

HOUSING ELEMENT

ELEMENT OBJECTIVES

In the year 2000 Berkeley has undergone and continues to undergo historic changes. Drastic increases in home prices and rents, fueled by a runaway Bay Area housing market and State-mandated decontrol of rents upon vacancy, have created a situation where the majority of current Berkeley residents could not afford to live here if they were only now trying to find a home in Berkeley.

Unless the City takes extraordinary actions to create a large stock of permanently affordable housing that is rented or sold at below-market rates, the Berkeley of the future will have a different and much higher-income population. As a result, it will lose a significant part of its economic and cultural diversity. Artists who work in the growing arts district will live elsewhere, as will people who work at the University, attendants who assist people with severe disabilities, and people who staff Berkeley's many non-profit organizations that provide social services and generate social innovations.

The main alternative is to encourage efforts to increase the number of permanently affordable below-market housing units from the current 1,600 units to 8,000 units primarily by encouraging acquisition of existing rental units by non-profit housing developers and limited equity co-ops. In addition, the City can encourage construction of new affordable units by housing developers. Having 8,000 affordable units would be sufficient to enable as much as 16 percent of Berkeley's population to afford to live here on a low income.

Achieving this goal will require a major increase in funds for the City's Housing Trust Fund, which will require new sources of revenues. Such a program is achievable only with broad public support and willingness to sustain a genuinely transformative social program. Berkeley can choose to accept the current trend of rapid home price and rent escalation or take another path, but it will not be able to simply remain as it is today.

The policies and actions of the Housing Element are intended to ensure adequate housing opportunities for all citizens of Berkeley and guide the City toward achievement of the following objectives, which are carried over from the 1990 Housing Element:

1. Housing Affordability

Berkeley residents should have access to decent housing at a range of prices they can afford in pleasant neighborhoods that meet standards of quality. All current evidence indicates that the shortage of housing inventory increases as income declines. The shortage is particularly acute at the lowest levels of affordability in both the ownership and rental housing stock. Limited City resources must focus on these areas of need.

2. Maintenance of Existing Housing and Disaster Preparedness

Existing housing should be maintained, improved, and fully utilized. In addition, Berkeley anticipates substantial damage to housing units from a major earthquake on the northern segment of the Hayward Fault. Given housing market conditions here, it is critical that the community plan to avoid a net loss of housing units resulting from earthquakes or other major disasters.

3. Expansion of the Housing Supply

New housing should be developed to expand housing opportunities in Berkeley in accordance with density and environmental standards. Particular attention should be directed at development on transit corridors and at nodes.

4. Special Needs Housing

Berkeley should have an adequate supply of housing throughout the city for people with special needs. Consistent with this objective, Berkeley should maintain its efforts to reduce homelessness through regional coordination, and provision of appropriate service-enriched housing. Where feasible, Berkeley should fill gaps in housing and services and in its overall continuum of care. Additionally, the City should strive to increase available housing for those who have physical and/or mental disabilities.

5. Relationship with the University of California and Other Institutions

The University of California and other institutions should take responsibility for housing demand they generate which create additional pressure on the private housing market in Berkeley. By doing so, they would help avoid causing or increasing housing problems for other Berkeley residents. The City will work with the University and other State institutions to create new housing and jointly address housing issues of mutual concern.

6. Fair and Accessible Housing

Fair and accessible housing is the law. All residents should have equal access to housing opportunities, to necessary accommodations in their housing, to adequate financing and insurance, and to purchase, sell, rent, and lease property.

7. Regional Cooperation

Promote regional cooperation on housing and related issues to achieve planning goals.

8. Public Participation in Housing Decisions

Berkeley should improve the role of neighborhood residents and community organizations in the planning process. This includes thorough and timely notification to all interested parties.

9. Future Housing Element Revisions

Maintain an up-to-date Housing Element. Conduct a public review and update of the Housing Element every five years to examine whether major changes in policies may be necessary in order to achieve General Plan goals.

POLICIES AND ACTIONS

AFFORDABILITY

Policy H-1 Low and Moderate Income Housing

Increase the number of housing units affordable to low- and moderate-income Berkeley residents. *(Also see Land Use Policies LU-18 and LU-25.)*

Actions:

- A. Develop a specific ordinance to encourage below-market-rate housing that includes a variety of incentives for affordable housing development including but not limited to density bonuses, fee waivers, property tax waivers, subsidized loans, and other programs.
- B. Allow increases in density in specific areas of the city solely to promote the production of below-

market-rate housing.

- C. Use existing City programs to provide housing to households at the lowest income levels, including deeply affordable housing for persons with disabilities, the elderly, and very low-income families.
- D. Ensure that below-market-rate housing is distributed as evenly as possible throughout the community.
- E. Maintain and enforce zoning provisions requiring inclusion of affordable units in new housing developments. Consider adjustments to the affordability levels to make units more affordable in response to the increasing cost of rental and ownership housing in the community.
- F. Set a goal of providing an additional 6,400 permanently affordable housing units for low- and very-low-income households through acquisition of existing housing and new construction.
- G. Encourage developers to separate the actual costs for renting parking from the costs of new rental housing for the tenants.
- H. Emphasize providing entry-level home ownership for teachers, City employees, and others in Berkeley's workforce, by continuing the City's First Time Homebuyer participation in the County mortgage certificate program, providing subsidies for limited equity cooperatives and deed-restricted condominiums and other forms of ensuring continued affordability, providing first-time homebuyer opportunities for teachers, city employees, and others in Berkeley's workforce, continuing efforts to establish homebuyers' program for Section 8 certificate holders, and improving educational materials on how to take advantage of these programs.

Policy H-2 Funding Sources

Aggressively develop additional sources of funds for low-income housing, assistance to low-income residents, and implementation of the Berkeley Homelessness Continuum of Care Plan. *(Also see Land Use Policy LU-28.)*

Actions:

- A. Consider local bond financing and local, State, and Federal tax sources, such as business license tax and/or real property transfer tax, to generate additional resources for the Housing Trust Fund and other housing programs. Require provisions to allow for pass-through of additional costs from any increased tax burden to tenants.
- B. Consider a program that "links" City of Berkeley financial assets to lending institutions with lending practices that support low-income housing development.
- C. Increase housing mitigation fees on new development to the maximum allowed under the existing nexus study; if necessary, prepare a new nexus study to adjust fees to changing housing market conditions. Apply impact fees to new hotel or conference center uses as well as to office, retail, and industrial uses.
- D. Consider adopting a redevelopment project area for blighted commercial areas of the city, including blighted areas of south Shattuck Avenue, and directing tax increment revenues from those areas to fund infill affordable housing as part of mixed use development.
- E. Maintain and improve the Berkeley Housing Authority's ability to assist low-income Berkeley households to locate and secure suitable and affordable rental housing.

Policy H-3 Maintaining Affordability

Ensure that below-market-rate housing remains affordable for the longest period that is economically and legally feasible.

Action:

- A. To keep existing housing affordable, prioritize the use of City resources to assist in the acquisition of existing privately-owned housing with expiring rent subsidies by nonprofits committed to ensuring that rents remain affordable for the current low-income tenants.
- B. As part of the General Plan annual review, staff will provide an evaluation of existing subsidized housing properties that may be at risk of conversion and recommend measures for mitigating potential impacts.

Policy H-4 Rent Control

Take actions to protect tenants from large rent increases, arbitrary evictions, hardship from relocation, and the loss of their homes.

Actions:

- A. Support the Rent Stabilization Program and enforcement of the Rent Stabilization and Eviction for Good Cause Ordinance in order to protect tenants from large rent increases and loss of their homes.
- B. Support repeal of the vacancy decontrols of the 1995 Costa-Hawkins Act or pursue other means to provide City autonomy to stabilize rents through vacancy controls.

Policy H-5 Acquisition

Use City resources in the broadest and most efficient way to enable acquisition of existing rental housing by tenants' groups and nonprofit organizations under conditions that assure permanent affordability of such housing, such as use of the limited equity cooperative form of ownership.

Action:

- A. Provide technical assistance and information to tenants on how to establish limited equity cooperatives.

Policy H-6 Economic Diversity

Encourage inclusion of households with a range of incomes in housing developments through both regulatory requirements and incentives.

Policy H-7 Rental Housing Conservation

Preserve existing rental housing by limiting through regulation the subdivision of land for the purpose of converting rental properties to condominiums.

Action:

- A. Consider setting a final date for conversion of tenant-in-common units to condominiums.

Policy H-8 Single Room Occupancy Housing

Encourage the preservation and expansion of the supply of residential hotel rooms and other single room occupancy (SRO) accommodations that provide low-cost housing to Berkeley residents.

MAINTENANCE OF EXISTING HOUSING

Policy H-9 Maintain Housing

Maintain and preserve the existing supply of housing in the city.

Policy H-10 Code Requirements

Enforce code requirements to insure that existing housing meets health and safety standards.

Actions:

- A. Develop an outreach program to property owners to keep them apprised of changes in regulations and laws such as lead-based paint disclosure requirements, security bar rules, etc.
- B. Support efforts to develop a program for periodic inspection of rental units for health and safety code compliance.

Policy H-11 Deterioration, Blight, and Deferred Maintenance

Prevent blight and the deterioration of housing units resulting from deferred maintenance.

Actions:

- A. Pursue all legal remedies to require owners of vacant, blighted residential structures to repair and return their properties to the housing market.
- B. Work with lending institutions to increase financing options for housing rehabilitation.

Policy H-12 Assistance Programs

Establish and maintain programs to assist low-income property owners with maintaining rental housing without the need to raise rents.

Policy H-13 Energy Efficiency

Improve the safety and energy efficiency of new and existing homes and apartments. (*Also see Environmental Management Policies EM-4, EM-5, EM-35, and EM-36, and Urban Design and Preservation Policy UD-33.*)

Actions:

- A. Encourage use of green building materials and reuse of building materials.
- B. Consider revisions to City building codes to encourage environmentally sound construction and rehabilitation.

Policy H-14 Berkeley Housing Authority

Encourage the Berkeley Housing Authority and other owners of publicly subsidized rental housing to cooperate with occupant organizations to maintain a high-quality living environment. Encourage the continuing improvement of the Housing Authority and, as with all departments, ensure that it meets the highest requirements and standards in its performance.

Actions:

- A. Take appropriate actions which will result in the Berkeley Housing Authority remaining within the City structure, rather than transfer programs to the County or other housing agency.
- B. Consider posting information regarding availability of affordable housing on the City's website.

Policy H-15 Seismic Reinforcement

Maintain housing supply and reduce the loss of life and property caused by earthquakes by requiring structural strengthening and hazard mitigation in Berkeley housing. *(Also see Disaster Preparedness and Safety Policies S-15, S-17, S-18, S-20, and S-21.)*

Actions:

- A. Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as unreinforced-masonry buildings and soft-story buildings.
- B. To reduce the seismic threat to Berkeley's housing stock without necessitating substantial rent increases that would displace many tenants, develop funding sources to minimize the financial impact of retrofits on low- and moderate-income residents.
- C. Evaluate the seismic upgrade program funded by the City real property transfer tax to insure that such funds are used in an efficient and effective manner.
- D. Establish specific findings and procedures that can be used to expeditiously and efficiently approve reconstruction of pre-existing, legal, non-conforming residential structures after a major natural disaster.

EXPANSION OF THE HOUSING SUPPLY

Policy H-16 Transit-Oriented New Construction

Encourage construction of new medium and high density housing on major transit corridors and in the Downtown consistent with zoning and compatible with the scale and character of these areas. *(Also see Land Use Policies LU-18, LU-23, and LU-25, and Transportation Policy T-16.)*

Actions:

- A. Ensure that new multi-family housing developments include a significant below-market-rate component.
- B. Consider a variety of incentives such as waiver or partial waiver of parking requirements in areas heavily served by transit or expansion of lot coverage in addition to height bonuses.
- C. Consider revisions to the zoning ordinance to establish a minimum height limit of two, and where feasible, three stories, and to require or encourage residential development above the ground floor on transit corridors.

Policy H-17 Second Units

Encourage and facilitate addition of secondary or small "in-law" units on properties with single-family homes in conformance with existing zoning regulations, but not in areas that are particularly vulnerable to natural disaster. *(Also see Disaster Preparedness and Safety Policy S-16.)*

Policy H-18 City-Owned Sites

When appropriate and feasible, use City-owned or -controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units. *(Also see Land Use Policy LU-32.)*

Action:

- A. Require development on the City-owned Oxford Street parking lot Downtown and the Ashby BART air rights (west of Adeline Street) to be residential mixed-use developments. If feasible, 50 percent or more of the housing units on these sites should be affordable for households with low or very low incomes.

H-19 Regional Housing Needs

Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley. *(See Table 30 and 31, Housing Element Appendix for numerical goals.)*

Actions:

- A. Review housing production in Berkeley at the time of the annual General Plan review. As part of the process, evaluate the City’s progress toward meeting the City’s share of the regional housing need as determined by ABAG.
- B. Regularly evaluate City regulations and ordinances to identify and reduce unnecessary impediments to housing development and affordable housing projects.

Policy H-20 High Density Zoning

Maintain sufficient land zoned for high and medium density residential development to allow sufficient new construction to meet Berkeley’s fair share of regional housing needs. *(Also see Land Use Policy LU-23.)*

Action:

- A. Require that developers and City staff work with neighboring groups to ensure adequate notification of proposals and steps to address concerns.

Policy H-21 Demolition

Discourage demolition of housing units unless the structure is hazardous or repair is infeasible. Insure that the replacement project will result in the same or larger number of new housing units in conformance with existing zoning regulations.

HOMELESSNESS REDUCTION AND SPECIAL NEEDS HOUSING

Policy H-22 Homeless Housing

Seek solutions to the problems of homeless individuals and families with the end goal of providing permanently affordable housing.

Policy H-23 Family Housing

Support housing program activities that enhance the ability of households with children and large families to find affordable and suitable housing.

Policy H-24 The Elderly and the Disabled

Support housing program activities that increase the ability of elderly and disabled households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.

Policy H-25 Disabilities

Encourage provision of an adequate supply of suitable housing to meet the needs of people with serious physical, mental, and/or emotional disabilities.

Policy H-26 Supportive Services

Encourage and coordinate the provision of affordable housing with supportive services.

Policy H-27 Coordinated Programs

Coordinate special needs housing programs with job training and employment programs for low-income and unemployed Berkeley residents.

Action:

A. Ensure the availability of information regarding special housing in the community.

Policy H-28 HIV/AIDS

Help provide for the housing needs of homeless and low-income individuals and heads of households disabled with HIV/AIDS.

Policy H-29 Alcohol and Drugs

Include provision of housing for homeless and low-income individuals and heads of households disabled by or recovering from alcohol and other drug-related substance abuse.

Policy H-30 Emergency Shelter and Transitional Housing

To the extent feasible, provide emergency shelter and transitional housing to homeless individuals and families and coordinate provision of additional housing with supportive services for people with special needs, including people with mental, physical, and developmental disabilities, victims of domestic violence, youth, and the elderly.

Policy H-31 Domestic Violence

Help provide for the housing needs of homeless and low-income victims of domestic violence and their children.

Policy H-32 Eviction Prevention

Encourage eviction prevention and fair housing programs to avoid evictions that could lead to homelessness.

RELATIONSHIP WITH OTHER INSTITUTIONS

Policy H-33 University of California

Urge the University of California to maximize the supply of appropriately located, affordable housing for its students, and also to expand housing opportunities for faculty and staff. *(Also see Land Use Policies LU-37 and LU-38 Action A.)*

Actions:

- A. Encourage and promote construction of additional housing for students and faculty within walking distance of campus.
- B. Encourage development of satellite housing near transit more distant from the campus (including such locations in other municipalities).
- C. Encourage multi-generational housing projects.
- D. Work with the University and private developers and operators of student housing, including nonprofits, to increase the supply of affordable housing for faculty and staff.
- E. Encourage the University to continue to involve residents, community organizations, students, staff, City government and University administrators in long- and short-range plans for University housing.
- F. Work with other jurisdictions to advocate for changes in State legislation that would: 1) require the University of California to provide adequate housing for students and minimize housing impacts in the area from the University; and 2) allow State higher education funds to be used to cover some of the costs of constructing new student housing.
- G. Encourage the University to change its current requirement that new housing projects built on University surface parking lots pay a fee of \$20,000 per lost parking space.

Policy H-34 Group Quarters

Support and encourage construction of group housing near the University for student housing. *(Also see Land Use Policy LU-25.)*

Policy H-35 University Housing and Taxes

Support development of new housing for University-related households and other institutions that will not take additional land off tax rolls. If that is not possible, seek compensation for loss of revenue; seek agreement from the State of California, the University, and other institutions to compensate the City of Berkeley for services provided; and encourage that developments provide community facilities for both students and other residents. *(Also see Land Use Policy LU-38.)*

Policy H-36 University Housing and Displacement

Support University-related housing that avoids displacement of existing residents or a loss of existing rental housing resources available to other city residents.

Policy H-37 Maintenance and Expansion of Housing

Encourage the University and other institutions to keep residential buildings for housing, convert back to residential use residential buildings that have been converted to non-residential use, and convert to residential use any unused buildings and underutilized sites where feasible.

FAIR AND ACCESSIBLE HOUSING

Policy H-38 ADA

Use new construction and compliance procedures under the Americans with Disabilities Act (ADA) to increase the proportion of housing throughout Berkeley that is accessible or adaptable for use by Berkeley citizens with physical disabilities.

Policy H-39 Accessible Housing

Upgrade the existing housing stock by increasing the number of existing housing units that are universally accessible.

Actions:

- A. Develop accessibility standards for multi-family housing projects.
- B. Inform developers of all access requirements in a project's early stages.
- C. Require that all projects comply with existing State and local access regulations.
- D. Require that all projects receiving City funding comply with Federal access regulations.
- E. Encourage special housing types, including those which are environmentally and chemically safe.

Policy H-40 Equal Access

Ensure that all Berkeley residents have equal access to housing, financing, and insurance to purchase, sell, rent, and lease property.

Policy H-41 Family Housing

Enable families with children, single heads-of-household, and victims of domestic violence to find suitable housing.

Policy H-42 Discrimination

Implement Federal, State, and local fair housing laws prohibiting discrimination based on race, religion, sex, sexual orientation, ethnic background, age, physical disability, marital status, presence of children in household, household composition, student status, or presence of HIV/AIDS, or discrimination against a group for any arbitrary reason.

Policy H-43 Housing Assistance

Allocate housing assistance based on relative need on a nondiscriminatory basis.

Policy H-44 Redlining

Seek to prevent "redlining", prohibit predatory home mortgage lending practices, and make reasonably priced financing and insurance available to purchasers of residential properties throughout Berkeley.

Policy H-45 Outreach and Education

Continue outreach activities to inform the community about fair housing laws and rights and the Americans with Disabilities Act (ADA), including the rights and responsibilities of landlords and tenants, in order to increase understanding and cooperation between both groups.

Policy H-46 Integration

Encourage better integration in the Berkeley community by encouraging a range of incomes in all new residential projects receiving government assistance.

REGIONAL COOPERATION

Policy H-47 Financial Assistance

Encourage all levels of government (city, county, regional, State and Federal) to provide financial assistance to meet affordable housing needs in Berkeley and the Bay Area.

Actions:

- A. Form alliances with other cities to lobby for state and federal policies conducive to affordable housing and tenants' rights, including changes in rules on taxation and spending so that sufficient funds for affordable housing become available.
- B. Advocate for increases in and equitable distribution of State and Federal housing resources.

Policy H-48 Inter-Jurisdictional Approaches

Develop and coordinate multi-agency, regional, and cross-jurisdictional approaches to reducing homelessness, including both the homeless continuum of care and assertive community treatment models now in place in Alameda County and Berkeley.

Policy H-49 Suburban Sprawl

Advocate for controls on regional urban and suburban low-density land development to encourage more efficient use of land, reduce potential growth in traffic congestion, and increase supplies of affordable housing in job-rich communities in the Bay Area. *(Also see Environmental Management Policy EM-2.)*

Policy H-50 Housing and Environmental Protection Planning

Advocate regional integration of housing planning with planning for open space and environmental protection.

PUBLIC PARTICIPATION IN HOUSING DECISIONS

Policy H-51 Neighborhood Planning

Encourage housing developers and neighborhood organizations to collaborate on affordable housing projects that address neighborhood concerns. *(Also see Land Use Policy LU-5, Urban Design and Preservation Policy UD-22, and Citizen Participation Policies CP-5 through CP-8.)*

Action:

- A. Strengthen opportunities for constructive participation by neighborhood organizations in planning and development decisions that affect their constituencies.

Policy H-52 Public Participation

Use public participation as a communication tool to seek attainment of common housing goals, and for sharing information about community needs in general.

Action:

- A. Encourage community support of affordable housing and special needs housing by combating misconceptions regarding affordable and special needs housing through active community outreach and education.

FUTURE HOUSING ELEMENT REVISIONS

Policy H-53 Housing Element Revisions

Review the Housing Element during the annual review of the General Plan to ensure consistency with all other legally required elements, and revise as necessary. The City should consider whether major changes in objectives and policies are necessary to achieve its goals.

