

# 5 - Objectives, Policies and Actions

## Purpose

This chapter presents the City's housing goals in the form of ten main objectives, policies that enact those objectives, and actions to implement those policies. The objectives and policies guide decision-making to address the housing needs identified in Chapters 2, 3 and 4. The actions are achieved through implementation of the programs described in Chapter 6.

## A. Objectives

### 1. Housing Affordability

Berkeley residents should have access to quality housing at a range of prices and rents. Housing is least affordable for people at the lowest income levels, and City resources should focus on this area of need.

### 2. Maintenance of Existing Housing

Existing housing should be maintained and improved. Improvements that will prepare buildings for a major seismic event should be encouraged.

### 3. Expansion of the Housing Supply

New housing should be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

### 4. Special Needs Housing and Homelessness Prevention

Berkeley should expand the supply of housing for special needs groups, including housing affordable to households and individuals with extremely low incomes.

### 5. Relationship with Other Institutions

The City should continue working with the Berkeley Housing Authority and the University of California to address affordable housing needs.

## **6. Fair and Accessible Housing**

The City should continue to enforce fair housing laws and encourage housing that is universally accessible.

## **7. Public Participation**

Berkeley should continue to improve the role of neighborhood residents and community organizations in housing and community development decision-making.

## **8. Energy Efficiency**

The City should promote energy efficiency in new and existing residential buildings in order to improve building comfort and safety, reduce energy costs, provide quality housing, and reduce Greenhouse Gas Emissions.

## **9. Adequate Sites**

Berkeley should retain adequate housing opportunity sites to meet its future housing needs.

## **10. Governmental Constraints**

Berkeley should identify and mitigate barriers to the construction of new housing of all types.

# **B. Policies and Actions**

The following policies and actions are grouped by the ten objectives described above.

## **1. Housing Affordability**

### **Policy H-1 Extremely Low, Very Low, Low and Moderate Income Housing**

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

Actions:

- A. Continue to support and implement programs to encourage below-market-rate housing with incentives for affordable housing development including but not limited to density bonuses under State law, fee deferrals, and below market rate development loans.
- B. Allow increases in density to promote the production of below market rate housing consistent with State density bonus law.
- C. Use existing City programs, such as the Housing Trust Fund, to provide housing to households at the lowest income levels, including extremely low income households, and units that are deeply affordable housing for people with disabilities, the homeless, 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 zoning provisions requiring inclusion of affordable units in new housing developments where legally feasible. Advocate for the California legislature to restore cities' abilities to require below-market-rate rental units in new housing developments. Consider all available options to provide alternatives to inclusionary housing (see Policy H-2).

### **Policy H-2 Funding Sources**

Aggressively search out, advocate for, and develop additional sources of funds for permanently affordable housing, including housing for people with extremely low incomes and special needs. *(Also see Land Use Policy LU-28)*

Actions:

- A. Look for all available funding sources, including but not limited to local bond financing and local, State and Federal tax sources, such as a special tax and/or the real property transfer tax, to generate additional resources for the Housing Trust Fund and other housing programs.
- B. Continue to utilize the existing housing mitigation fee applicable to commercial projects. Consider revisions to the fee, including but not limited to updating the fee and applying it to new hotel or conference center uses.
- C. Consider a range of new funding sources which may include housing mitigation fees applicable to residential projects.
- D. Work to ensure that local funding is planned and administered in a way that allows project sponsors to maximize their leveraged funding and meet the requirements of other funding sources while accomplishing local goals.
- E. Support increased funding at the federal and state levels to support the production and operation of permanent, affordable housing.
- F. Continue to use condominium conversion mitigation fees to support the development, preservation, and maintenance of affordable housing.

### **Policy H-3 Permanent Affordability**

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

Actions:

- A. Prioritize the use of City resources to assist nonprofits with preserving existing affordable housing in the event that rental restrictions and/or rental subsidy contracts, such as project-based Section 8, expire.
- B. Monitor units funded by the Housing Trust Fund or created by the inclusionary ordinance to ensure long-term health, safety, and affordability of these units.
- C. Encourage the preservation and rehabilitation of residential hotel rooms and single-room occupancy units that currently house very low-income tenants to continue providing housing for this population.

- D. Maintain continued affordability of below market-rate units to the maximum extent possible.

**Policy H-4 Economic Diversity**

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

**Policy H-5 Rent Stabilization**

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. Continue to oppose measures that weaken the City’s autonomy to stabilize rents and support measures that increase the City’s autonomy to stabilize rents.
- C. Support state legislation consistent with the original language of the Ellis Act promoting rental housing conservation.

**Policy H-6 Rental Housing Conservation and Condominium Conversion**

Preserve existing rental housing by limiting conversion of rental properties to condominiums.

Actions:

- A. Continue applying a 100-unit per year cap on condominium conversions and evaluate the cap regularly, along with other aspects of condominium conversion ordinance regulations.
- B. Continue tenant protections contained in the condominium conversion ordinance.
- C. Continue mitigation fee policies of the condominium conversion ordinance and evaluate their performance regularly.

**Policy H-7 Low-Income Homebuyers**

Support efforts that provide opportunities for successful home ownership for residents and workers in the City of Berkeley.

Actions:

- A. Continue the City’s participation in Alameda County’s mortgage certificate program, providing subsidies for limited equity co-operatives, deed-restricted condominiums and other forms of ensuring continued affordability, evaluating homebuyer programs for extremely low and very low income households, and improving educational materials on how to take advantage of these programs.
- B. Require pre-purchase homebuyer counseling and encourage post-purchase counseling for any new homebuyer programs that include City funding.

- C. Work with limited equity co-operatives and land trusts to develop a set of best practices for purchasing and operating homeownership communities.
- D. Develop partnerships with certified counseling agencies that provide assistance with foreclosure prevention and mortgage workout strategies.
- E. Explore the feasibility of encouraging limited equity co-operatives.

## **2. Maintenance of Existing Housing**

### **Policy H-8 Maintain Housing**

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

### **Policy H-9 Code Requirements and the Rental Housing Safety Program**

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

Actions:

- A. Continue to provide information and outreach to property owners and tenants regarding applicable regulations.
- B. Continue and improve the City's program of periodic inspection of rental units for health and safety code compliance.

### **Policy H-10 Deterioration, Blight and Deferred Maintenance**

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

Actions:

- A. Continue interdepartmental coordination to address problem properties.
- B. Pursue all legal and administrative remedies to require owners of problem-plagued residential properties to repair and return their properties to active use in the housing market.
- C. Develop programs and identify funding to assist low-income homeowners with maintenance costs and assist property owners with maintenance of low-income rental properties.
- D. Encourage preservation of historic residential structures by helping property owners obtain financial assistance for rehabilitation, such as Mills Act funding.
- E. Continue to assist low-income homeowners with rehabilitation through the Senior and Disabled Home Rehabilitation Program and weatherization programs.

### **Policy H-11 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, 17, 18, and 20)*

Actions:

- A. Continue to encourage retrofitting of seismically unsafe buildings, such as unreinforced masonry buildings and soft-story buildings through incentive programs and requirements.
- B. Reduce the seismic threat to Berkeley's housing stock without necessitating substantial rent increases by identifying ways to minimize the financial impact of retrofits, such as offering fee deferrals, waiver of certain zoning regulations, and special funding programs such as the Berkeley FIRST program.
- C. Seek grant funding for post-disaster recovery planning.
- D. Establish specific findings and procedures that can be used to expeditiously and efficiently approve reconstruction of preexisting, legal, non-conforming residential structures after a major natural disaster.

### **3. Expansion of the Housing Supply**

#### **Policy H-12 Transit-Oriented New Construction**

Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan. *(Also see Land Use Policies LU-18, 23, 25 and Transportation Policy T-16.)*

**Actions:**

- A. Consistent with the Climate Action Plan, encourage new residential development that promotes modes of transportation other than privately-owned cars and trucks, including walking, biking, car share, and public transportation, thereby reducing the need for parking and reducing the overall cost of providing housing.
- B. Consider a variety of incentives such as waiver or partial waiver of parking requirements in exchange for investment in transportation demand management measures, such as increased bicycle parking or other bike amenities, parking for alternative fuel vehicles, Eco-Passes for residents, or car share parking.
- C. Continue to encourage developers to separate the actual costs for renting or purchasing parking from the costs of new rental housing for the tenants in market-rate projects.
- D. Consider implementing parking maximums.
- E. Consider adjusting zoning to allow for greater residential density and specified commercial uses along certain transit corridors and in proximity to the Downtown Berkeley, Ashby, and North Berkeley BART stations.

#### **Policy H-13 Second Units**

Encourage and facilitate addition of second and small "in-law" units on properties with single-family homes, but not in areas with limited parking and vehicular access or that are especially vulnerable to natural disaster. *(Also see Disaster Preparedness and Safety Policy S-16).*

**Actions:**

- A. Evaluate the accessory dwelling unit (ADU) regulations to identify and remove possible constraints to new ADUs.
- B. Consider adjusting zoning to allow for more ADUs and second units.

#### **4. Special Needs Housing and Homelessness Prevention**

##### **Policy H-14 Homelessness and Crisis Prevention**

Support programs and actions that prevent homelessness and other housing crises by making appropriate services available.

Actions:

- A. Increase enrollment of eligible individuals in SSI, Medi-Cal, Food Stamps, and other benefits programs. Full use of benefits will help stabilize eligible households and can prevent homelessness and other housing crises.
- B. Increase availability of age-appropriate services for youth exiting state or local care, including basic life skills development, job training, services, coordination, legal representation and advocacy, mental health and substance use treatment, and access to medical care.
- C. Continue to support the Housing Retention Program, which helps low-income people retain their housing and avoid homelessness.
- D. Continue to provide energy bill payment assistance for low-income households.
- E. Maintain City funding for anti-poverty programs, including employment services, childcare, healthcare, and nutrition that serve very low-income residents to enable them to increase self-sufficiency and remain housed.
- F. Encourage and support eviction prevention and other fair housing outreach programs, and continue enforcement of the Rent Stabilization Ordinance to avoid evictions that could lead to homelessness.

##### **Policy H-15 Homeless Housing**

Seek solutions to the problems of individuals and families who are homeless, with the goal of first providing them with permanently affordable housing.

Actions:

- A. Increase availability of supportive housing units in Berkeley that are affordable to households whose incomes do not exceed 30 percent of the Area Median Income and serve people who are formerly homeless or have severe disabilities by creating 20 to 30 units per year (with an overall goal of 350 units over 15 years).
- B. Continue existing rent subsidy programs such as the Public Commons for Everyone Initiative Square One program and Shelter Plus Care, and seek out new sources of funding to expand or create new programs to maximize permanent housing opportunities for the homeless. Programs may provide deep or shallow subsidies, and may be linked to affordable housing developments, as in project-based Section 8 vouchers and the Mental Health Services Act Housing Program, or be available for private market rentals like tenant-based Section 8 vouchers.

- C. Ensure that Berkeley's allocation of Mental Health Services Act Housing Program funding, administered by the California Housing Finance Agency in conjunction with the California Department of Mental Health, is fully utilized for housing development.
- D. Ensure that affordable housing units can well serve homeless and special needs populations by linking their housing with flexible and appropriate supportive services.
- E. Analyze successful, innovative supportive housing models in other communities in order to determine whether they can be implemented in Berkeley.
- F. Coordinate with service providers to ensure that up-to-date information about affordable housing and permanent supportive housing opportunities is widely accessible.

#### **Policy H-16 Family Housing**

Support and encourage housing projects that include units affordable and suitable for households with children and large families.

##### Actions:

- A. Identify obstacles to and incentives for development of housing suitable for families with children, with a family member requiring assistance, and multigenerational families.
- B. Consider incentives for construction of housing suitable for families with adequate amenities such as access to outdoor space, transit, and access to neighborhood goods and services.
- C. Encourage the development of childcare opportunities by supporting the provision of childcare centers in residential neighborhoods and in new residential projects. Consider offering incentives for inclusion of childcare in appropriate projects.

#### **Policy H-17 Housing for Seniors**

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

##### Actions:

- A. Continue support of reverse mortgage counseling.
- B. Continue the Senior and Disabled Home Rehabilitation Program.
- C. Develop incentives for a range of senior housing types including but not limited to second units or ADUs to help seniors age in their homes or to provide on-site housing for caregivers.
- D. Continue to provide, and expand as possible, funding for a range of senior housing and service types.

#### **Policy H-18 Housing for People with Disabilities**

Encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities, including developmental, behavioral health (mental health as well as alcohol

and other drug dependence), and physical (including HIV/AIDS) disabilities. (See also policies and actions under Fair and Accessible Housing and under Homeless Housing)

**Policy H-19 Emergency Shelters and Transitional Housing**

Recognizing that the City's priority for new homeless housing opportunities is for permanent housing, to the extent feasible and until they can access permanent housing, provide emergency shelter and transitional housing to homeless individuals and families, including people with mental, physical, and developmental disabilities, victims of domestic violence, youth, and seniors.

Actions:

- A. As required by SB2, identify zoning districts where emergency shelters shall be allowed as of right, including a year-round emergency shelter.

**5. Relationship with Other Institutions and Regional Cooperation**

**Policy H-20 Berkeley Housing Authority**

Continue working with the Housing Authority to make quality affordable housing opportunities available to Berkeley residents.

Actions:

- A. Encourage the BHA to consider posting information regarding availability of affordable housing on the City's website and to coordinate with countywide housing-information services, such as "2-1-1".
- B. Assist the BHA with distribution of information.
- C. Support BHA in their efforts to improve and upgrade the conditions of 71 large family units located on scattered sites throughout the City.
- D. Collaborate with the BHA and affordable housing developers in applying for an additional allocation of Project-based Section 8 funding for use in connection with the development of new affordable housing units throughout the City.
- E. Encourage the Berkeley Housing Authority and other owners of publicly subsidized rental housing work with tenants to maintain a high quality living environment.
- F. Analyze potential impacts that could occur if BHA were unable to continue to operate and the programs were to be transferred to the County or other housing agency, if such a transfer is proposed.

**Policy H-21 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 38 Action A)*

Actions:

- A. Encourage and promote construction of additional housing for students, staff and faculty, particularly family housing, within walking distance of campus and work with

- the University, private developers and nonprofits to increase the supply of affordable housing for faculty and staff. Encourage the University to undertake private/public partnerships such that this housing pays its fair share of taxes towards meeting City service needs.
- B. Encourage development of satellite housing near transit more distant from the campus (including other municipalities).
  - C. 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) count University-provided beds towards our regional housing needs assessment.
  - D. Encourage the University and other institutions to maintain residential uses in residential buildings, convert back to residential use residential buildings that have been converted to non-residential use when appropriate, and convert to residential use any unused buildings and underutilized sites where appropriate.

### **Policy H-22 Inter-Jurisdictional Coordination**

Pursue opportunities to work with other jurisdictions to address issues of mutual interest and priority.

Actions:

- A. Develop and coordinate multi-agency, regional, and cross-jurisdictional approaches to reducing homelessness and sustain participation in Everyone Home, the county-wide initiative to end homelessness.
- B. Form alliances with other jurisdictions to advocate for actions and resources from all levels of government (regional, county, state, and federal) that will address housing needs in Berkeley and the Bay Area.
- C. Advocate regional integration of housing planning with planning for open space and environmental protection.
- D. Advocate regional cooperation and coordination to encourage more efficient use of land and increased construction of affordable housing in job-rich and transit-rich communities in the Bay Area.

## **6. Fair and Accessible Housing**

### **Policy H-23 Fair Housing**

Ensure compliance with federal, state, and local fair housing and anti-discrimination laws and ordinances. Federal, state, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.

Actions:

- A. Continue to provide Fair Housing education, outreach, testing, mediation, and referral services, making information available in English, Spanish, and Chinese.
- B. Continue to support the provision of related legal services.

**Policy H-24 Americans with Disabilities Act (ADA) and CA Title 24 Disabled Access Regulations**

Exceed California Title 24 Disabled Access Regulations to increase the proportion of housing throughout Berkeley that is accessible or adaptable for use by Berkeley citizens with physical disabilities.

Actions:

- A. Continue outreach activities to inform the community about fair housing laws and rights, the Americans with Disabilities Act (ADA), and California Title 24 Disabled Access Regulations, such as workshops for builders, architects and developers.
- B. Educate additional City staff in the land use planning and building divisions on California Title 24 Disabled Access Regulations, ADA requirements and universal design features.

**Policy H-25 Accessible Housing**

Exceed the accessibility requirements of the ADA and California Title 24 Disabled Access Regulations by encouraging incorporation into new construction and rehabilitation the use of technologies and design features that create universal accessibility.

Actions:

- A. Identify suitable universal accessibility standards for multifamily housing projects and study potential for applying them in Berkeley.
- B. Develop incentives to encourage construction of a variety of housing types suitable for people with disabilities, including residents with developmental disabilities and housing suitable for families or larger households with a disabled member.
- C. Encourage housing types that are environmentally and chemically safe.
- D. Continue and expand programs that help modify homes for accessibility to support people with disabilities to remain in their homes, such as the Center for Independent Living's program and the City's Senior and Disabled Home Rehabilitation Program.
- E. Identify and remove regulatory barriers to the rehabilitation of existing housing for accessibility.

**Policy H-26 Affordable Accessible Housing**

Encourage new construction and rehabilitation of accessible housing units that are permanently affordable, in particular to extremely low-income households.

## **7. Public Participation and Future Housing Element Revisions**

**Policy H-27 Neighborhood Planning**

Encourage and facilitate opportunities for housing developers and neighborhood residents and 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, 6, 7 and 8)*

Actions:

- A. Continue to strengthen opportunities for constructive participation by neighborhood organizations in planning and development decisions that affect their constituencies through use of the City's website and other outreach efforts.

### **Policy H-28 Public Participation**

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

Actions:

- A. Encourage community support of affordable housing and special needs housing by explaining advantages of affordable and special needs housing through active community outreach and education.
- B. Follow guidance provided in the General Plan Citizen Participation Element and the Citizen Participation Plan contained in the City's Consolidated Plan for Housing and Community Development.

### **Policy H-29 Housing Element Revisions**

The City should maintain an up-to-date Housing Element by conducting a public review and update of the Housing Element consistent with state law to examine whether major changes in policies may be necessary in order to achieve General Plan goals.

## **8. Energy Efficiency**

### **Policy H-30 Energy Efficiency and Waste Reduction**

Implement provisions of Berkeley's Climate Action Plan to improve building comfort and safety, reduce energy costs, provide quality housing, and reduce Greenhouse Gas Emissions. *(Also see Environmental Management Policies EM-3, 38, 39 and Urban Design and Preservation Policy UD-33)*

Actions:

- A. Improve local energy and green building standards for new residential construction and renovations.
- B. Continue to support energy efficiency practices in new construction and renovations through consultation, education, incentives and outreach services.
- C. Develop then phase in local minimum energy standards for existing residential buildings. Encourage owners of existing single- and multi-family residential buildings to meet those standards by providing incentives and developing energy services, such as the Smart Solar Program, Berkeley FIRST financing, comprehensive energy audits, energy efficiency upgrades, and education.

- D. Continue and expand weatherization programs that assist low-income homeowners and renters to reduce their energy use.
- E. Continue and expand residential recycling and composting in single and multi-family dwellings through improved assistance and education services, with emphasis on outreach to tenants in multi-family dwellings.
- F. Continue and expand recycling of building materials and construction and demolition debris resulting from both new construction and renovations through improved assistance and education services.

## **9. Adequate Sites**

### **Policy H-31 Publicly Owned Sites**

Encourage use of publicly owned or controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units consistent with the provisions of Measure L. *(Also see Land Use Policy LU-32)*

### **Policy H-32 Regional Housing Needs**

Encourage housing production adequate to meet City needs and the City's share of regional housing needs.

### **Policy H-33 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.

Actions:

- A. Continue to require that developers and City staff work with neighboring groups to ensure adequate notification of proposals and steps to address concerns.
- B. Ensure that development on dense, transit-served corridors transitions well into adjacent lower density residential zones in order to minimize impacts on the character of interior neighborhoods.

## **10. Governmental Constraints**

### **Policy H-34 Mitigate Governmental Constraints**

Ensure that potential governmental constraints are identified and mitigated.

Actions:

- A. Continue to improve and streamline the project review process.
- B. Regularly evaluate City regulations and ordinances to identify and reduce unnecessary impediments to housing development and affordable housing projects.
- C. Identify and consider options to reduce potential constraints to existing infill opportunities in residential districts, consistent with residential densities specified in the Zoning Ordinance, as a way to provide housing with a neighborhood feel.

- D. Consider changes to the demolition ordinance contained in the Zoning Ordinance and related regulations to establish consistent and reasonable criteria for demolition and replacement of residential units.