands of people annually.
	(as measured by Plan Bay Area goal alignment)	Preserve: Thousands to tens of thousands of units as affordable.
1.8	Potential Vehicles for Implementation Check all that apply	 Legislation X Regional Funding □ Statewide Funding □ Regulatory Reform □ Education and Advocacy X Pilots & Spreading Best Practices □ Other Possible Vehicles Include the Following: ■ Regional Fund/Program (JPA): Create a regional fund/program that's housed within a new housing department at Bay Area Metro or other new regional housing entity. ■ Technical Assistance: Draft and disseminate best practices and model programs to local jurisdictions.
1.9	Time Frame Time needed for action to be approved and implemented.	Select one Short-Term (0-2 years) Med-Term (3-5 years) Long-Term (6-10 years)
1.10	Feasibility Select one and describe your rationale for why this level of feasibility is anticipated.	Select one □ Easy X Medium X Difficult Rationale: A regional eviction and homelessness prevention program
		would require money and staff to implement the program.



	Action Plan:		
	Relocation Assistance		
1.1	Key Element of Casa Compact	#4 Short-Term Rental and Relocation Assistance	
1.2	Brief Description 1-3 sentence summary of action or policy	Relocation assistance laws require landlords to provide financial assistance to tenants when they displace tenants due to demolition, renovation, redevelopment, conversion and other activities (i.e., no-fault evictions). The financial assistance helps tenants cover temporary housing costs, moving expenses, deposits (i.e., security deposits, first and last month's rent) and other costs to secure replacement housing.	
		Note: Just cause often includes relocation assistance for no-fault evictions. Relocation assistance laws can be enacted on their own or as part of just cause for evictions.	
1.3	Supports these CASA goals: (check all that apply)	[X] Protection [] Preservation [] Production	
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	Relocation assistance helps cover unexpected moving costs and mitigate the health, safety and economic impacts for tenants who are displaced from their homes due to no-fault evictions. Eviction-related costs can pose a particular burden for tenants who are low and fixed income, have physical disabilities, or are elderly. Relocation assistance helps tenants secure replacement housing and remain housed, preventing homelessness.	
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved?	<u>Causes</u> : Which causes of eviction trigger relocation assistance? Just cause eviction protection ordinances typically include relocation assistance for tenants evicted for no-fault reasons (e.g., demolition). <u>Amount</u> : What amount/type of relocation assistance is required?	
	What are the major sticking points and areas of negotiation?	Special-Circumstance Tenants: Do elderly tenants, tenants with disabilities, and households with minors receive an additional amount? Preemption of local ordinances (if statewide): Statewide relocation assistance should not preempt broader local ordinances.	
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Overall, the policy would be no cost to low cost for the state and/or local jurisdictions. In that it helps prevent homelessness, relocation assistance could result in cost savings overall.	
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: Thousands of households annually, possibly more.	
1.8	Potential Vehicles for Implementation Check all that apply	 X Legislation Regional Funding Statewide Funding Regulatory Reform Education and Advocacy Pilots & Spreading Best Practices X Other: MTC funding conditions and technical assistance 	



		Possible Vehicles Include the Following: Legislation: Statewide or Bay Area-wide legislation introduced by a Bay Area legislator (on its own or as part of a statewide just cause for evictions law). Conditions: Condition discretionary MTC funds on local adoption of relocation assistance ordinances or just cause ordinances with relocation assistance. Technical Assistance: Draft and disseminate best practices and model relocation assistance and just cause with relocation assistance ordinances to local jurisdictions.
1.9	Time Frame Time needed for action to	Select one X Short-Term (0-2 years)
	be approved and implemented.	□ Med-Term (3-5 years) □ Long-Term (6-10 years)
1.10	Feasibility Select one and describe your rationale for why this level of feasibility is anticipated.	Select one X Easy Medium Difficult
		Rationale: Relocation assistance is no cost for local jurisdictions and easy to implement.



Allow Middle-Income Units in Small Projects			
	to Count toward Affordability Requirements		
1.1	Key Element of CASA Compact	# 10: More Types of Housing in Different Neighborhoods	
1.2	Brief Description 1-3 sentence summary of action or policy	In lower-density residential neighborhoods, density bonuses are a largely unused tool to achieve increased density because the affordability requirements are too cost-prohibitive for smaller projects to achieve. Under this proposal, smaller (e.g. less than 50 unit) projects would qualify for state density bonus if 20% of the units would be sold or rented between 100% and 150% of median income. This would allow more small, multifamily projects to utilize State Density bonus program benefits, thereby expanding missing-middle housing products in areas zoned for lower density Similarly, local inclusionary standards could be amended to allow middle income units to count as affordable units in smaller projects and/or certain zones. This change would facilitate additional housing units funded by private projects, rather than public subsidies. To further advance the development of these missing middle products, jurisdictions could cap or reduce mitigation and housing impact fees on middle-income units and/or convert fees to per square foot rather than per unit, as discussed at the March 2018 Technical Committee meeting.	
1.3	Supports these CASA goals: (check all that apply)	[] Protection [] Preservation [x] Production	
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	Create more smaller projects in more neighborhoods, and increase the supply of middle-income housing units. Reduce or "right-size" impact fees on smaller projects to allow greater financial feasibility of these product types and eliminate disincentive for smaller units. Creation of more homeownership opportunities for middle income households.	
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved? What are the major sticking points and areas of negotiation?	 Local communities are often resistant to change. What size projects should be eligible? What is the appropriate AMI range for missing middle units? 	



1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Would require amendment to state density bonus law. Must draft density bonus amendment, coordinate with inclusionary policies, create coalition to lobby and see bill approved and signed.
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: tenant households annually Preserve: ??net new units annually through Produce: 200,000 net new units of housing by 2040 [x] Above moderate housing (>120% ami): 170,000 units [x] Middle market housing (81-120% ami): 30,000 [] Affordable housing (<80% ami): units
1.8	Potential Vehicles for Implementation Check all that apply	X Legislation ✓ Regional Funding ✓ Statewide Funding ✓ Regulatory Reform ✓ Education and Advocacy X Pilots & Spreading Best Practices □ Other
1.9	Time Frame Time needed for action to be approved and implemented.	Select one ✓ Short-Term (0-2 years). State law amendment x Med-Term (3-5 years) for education to start to see production □ Long-Term (6-10 years)
1.10	Feasibility Select one and describe your rationale for why this level of feasibility is anticipated.	Select one Rationale: X Easy amendment to existing state law Medium Difficult –



Create Staffed Missing Middle Workgroup at Bay Area Metro		
1.1	Key Element of CASA Compact	# 10: More Types of Housing in Different Neighborhoods
AN	Brief Description 1-3 sentence summary of action or policy	CASA/Bay Area Metro create a staffed working group to study and document and encourage best practices locally to encourage "missing middle" housing types (including ADUs and missing middle on public land). This workgroup would be tasked with the following actions: • Work with the Terner Center to study best practices, and evaluate the effectiveness of zoning changes to increase income diversity in existing neighborhoods. Document instances where existing missing middle housing is located, functioning and successful. • Host educational workshops and charrettes around ADUs, missing middle, and "form-based" zoning to demonstrate compatibility of missing middle housing types with existing SFD land uses • Provide funding to jurisdictions to study and modify zoning codes to allow for missing middle housing. • Promote ADUs/small infill as income support/neighborhood stabilization for smaller homeowners and larger families • Work with HCD to examine opportunities to integrate missing middle zoning into the housing element certification process. residential and commercial zones to allow missing middle housing • Explore mechanisms to require that cities which have historically excluded these product types to rezone at least 20% of land to allow them
1.3	Supports these CASA goals: (check all that apply)	[] Protection [x] Preservation [x] Production
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	Help stabilize gentrifying neighborhoods by allowing construction of additional units as income support for lower income homeowners Expand understanding of zoning options, importance of missing middle housing types to healthy region
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved? What are the major sticking points and areas of negotiation?	Local resistance to change.



1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Funding for staff time to organize convenings and trainings
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: tenant households annually Preserve: X??net new units annually through Produce: 450,000 net new units of housing by 2040 [] Above moderate housing (>120% ami): units [] Middle market housing (81-120% ami): units [] Affordable housing (<80% ami): units BAM study and education about MM housing will be critical to widespread adoption and inclusion in PBA. Jurisdictions that have re-zoned 20% of single family homes for missing middle housing types – 10% duplex, 10% triplex and 10% - 4-plex. Assuming 1.5M SFDs in Bay Area, this will result in 900,000 additional units (150,000 in duplexes, 300,000 in triplexes and 450,000 in 4-plexes). If 50% of these developed by 2040, would be 450,000 units.
1.8	Potential Vehicles for Implementation Check all that apply	Legislation ✓ Regional Funding ✓ Statewide Funding ✓ Regulatory Reform ✓ Education and Advocacy X Pilots & Spreading Best Practices □ Other
1.9	Time Frame Time needed for action to be approved and implemented.	Select one ✓ Short-Term (0-2 years)— Time needed can be relatively short depending on acceptance of local jurisdictions. x Med-Term (3-5 years) for education to start to see policy changes □ Long-Term (6-10 years)
1.10	Feasibility Select one and describe your rationale for why this level of feasibility is anticipated.	Select one Rationale: □ Easy □ Medium ✓ Difficult – Convincing local jurisdictions to relinquish/eliminate funding streams will be challenging.



Address strict liability laws on condominium construction		
1.1	Key Element of CASA Compact	#10. Increase missing middle homeownership opportunities
1.2	Brief Description 1-3 sentence summary of action or policy	Reduction or elimination of state-mandated strict liability laws around condominium construction to allow more missing middle housing
1.3	Supports these CASA goals: (check all that apply)	[] Protection [] Preservation [x] Production
1.4	Desired Effect What problem would this solve? Who would benefit? If applicable, identify any specific populations who will especially benefit.	 Create more homeownership opportunities for middle income households. Facilitate a greater variety of cost-efficient and space-efficient housing products than are currently being produced in today's market (i.e. stacked four-plex). Increase the range of for-sale housing options
1.5	Key Questions and Points of Concern What key questions or issues need to be resolved? What are the major sticking points and areas of negotiation?	Construction defect resolution and construction quality.
1.6	Resources Needed What costs will be incurred and by whom? Note any funding sources that are readily available, if known.	Will require legislative effort to change existing law around condominium construction liability.
1.7	Scale of Impact (as measured by Plan Bay Area goal alignment)	Protect: tenant households annually Preserve: net new units annually through long term affordability covenants or put into nonprofit ownership Assuming missing middle numbers are achieved (see "Housing Element Requirements" Action Plan), based on data from Vancouver, BC (Metro Vancouver Housing Data Book 2018) which stated 60% of all housing starts were condominium ownership, numbers above are extrapolated as 60% of missing middle housing numbers would be condos.



		Produce: 820,000 net new units of housing by 2040
		[] Above moderate housing (>120% ami): units [] Middle market housing (81-120% ami):
		[] Affordable housing (<80% ami): units
		1.5 MM Single Family units exist in the Bay Area
		MF buildings exist in the Bay Area
		Missing middle housing provides legitimate homeownership/long term
		housing opportunities.
1.8	Potential Vehicles	X Legislation
	for Implementation	□ Regional Funding
	Check all that apply	□ Statewide Funding
		X Regulatory Reform
		□ Education and Advocacy
		□ Pilots & Spreading Best Practices
		□ Other
1.9	Time Frame	Select one
	Time needed for action to	✓ Short-Term (0-2 years)—for rule change to take place and spur building permits.
	be approved and implemented.	Time needed can be relatively short depending on acceptance of Legislature. □ Med-Term (3-5 years)
	impiomoritoa.	□ Long-Term (6-10 years)
1.10	Feasibility	Select one Rationale:
	Select one and describe	□ Easy
	your rationale for why this	✓ Medium – Legislative action will be challenging but opposition groups may not be
	level of feasibility is anticipated.	organized around this issue or could be convinced to support given housing crisis. □ Difficult
	armorpatou.	

<u>Production Measure #10: Create a greater variety of housing opportunities in more neighborhoods and cities, especially "Missing Middle"</u>

Core Problem: Not enough housing is being produced that is affordable to middle income households

Issue #1: Existing land pattern and zoning: The rapid expansion of the suburbs after World War II led to a land pattern of predominantly single-family detached homes that is no longer sustainable in areas proximate to job centers or affordable for most households. As the Bay Area population continues to increase, the land pattern that was developed to serve the population of 40 years ago cannot respond to the increased regional demand for housing or changes in how we live as families, single adults, and seniors. In addition, exclusionary zoning measures like minimum lot and home sizes, initially put in place to keep out low-income households and people of color, now function to exclude nearly all but the highest income earners. Most of us have forgotten that before WW II, many "family" neighborhoods included triplexes, duplexes, and a range of housing forms. In most Bay Area cities, the majority of land acreage is zoned for low density living. Even in San Francisco 72% of the city's privately owned land is zoned R1H and R2H, which puts the burden of population growth on 28% of remaining land parcels that also include includes business, industrial, institutions, and mixed use housing sites ((1.1.2017 Family Friendly Design Whitepaper, SF Planning Department). A complete Bay Area housing solution must revisit product types that cost less to build and can accommodate changing families at a range of incomes while retaining neighborhood character and gently adding density.

Issue #2: Current planning and growth accommodation eliminates housing variety: Modern planning and legislative efforts are focused on concentrating housing growth along transportation corridors and around transportation nodes in a worthy effort to reduce greenhouse gas emissions. However, this has effectively homogenized development into high-density product types that are the most expensive to construct from the market rate perspective and require the most subsidy to deliver even middle income units much less between 120 and 150% AMI much less affordable homes. Low-cost housing is now constructed and occupied further and further into the urban periphery, with a particular focus on family housing being created in the central valley, leading instead to increased emissions due to the lengthy "mega commutes" faced by households displaced from the core Bay Area.

Recent decades in zoning and planning have focused on housing density (how many households or units) rather than form—is the building 2 or 3 stories? For example, the 2½-story building shown in the image is located on a 100′ x 140′ lot and is 90 units per acre. This is not the immediate image that comes to the mind when this kind of density is described. And yet 90-units to the acre can be achieved in 2-3 story buildings that could compliment many lower density residential or commercial streets, perhaps on or larger lots, and create attractive dense infill to help meet chronic regional need for housing and for housing that suits a range of family incomes and types.



Issue #3: Economics of high density housing create "barbell effect" of housing delivery: Drastic reductions in State and Federal funding, fierce competition for developable land near transportation nodes, and skyrocketing construction costs have made it harder than ever to construct viable market rate or affordable multi-family projects. Thus, market rate unit sizes have been shrinking to be affordable to even the highest income renters — at rents in excess of \$3,500 per month — and cannot provide space for families. Affordable units eligible for subsidies are typically restricted to households earning less than 80% of AMI, which is leaving the vast majority of the population unserved at any price. The end result is that the high cost and complexity of large multi-family buildings concentrates development capital, labor, and skill to create very high-priced or highly-subsidized housing

that is inherently more vulnerable to market cycles and saturates demand for expensive homes while also not producing an adequate number of affordable homes and nothing for the "missing middle".

Smaller homes offer an opportunity to expand the not only the diversity of price points and unit types, but also to diversify the types of development entities, contractors, sources of capital, and the labor force in the construction industry able to build smaller homes—and lots more homes than can be built by the larger traditional builders. This could have the additional benefit of expanding pipelines for labor and modular construction that can then stabilize efficiency and labor force swings in the larger industry.

Issue #4: Housing for households at higher AMI levels are requiring subsidy to be constructed. While 20 years ago, middle income housing was built in market rate projects, today due to numerous factors, the private market is unable to provide new construction that is affordable to anyone but the highest earners. As development costs continue to increase and traditional affordable housing subsides fall and stop at 80% AMI) more and more households are falling in the "gap" that is unserved by either the market rate or affordable housing industry. Tax credits, for example, are only available for units rented at rates below 80% AMI. The "missing middle" households make up the majority of the population, must move into what used to be low income neighborhoods to find housing they can afford causing gentrification, and they are entirely unserved by most new construction. While the private market historically provided housing for middle income households (20 years ago 120% AMI WAS market), this no longer holds true in the core Bay Area, as locations available to build housing affordable to middle income households have been either built out or zoned for high density development. Given the costs to construct mid-rise and high-rise projects and the lack of public subsidy, it must be understood that middle income housing affordable to families between 100% and 180% of AMI cannot be widely constructed in the core Bay Area without developing lower cost missing middle housing products.

Core Solution: The Bay Area must deploy a greater diversity of landowners, builders, sources of capital, and product types to solve the complexity of the housing crisis. A part of this must be re-c re ating "Missing Mid d le" housing types that were common before the widespread adoption of single family zoning after World War II.

"Missing Middle" product types include small, 2-4 unit buildings that can fit on smaller lots throughout existing lower density residential and commercial neighborhoods in up to 3 stories. These buildings are simpler and cheaper to construct — they are built mostly of wood and have complex construction like parking podiums, elevators, fire/life safety systems, back-up generators, or ADA requirements internal to the structure, and therefore result in a much lower cost to build. These products are the only way to create sustainable, naturally-occurring affordable housing in high-opportunity communities and one of the few ways to stabilize rapidly-gentrifying neighborhoods. Missing Middle housing can be constructed at one-third of the cost of a 4-7 story building, making these units more affordable by design. As of the 2010 American Community Survey by the US Census, there are 1,482,618 single family detached housing units in the Bay Area. If just 25% of those lots allowed for a duplex instead of a 1-unit detached home, an additional 370,655 housing units could be added to the Bay Area housing stock in a product that would not substantially interfere with the context of the surrounding neighborhoods. This number would obviously rise if triplexes and 4-plexes were allowed as well. These can be constructed on privately owned sites with no subsidy, on low density commercial strips, or on widely distributed publicly owned sites at a lower land cost to be even more affordable perhaps in partnership with non-profit builders.

Specific Solutions:

The primary barriers to creating more missing middle housing types are zoning rules designed to exclude multifamily housing from single family or low density neighborhoods or commercial sites, local resistance to allowing for multi-family product types even ones that fit in gently in 2-3 stories even on public land, added costs and fees from local codes, and California's strict liability and subdivision laws that create legal and process challenges for attached homeownership products. Each of these is outlined in more detail below:

Solution #1: Convene an MTC/ABAG committee that focuses on creating more missing middle housing:

- Establish a "package" of recommendations and priorities for encouraging missing middle housing.
- Focus on messaging strategy for known community concerns: demolition of SFDs, density, traffic.
- Determine funding/subsidy sources to encourage missing middle housing.
- Needs to be complimentary to Plan Bay Area and AB 32/SB 375.
- Recommendations to follow the solution ideas outlined below and to be reported back by 1.1.2019
- Ongoing staffing at ABAG/MTC to deploy solutions and support local agencies as these changes begin to take effect.

Solution #2 Expand zoning to allow more missing middle housing, particularly in high opportunity areas:

- Support State and local efforts to remove zoning barriers for missing middle housing (increased lot coverage minimums; reduced parking standards; reduced setbacks; increased density on corner lots; micro-units/tiny homes and co-housing.
- Support current 2018 session ADU legislation that allows more ADUs, including in single and multi-family buildings and rear yard cottages, eliminates impact fees and reduces parking requirements, allows reliance on 2007 building code to reduce cost while ensuring safety until the State can prepare a "small homes" building code to reduce ADU construction costs to 2007 levels modeled on recent efforts by State of Oregon. Frequent, short term rental of ADUs may need to be addressed so they are used as homes.
- Require product-based rather than density based zoning modifications for housing element certification
- Establish density bonus structure that allows for increased units, but no increase in building envelope to encourage smaller, more affordable units.
- Consider units <650sf as ½ unit for fees and/or density.
- Require rezoning for missing middle housing types for housing element certification

Solution #3: Assist cities to allow for incremental density increases in SFD-only zones

- CASA/Bay Area Metro study and document best practices locally to encourage "missing middle" housing types (including ADUs, carriage homes, flag-lots, small lot subdivisions and shared driveways)).
- Encourage Terner Center to study best practices, and effectiveness of missing middle zoning changes on increasing income diversity in existing neighborhoods and document where existing missing middle housing is located, functioning and successful.
- CASA/Bay Area Metro to hold/fund "high-touch assistance to local governments in the form of education workshops and charrettes around ADUs missing middle housing and "product-based" rather and density-based zoning (described above) to demonstrate missing middle compatibility with existing SFD land uses.
- CASA/Bay Area Metro provide funds to allow for jurisdictions to study and modify zoning codes to allow for missing middle housing.

Solution #4: Encourage State and cities to adjust fees so that they do not discourage space-efficient housing or small developers.

- Square footage, not density-based fees.
- Fee waivers on projects < 5 units, allow small homes building code or 2007 code for small projects, allow small projects to achieve streamlining under SB35.
- State/regional funding or incentives to backfill fees waived by cities for projects < 5 units.
- Grant a State density bonus for missing middle housing rented or sold between 100% and 150% of median income applied to projects < 50 units.

Solution #5: Facilitate ownership opportunities

Encourage State to modify unique strict liability standard, deposit requirements, clarify vertical subdivision rules so more condos can be feasibly built.

Solution #6: Deploy more types of land for missing middle housing sites

Require local agencies to allow residential uses up to 4 stories tall on public land and in commercial areas including parking lots and retail sites within 1/2 mile of public transit at reduced cost to deed restricted

middle and affordable housing projects

Desired Goal: Expanding missing middle housing will create more rental and ownership opportunities and diversify the availability of housing for a range of renters and buyers with no public subsidy in a form that can be delivered in the "character" of existing neighborhoods. As missing middle housing does not require institutional capital to construct, it can be metered in at all times in the development cycle by builders that are closer to their respective communities and thus "smooth out" the delivery of housing units over time and expand the construction labor force perhaps improving gender parity. This strategy is to be used in addition to – not to the exclusion of – current efforts to place higher density projects near transit and other production and preservation measures.

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