

Housing Advisory Commission

<b>Special Meeting</b> <b>Thursday, July 17, 2025</b> <b>7:00 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Snow Zhu, Secretary HAC@berkeleyca.gov
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**Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting** will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

**All agenda items are for discussion and possible action.**

**Public comment policy:** Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of June 5, 2025 Regular Meeting Minutes** (Attachment 2)
6. **Discussion and Possible Action: Civic Arts Report – All** (Attachments 3 and 4)
7. **Discussion and Possible Action: HAC Recommendation to Council on State Assembly Bills Relating to Coordinated Pricing Algorithms** (Attachments 5 and 6)
8. **Discussion and Possible Action: Commission Work Plan** (Attachments 7 and 8) – All
9. **Update on Council Items (Future Dates Subject to Change)**
  - a. FY 2026 Proposed Budget Adoption (6/24/2025)
  - b. Funding Reservation for Resources for Community Development’s Maudelle Miller Shirek Community Project (6/24/2025)
  - c. 2024 Housing Trust Fund Request for Proposals - Funding Reservations (6/24/2025)
  - d. Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to Suspend Effective Date Until March 2026 (6/24/2025)
10. **Announcements/Information Items**
  - a. Commission Hybrid Meeting Update (Attachment 9)
11. **Future Items**
12. **Adjourn**

Attachments

1. Land Acknowledgment
2. Draft June 5, 2025 Regular Meeting Minutes
3. Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission on Affordable Housing for Artists, Approve the Report “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists” and Recommend Transmittal to the City Council for its Review and Approval
4. Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission on Affordable Housing for Artists, Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists
5. Commissioner Shere, District 2, Getting the State Legislature On The Same (Real) Page
6. Commissioner Shere, District 2, Support for AB 325 (Aguilar-Curry) and SB 52 (Perez)
7. Anna Cash, HHCS, Annual Commission Work Plan
8. Fiscal Year 2024-25 Commission Work Plan
9. Mark Numainville, City Clerk, Update on the Status of Hybrid Meetings for City Commissions

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:

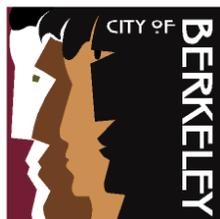


To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

## ATTACHMENT 1

### **Land Acknowledgement Statement**

*The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*



Housing Advisory Commission

## HOUSING ADVISORY COMMISSION DRAFT MINUTES

<b>Regular Meeting</b> <b>Thursday, June 5, 2025</b> <b>7:07 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Anna Cash, Secretary HAC@berkeleyca.gov
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### 1. **Roll Call**

Present: Sarah Bell, Karen Haycox (arrived at 7:18pm), Syrak Micael, Debbie Potter, Sean Vaughn Scott, David Shere, Leah Simon-Weisberg, and Alfred Twu.

Absent: None.

Staff Present: Anna Cash and Snow Zhu.

Commissioners in attendance: 8 of 8

Members of the public: 2

Public Speakers: 2

### 2. **Land Acknowledgement**

### 3. **Agenda Approval**

Action: M/S/C (Simon-Weisberg/Potter) to approve the agenda.

Vote: Ayes: Bell, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Haycox (unexcused).

### 4. **Public Comment**

There was one speaker during public comment.

### 5. **Approval of May 1, 2025 Regular Meeting Minutes**

Action: M/S/C (Twu/Haycox) to approve the May 1, 2025 Regular Meeting minutes.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: None.

### 6. **Discussion and Possible Action on the Draft Social Housing Study**

Public Speakers: 1

Action: M/S/C (Potter/ Twu) to form an ad hoc committee for the charge of drafting recommendations regarding the Draft Social Housing Study for the period of June 2025 through December 2025 comprised of Comissoners Haycox, Shere, and Twu.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: None.

**7. Discussion and Possible Action: Appoint Ad Hoc Committees**

a. Housing Trust Fund Ad Hoc Committee

Action: M/S/C (Bell/Simon-Weisberg) to form an ad hoc committee for the charge of reviewing Housing Trust Fund funding applications for the period of June 2025 through June 2026 comprised of Commissioners Bell, Vaughn Scott, and Shere.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: None.

b. Public Facilities Improvements Ad Hoc Committee

Action: M/S/C (Potter/Vaughn Scott) to form an ad hoc committee for the charge of reviewing Public Facilities Improvements funding applications for the period of June 2025 through June 2026 of comprised of Commissioners Potter, Vaughn Scott, and Shere.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: None.

**8. Discussion and Possible Action: Commission Work Plan Process**

Action: M/S/C (Haycox/ Bell) to send a letter to City Council urging City Council to honor their investment in the Small Sites Program through Measure U1 funds.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Simon-Weisberg, and Twu. Noes: Shere. Abstain: None. Absent: None.

**9. Update on Council Items (Future Dates Subject to Change)**

**10. Announcements/Information Items**

**11. Future Items**

**12. Adjourn**

Action: M/S/C (Potter/Vaughn Scott) to adjourn at 10:25 pm.

Vote: Ayes: Bell, Haycox, Micael, Potter, Vaughn Scott, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: None.

To: Housing Advisory Commission/Civic Arts Commission  
From: Joint Subcommittee on Affordable Housing for Artists  
Subject: Approve the Report “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists” and Recommend Transmittal to the City Council for its Review and Approval

### RECOMMENDATION

It is recommended that the Housing Advisory Commission (HAC) and the Civic Arts Commission approve the report “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists” and recommend transmittal to the City Council for its review and approval.

The report is included as Attachment 1.

### FISCAL IMPACTS OF RECOMMENDATION

The report makes seven recommendations for increasing funding, construction, and access to affordable housing for low-income artists and creative workers. Some of these recommendations have no fiscal impact, such as those dealing with zoning policies, and others, such as placing an affordable housing bond measure on the 2028 ballot, have a positive fiscal impact. For every one dollar of local funds raised through a bond measure, five to seven dollars can be generated from other sources to preserve existing, and build new, affordable housing.

One recommendation, to consider including low-income artists and cultural workers as a category of eligible participants in a Guaranteed Basic Income (GBI) pilot project, requires the City Council to retain the previously budgeted funds (\$50,000), when it re-considers the item in fall, 2025.

Several strategies require an allocation of staff time to implement AB 812, which allows a set-aside of below-market-rate (BMR) units, develop a standardized process for designating local cultural districts and applying for State cultural district designation (which in turn could open grant funding opportunities, etc.), and to work with arts organizations to provide technical assistance.

### CURRENT SITUATION AND ITS EFFECTS

Artistic professions are highly valued but poorly compensated. Artists represent a significant yet vulnerable segment of our workforce. As a labor sector, artists are among the lowest-income workers, placing them within already marginalized communities that struggle with housing affordability.

Berkeley's artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to high housing costs. Without accessible housing and workspace options, Berkeley

risks losing the complete arts sector that defines much of the city's local economy, character, and appeal.

In July 2023, members of the Civic Arts Commission made a presentation to the HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community. The joint subcommittee met regularly over the past two years to prepare the attached report to address the critical need for affordable housing for artists and cultural workers in Berkeley.

The report has seven recommendations which support the long-term sustainability of the arts and culture sector by expanding affordable housing opportunities for low-income artists:

1. Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.
2. Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the *San Pablo Specific Plan* and the *Corridors Zoning Update: North Shattuck, College and Solano Ave*.
3. Place an affordable housing bond measure on the 2028 ballot.
4. Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
5. Implement the short- and medium-term strategies recommended in the *Berkeley Social Housing Study - Draft - May 2025*.
6. Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.
7. Preserve the funding for a Guaranteed Basic Income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

## BACKGROUND

In 2018, the City Council adopted the City of Berkeley [2017-2018 Arts and Culture Plan Update \(Update\)](#). The Update developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal #1 is to increase access to affordable housing and affordable spaces for artists and arts organizations.

In 2021, the Civic Arts Commission commissioned a [survey on affordable housing for artists in Berkeley](#) by Creative Equity Research Partners. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The [City's Housing Element](#) also recognizes the need for affordable housing for artists. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley, underpinning the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.

Taken together, these reports and the lived experiences of Civic Arts Commissioners and their colleagues and fellow working artists, spurred the Civic Arts Commission to reach out to HAC with a proposal to work together, via a joint subcommittee, on a series of recommendations to create more affordable housing for artists for City Council consideration.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the recommendations contained in the report will have positive sustainability and climate impacts. The zoning policy recommendations will promote mixed-use development close to transit and bike routes, will open development opportunities in less densely developed areas of the city, and will set-aside some BMR units for low-income artists. Increased revenue for the Housing Trust Fund will ensure the city can continue to work towards its Regional Housing Needs Allocation (RHNA) goals. Providing housing for all income groups and economic sectors promotes a sustainable Berkeley.

## RATIONALE FOR RECOMMENDATION

The affordable housing crisis, in Berkeley, throughout the Bay Area, and increasingly, throughout the nation, is a well-studied and well-documented reality. The repercussions

for local communities are widespread and deep, from pricing young people and seniors out of the area, displacing long-time residents and increasing homelessness to creating super-commuters who spend more than three hours a day in their cars because they cannot afford to live where they work, and negatively impacting the diversity and creativity of communities. Affordable housing development is necessary to mitigate the impacts of the ongoing affordable housing crisis. It serves as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley's identity and economy.

Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding such projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

Attachment:

1. “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists”

**Draft**

# Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists

**A Report by the Housing Advisory Commission  
and the Civic Arts Commission, July 2025**

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update (Update). The Update is a framework for supporting the arts. A key Update recommendation is to increase access to affordable housing and affordable spaces for artists and arts organizations. In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

**The 2022 survey on affordable housing for artists concluded that without affirmative strategies and policies, artists will continue to be priced out of Berkeley.**

Acting on the survey report's findings, in July 2023, members of the Civic Arts Commission made a presentation to the Housing Advisory Commission (HAC) regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community.

The joint subcommittee met regularly over the past two years to prepare the following goals and recommendations to address the critical need for affordable housing for artists and cultural workers in Berkeley. This report was presented to the HAC and Civic Arts Commission at their respective July 2025 meetings with a recommendation that the report be forwarded to the Berkeley City Council for its consideration and approval.

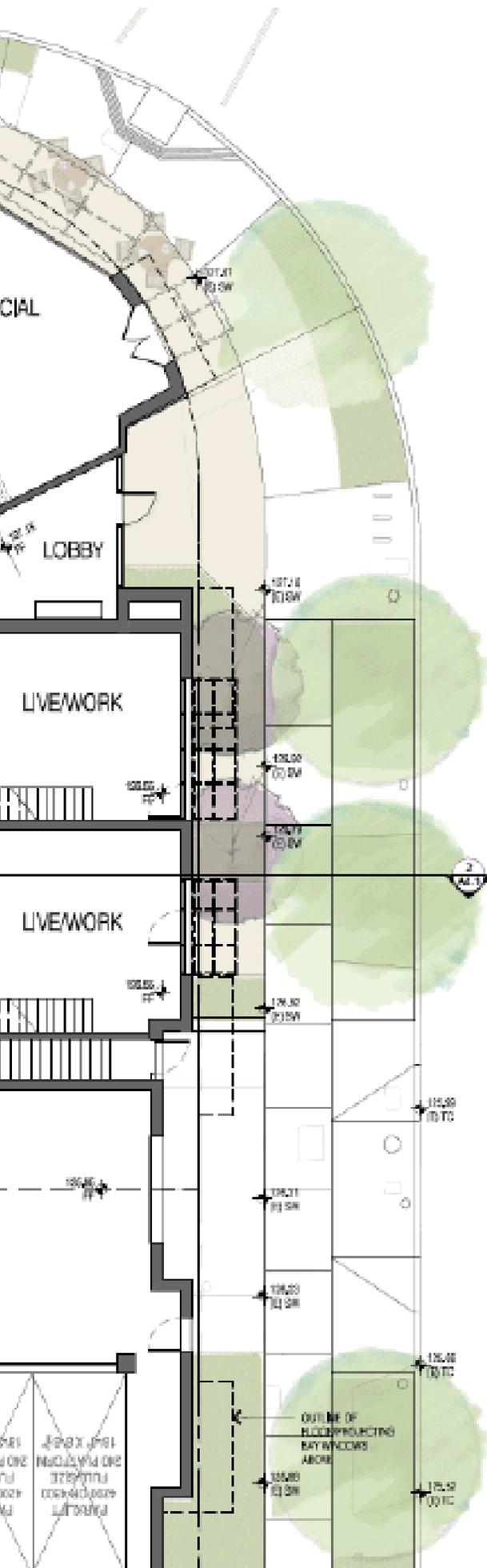
## Overview of Policy Recommendations

- 1 Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.
- 2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.
- 3 Place an affordable housing bond measure on the 2028 ballot.
- 4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
- 5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study – Draft – May 2025.
- 6 Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.
- 7 Preserve the funding for a Guaranteed Basic Income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

### Making the Case for Artist Housing in Berkeley

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update. The Update is a framework for supporting the arts. It developed and recommended citywide goals, policy improvements, and

A proposed development on San Pablo Ave. (left) suggests live/work spaces on the first floor in place of traditional retail space.



actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal #1 is to increase access to affordable housing and affordable spaces for artists and arts organizations. Several of the policy recommendations are updated and included in this report.

In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. One hundred and sixty-three (163) local artists were surveyed and represented a cross-section of Berkeley's most vulnerable populations. The survey found that high housing costs were placing the community's thriving cultural sector at increasing risk of displacement. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

Acting on the report's findings, in July 2023, members of the Civic Arts Commission made a presentation HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. The Civic Arts Commission's key concern was that the affordable housing crisis was adversely impacting the artist community in Berkeley by pricing practicing artists out of the city, negatively impacting the local economy, and community vibrancy and creativity. Given the unique role that artists play in a community's character and prosperity, HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow Berkeley's artist community.

“The need for affordable housing will not subside—and neither should our commitment to addressing it.”

### **Current Housing Funding Landscape**

This report comes at a unique and challenging moment when traditional funding sources for affordable housing face unprecedented constraints. Affordable housing developments serve as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley's identity and economy. Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding affordable housing projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are several actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

## Artists as Economic Contributors and Vulnerable Workers

Artistic professions are highly valued but poorly compensated. Artists represent a significant yet vulnerable segment of our workforce. As a labor sector, artists are among the lowest-income workers, placing them within already marginalized communities that struggle with housing affordability. Despite this economic vulnerability, artists drive substantial economic activity, representing 7% of California’s economy—or 15% when including television and film industries. This economic contribution makes artists vital to the prosperity of California and the city of Berkeley.

According to the 2022 Creative Equity Research Partners survey, of the 88% respondents who had Bachelor’s degrees, 60% reported an annual household income of \$69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72% reported low household incomes, compared to 55% among those who identified as White or Caucasian.

Berkeley’s artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to housing costs. Without accessible housing and workspace options, Berkeley risks losing the complete arts sector that defines much of the city’s local economy, character and appeal.

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### The definition of “artist” for the context of this report, approved by the Civic Arts Commission, May 25, 2022, is as follows:

An individual (or team member of an arts group) who is regularly engaged in the arts on a professional basis. These include but are not limited to those who practice:

**Fine Arts** such as painting, sculpture, mixed media works, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practice.

**Performing Arts** such as dance, dance theatre, acting, directing, set design, or members of theatre troupes.

**Musical Arts** such as musicians, composers, singers, choir members, band members, or ensemble members.

**Literary Arts** such as writers of prose, poetry, or plays.

**Social Practice Arts** including interdisciplinary

modes of creative production with methods of public engagement.

**Craft Artisans** who create such as fine wood-working, ceramics, glass blowing, stained glass, textiles, jewelry, metal works, fashion, blacksmithing, basketry, etc.

**Artists who have culturally specific creative practices** (folk arts, traditional arts, tradition bearers)

#### Self-taught and “outsider” artists

The terms “artist”, “cultural worker”, and “creative workforce” are used interchangeably throughout this report.



## A Two-Pronged Challenge

Current efforts by organizations like Vital Arts, which is conducting a regional artist census and providing emergency displacement prevention grants, and Artist Space Trust, which provides low-income housing for artists and trains artists to access existing affordable housing, highlight the two-pronged nature of this crisis.

The City's Housing Element recognizes this need. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley. This policy underpins the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Further, the Housing Element includes programs like Program 27, focused on Priority Development Areas (PDAs), including the San Pablo Specific Plan, and other initiatives that call for rezoning to enable higher-density housing, especially near transit and services.

The Corridors Zoning Update is one of the primary tools to carry out the Housing Element's vision. It will focus specifically on North Shattuck, College Avenue, and Solano Avenue—commercial corridors with potential for added housing. The goal is to update zoning codes to allow more housing (including affordable units), promote mixed-use development, and ensure compliance with state laws on housing capacity.

Both planning efforts emphasize equity and access. Berkeley has long valued its creative spirit. Now is the time to protect it. The dual imperative is clear: create more affordable housing and ensure artists can remain in their communities.

## Embracing Berkeley's Commitment to Arts and our Artistic Heritage: Laying the Groundwork for Artists Housing in Berkeley

**The goal:** To support the long-term sustainability of the arts and culture sector by expanding access to affordable housing and workspaces for artists and arts organizations—through targeted policies, funding mechanisms, and land use strategies.

HAC and the Civic Arts Commission share the following recommendations:

**1 Adopt an ordinance implementing AB 812**, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.

In 2023, the State Legislature adopted AB 812 (Chapter 747). The bill provides that cities with inclusionary zoning programs can set aside up to 10% of Below Market Rate (BMR) units for lower-income artists. The units reserved must be located within, or within one-half mile, of a State-designated, or wholly within a locally designated, cultural district. The city has two locally designated cultural arts districts: The Black Arts and Culture District and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West-South Berkeley.

To provide a BMR unit set-aside for artists within local cultural districts, the city must adopt an ordinance implementing the state law. A draft ordinance has been prepared for Planning Commission and City Council consideration and is attached as Appendix A. [The Civic Arts Commission and HAC previously approved a recommendation referring the draft ordinance implementing AB 812 to the Planning Commission.]

Adopting an ordinance implementing AB 812 is an immediate action that can lead a concerted effort to retain the city's creative workers, especially low-income artists and artists of color.

**2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations** in areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

Planning staff are currently working with the community on the San Pablo Specific Plan and have recently initiated the Corridors Zoning Update: North Shattuck, College and Solano Ave. Both planning initiatives focus on key commercial corridors with the goal of developing land use and economic revitalization initiatives that will encourage and support diverse housing, commercial activities, and public amenities. The Plans also provide critical opportunities for developing land use standards and policies that encourage and incentivize live-work spaces for artists, spaces for non-profit arts organizations, and affordable housing for low-income cultural workers. In addition, flexible outdoor and indoor spaces for exhibitions and performances should be encouraged along these commercial corridors. The exhibition and performance spaces should be accessible and affordable to ensure their usability by artists.

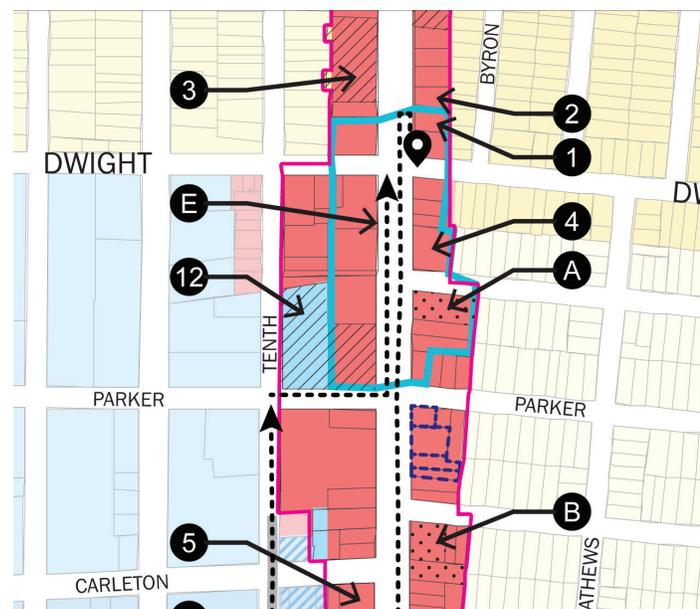
### a. San Pablo Specific Plan

The San Pablo Specific Plan is investigating land use and zoning standards that promote access to housing, equity, safer streets, sustainability, and an economically vibrant commercial corridor.

The December 4, 2024, presentation to the Planning Commission provides an outline of the major goals derived from the community assessment. The identified goals, if translated into land use standards and policies, will go a long way to promoting affordable and diverse housing and encourage flexible spaces for arts and culture organizations and activities. The expansion of allowable ground floor uses to permit residential, with an emphasis on live-work spaces, is critical to animating the corridor and promoting economic vibrancy. Allowing pop-up uses by right and sponsoring public-private events are key avenues for supporting the arts and local artists. All of these strategies should be adopted in the final Plan.

The city of Berkeley has initiated studies of several key neighborhood corridors, earmarked for improvements.

### San Pablo Avenue Specific Plan Walking Tour



**Specific recommendations include:**

- In exchange for increased density, require provision of ground floor, below-market-rate office or exhibition space for non-profit arts organizations or provision of ground floor affordable artist live-work space.
- All live-work projects should have a set-aside for below-market units specifically for artists.
- If corridor improvements are permitted in exchange for increased density, they should include outdoor areas suitable for exhibitions and performances. It is essential that “corridor improvements” include hard and soft funding as “hard” spaces are only as good as the programming that happens within them. Funds for ongoing activities, landscaping, amenities, etc. must be provided.
- Permitted ground floor uses must be expanded to have an economically vibrant and successful San Pablo Avenue. Residential uses must be allowed, with a focus on live-work housing. Offices should also be permitted with a focus on arts and cultural (and other) non-profit spaces. Day care facilities are critical to economic development and should be a permitted ground floor use.

**b. Corridors Zoning Update: North Shattuck, College and Solano Ave.**

The Corridors Zoning Update is a city of Berkeley initiative focused on revising zoning regulations along three key commercial corridors: North Shattuck Avenue, College Avenue, and Solano Avenue. These areas have been designated as priority commercial and transit corridors in the city’s 2023–2031 Housing Element, aiming to increase housing capacity and promote equitable development.

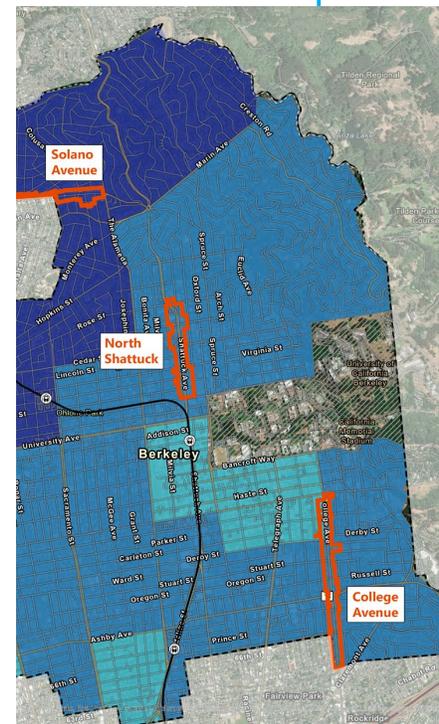
The Corridors Zoning Update is focused on land use and zoning standards that enhance housing capacity and address development barriers to advance fair housing and augment housing capacity, with a focus on equity and inclusion. The re-zoning effort launched earlier this year, and it is estimated to be completed at the end of 2026. The initial community meeting was held on May 1, 2025. The PowerPoint presentation from the meeting can be found here.

This initiative, which is just beginning, is an opportunity for affordable housing and arts organizations and advocates to be engaged to:

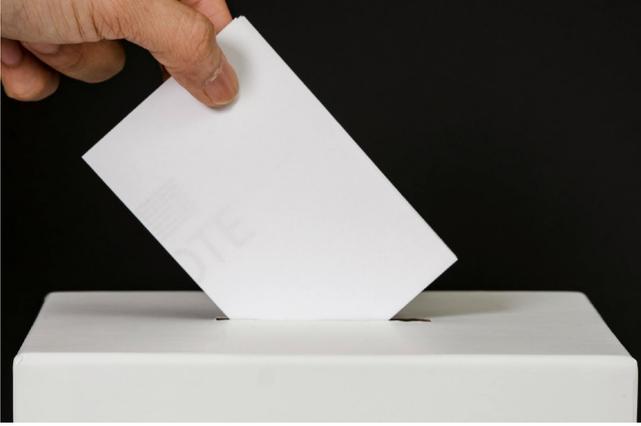
- Ensure that live-work spaces are permitted as part of the re-zoning; and
- Permit ground floor spaces in new residential developments, both market rate and affordable, to be used, by right, as flexible spaces that can accommodate offices and performance, exhibition and classroom facilities.

Affordable housing should be prioritized and incentivized:

- City-owned properties within the three corridors should be studied for feasibility for conversion into affordable housing sites; and
- A set-aside of affordable units for low-income artists should be included (see report recommendation #1 regarding adopting an ordinance implementing AB 812.)



The city of Berkeley has identified sites for housing opportunities.



### 3 Place an affordable housing bond measure on the 2028 ballot.

In 2018, the voters approved Measure O, with 77.5% of voters voting yes. Measure O provides \$135 million of funding from bond revenue to pay for affordable housing projects. Since approval of Measure O, over 750 units of affordable housing have been built or are under

construction and hundreds of units have been approved for funding and are in the development pipeline. The city completed two of the planned four issuances of the Measure O bond, with the third issuance anticipated in 2025.

The City does not have an annual Notice of Funding Availability (NOFA) process to allocate Measure O funds, but instead issues NOFAs when sufficient funding is available to support one or more projects. There are no immediate plans for a NOFA for the estimated \$1.8M in remaining Measure O funds. Staff anticipates that remaining Measure O funds could be used to support pipeline projects that need additional subsidy, or may be used to support a new project, in conjunction with other local housing funds.

While there are major affordable housing projects in the development pipeline, including the North Berkeley and Ashby BART stations, Measure O funds have been expended, encumbered, or reserved for identified projects. Therefore, there are no significant local funds that can be used for new affordable housing projects. Local funding is a critical component of affordable housing development as \$1 of local funding can leverage up to \$5-\$7 of additional funding.

Local matching funds make projects more competitive when applying for state and federal funding, and are essential for securing Low Income Housing Tax Credit funding, a key affordable housing mechanism. Without a new local source of affordable housing funding, the forward progress in addressing the city’s affordable housing crisis will be stalled and the gains in reducing the number of unhoused people and providing stable housing for low-income families and individuals will be reversed. Therefore, it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.



A 2028 bond measure can ensure funding for:

- Workforce housing, including housing for artists;
- Redeveloping the West Berkeley Senior Center site on 6th Street;
- A Social Housing pilot project(s); and
- Initiatives identified in the San Pablo Specific Plan and Corridors Zoning Update.

Several housing developments exist which aim at housing artists—from a proposed project on Market Street in San Francisco, CA (upper left) to the majestic Warren Building / the Artspace Uptown Artist Lofts (left) in Michigan City, IN and Westbeth Artists Housing in New York City, NY (lower left).

**4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites**, for an affordable housing project (new- build or existing properties) for low-income artists, provide technical assistance, pre-development funding or other resources as necessary to kick-start such a project.

The city is fortunate to be part of a vibrant affordable housing and arts ecosystem. While the development of housing projects can take years, in the short term, it is also important for the city to work to support and retain its diverse workforce and residents.

City Housing and Economic Development staff could seek to work in close partnership with arts organizations, including Artist Space Trust who is already providing technical assistance programming to educate their members and the larger arts community on accessing existing affordable housing, navigating the Section 8 wait list, monitoring various housing advocacy and provider websites, learning about community land trust housing, and more.

Longer-term, and working in partnership, these same arts organizations are a vital asset to the city in the development of an artist-centered affordable housing project. The project would incorporate best practices gathered from across the sector to create affordable housing for low-income arts workers. It could include live-work units and studio spaces, define finance and ownership structures, and importantly, continue to deliver vital technical assistance programs, aimed at informing and engaging the most vulnerable within our arts community. All the lessons learned, and expertise gained, could then inform other artist-centered housing projects and zoning programs and policies, with the goal of preserving and growing the arts as an impactful economic sector and retaining and expanding the artist community in Berkeley.

Specific activities might include:

- Explore the feasibility of a NOFA for an artist-specific affordable housing project to be funded in part with Housing Trust Fund monies.
- If sufficient funds are not available for a NOFA, develop a pilot project to provide technical assistance and pre-development funding to support an affordable housing project for artists to be awarded through a Request for Proposals (RFP) process.
- Hold a workshop for arts organizations about how to access affordable housing with information about Section 8, the Inclusionary Housing program, the Housing Preference Policy, non-profit housing development organizations, and housing advocacy groups like East Bay Housing Organization (EBHO). The workshop could also include information about Fair Housing and the Rent Stabilization Program.

**5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study - Draft - May 2025.**

The Draft Berkeley Social Housing Study advances a vision of housing as a universal right and outlines how Berkeley can integrate social housing principles into local policy. It highlights the city's acute housing challenges – widespread rent burdens, homelessness, displacement of residents, and a persistent shortfall in affordable housing – indicating that current efforts are falling short of the need.

Drawing on international models (like Vienna and Denmark) and a U.S. example (Montgomery County, MD), the study finds that social housing can be effectively delivered by public and/or nonprofit entities if backed by sustained funding, and that when such housing constitutes a large share of the total stock, it dramatically improves overall affordability. Key findings emphasize the need for: 1) long-term public investment, 2) strict cost controls to keep development costs down, and 3) strong tenant participation in housing management to ensure success.

The study’s financial analysis (comparing a mixed-income, cross-subsidy approach to a deeply affordable model) found that acquiring and rehabilitating existing buildings is more cost-effective per unit than new construction and can create affordable homeownership opportunities; however, delivering new social housing at scale will require either including some market-rate units to cross-subsidize lower rents or securing much larger public subsidies – in all cases, substantial outside funding is needed to reach the lowest-income households.

In the near term (1–3 years), the study recommends launching pilot projects to demonstrate social housing principles – for example, a mixed-income development and an acquisition-rehab project converting rentals to affordable homes. It also suggests bolstering existing programs by: 1) expanding the Small Sites Program (with sustainable funding) to preserve at-risk buildings, 2) encouraging cost-saving construction methods (like modular design), and 3) leveraging public land for affordable housing developments.

Over the medium term (4–10 years), the study calls for a 10-Year Affordable Housing Strategic Plan to set clear social housing goals (including targets for income mix and what proportion of Berkeley’s housing stock should be social) and to clarify the City’s future role in housing (whether to remain a funder or become a direct housing provider). The plan would also identify sites for future projects, institute formal cost controls on development (such as limits on unit size, per-unit cost, and developer fees), and explore new public financing tools like infrastructure financing districts to support social housing. Finally, the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures (such as participatory budgeting and rent transparency) to ensure housing is treated as a public good.

“... the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures ... to ensure housing is treated as a public good.”

## **6 Adopt a standardized process for designating local cultural districts and applying for State cultural district designation**

The City of Berkeley currently has two locally designated cultural districts. However, they are implemented differently:

1. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012, as part of the Downtown Area Plan, and has specific boundaries outlined in the Downtown Mixed-Use District.

2. The Black Arts & Culture District was designated by the City Council on February 13, 2024, by Resolution No. 71,212–N.S. The Black Arts & Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and “strongly encourage[s]” arts and entertainment uses in ground floor spaces.

In December 2024, the City Council referred to the City Manager and Civic Arts Commission the task of establishing common standards for locally designated cultural districts, with the recommendation that the city should consider a standard process for cultural district designation such that the above and future designations can qualify under AB 812 as a “similar locally designated cultural district.”

The referral also directs city staff to consider seeking state-level cultural district designation once local standards are in place. With the adoption of AB 189 (2015), the state of California launched the California Cultural District program as a pilot in 2017, with 14 state-designated cultural districts certified by the California Arts Council. In June 2025, the Council launched a second round of the California Cultural Districts program to select another 10 state-designated cultural districts.

Adopting common standards for locally designated cultural district will leverage the power of the AB 812 implementing ordinance by expanding the universe of available BMR set-aside units for lower-income artists, as these set-aside units can be located with 1/2 mile of a state-designated cultural district.

## **7 Preserve the funding or a guaranteed basic income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.**

The feasibility of including low-income artists and cultural workers as eligible participants in a Guaranteed Basic Income pilot project should be explored in recognition of their economic vulnerability and contribution to Berkeley’s cultural and economic vitality.

As part of its Reimagining Public Safety initiative, the City Council budgeted \$50,000 to hire a consultant to develop a Guaranteed Basic Income (GBI) pilot project. According to staff, this project has not moved forward and the designated funding will be examined among competing priorities for the city budget in the fall. When the GBI pilot project is re-evaluated in the fall, HAC and the Civic Arts Commission recommend that the funding be retained for this initiative.

Artists share the same challenges as other economically precarious workers with irregular incomes. Participation in a GBI program could help stabilize housing and access to work spaces, thereby retaining an important sector of the local economy. A study of Oakland’s recently concluded GBI pilot program showed that the GBI pilot program resulted in more modest employment and modest improvements in



“Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community.”

housing outcomes, including less likelihood of becoming homeless, compared to the control group.

Moving forward with a GBI pilot project is essential given all the on-going and anticipated cuts to federal and state social safety net programs and services. Strategies to meet the needs of lower income workers must be explored and implemented as resources shrink and the need grows. Developing and refining best practices is an important part of this effort if we are to support and sustain the arts and the working artists who make up the arts workforce.

### **Wrap-Up**

Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community. Its original Arts and Culture Plan was approved over 20 years ago. During this time, the city has weathered the Great Recession of 2008; multiple housing cycles and downturns resulting, at various times, in increases in its unhoused residents; a growing affordable housing crisis; a pandemic; and most recently, an unprecedented attack on the social safety net and funding for the arts and humanities by the federal government.

At the same time, the city has worked hard to address these challenges, with citizens voting for several measures to fund programs to reduce homelessness and build affordable housing. During the pandemic, the city provided emergency funding to non-profit arts organizations and tenants to prevent displacement. The city has undertaken several planning initiatives to incentivize more equitable development and pave the way for more affordable housing opportunities. These efforts must be built upon to realize the goal of supporting the long-term sustainability of the arts and culture sector. Adopting this report's recommendations will go a long way to achieving that effort.

## APPENDIX A

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

Implementation of AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.328 is amended to read as follows:

Section 23.328.010

Findings and Purpose.

Section 23.328.010 is amended to add the following:

H. AB 812 (Chapter 747) authorizes a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

I. The City of Berkeley has two locally designated cultural districts. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S. 2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.

J. According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual

household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.

K. In 2023, the City Council approved the City of Berkeley's 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population including Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, artists, and other residents who work in the City of Berkeley.

L. In 2023, the City Council approved an Affordable Housing Preference Policy for individuals who have previously been displaced from Berkeley and desire to return. Implementation of the AB 812 affordable housing set-aside for low-income artists shall be consistent with the Affordable Housing Preference Policy as it may be amended from time to time.

Section 23.328.020

Definitions

Section 23.328.020 is amended to add the following:

"Affordable housing" for the purposes of implementing AB 812 (Chapter 747) means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

"Artist" for the purposes of this Chapter means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

**APPENDIX A ... continued**

Section 23.328.030 Affordable Housing Regulations

Section 23.328.030 Affordable Housing Regulations is amended to add the following:

A. Requirement to Construct Affordable Units.

A. 10. Pursuant to AB 812 (Chapter 747), up to 10% of the required Affordable Units shall be reserved for Artists, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district. The percentage of Affordable Units set aside for Artists and consistency with the City's Affordable Housing Preference Policy shall be determined by the City Manager or their designee who may promulgate additional rules and regulations consistent with the requirements of AB 812 (Chapter 747).

Section 2. The City Council intends that this Ordinance be construed as an amendment to the City's existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on \_\_\_\_\_, 20\_\_\_\_\_, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: \_\_\_\_\_ Nos: \_\_\_\_\_

Absent: \_\_\_\_\_

Credits/ Art and Photographs

Cover: Maudelle Miller Shirek Community (housing development) image provided by MWA Architects

Page 2: 2902 Adeline Street Site Plan (detail) by Trachtenberg Architects

Page 5: Photograph by Pexels/Cottonbro

Page 7: The City of Berkeley/San Pablo Avenue Specific Plan "Walking Tour" Guide

Page 8: The City of Berkeley/North Shattuck, College, Solano Corridors Plan

Page 9: Photograph by Pexels/Sora Shimazaki (top); 1687 Market Street, rendering by Mark Cavagnero Associates (bottom inset), Warren Building image provided by Artspace, Westbeth Artists Housing photograph by Graham Dickie/*The New York Times* (bottom inset).

Page 12: Photograph by Pexels/Pixabay



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## Getting the State Legislature On The Same (Real) Page

 Jul 9, 2025 | 03:22 PM

Ever since ProPublica started reporting on RealPage, the landlord collusion software, housing policy advocates have tussled over how to deal with it.

Some people see it as a root cause of our housing crisis, validating the idea that we don't need more housing, we just need to crack down on greedy, cheating landlords. Others see it as a minor irritant in the housing market at best, and a distraction from the necessary focus on supply at worst.

While I certainly lean more toward the latter - banning RealPage and other forms of collusion software isn't a magic fix to our housing problems - this kind of collsive behavior undermines the effectiveness of new supply and can directly harm renters at the margins.

California state legislators seem to agree - while the big focus this year has been on streamlining and enabling new supply, there are also 4 separate bills moving through the process to tackle algorithmic collusion software like RealPage along with other similar schemes.

As the Assembly Judiciary Committee's legislative analyst put it: "unlike a price-fixing cartel, the authors have not colluded."

It's possible some of the different bills will get consolidated or unified, but in the meantime, this post will describe the 4 bills

tackling RealPage, along with my own analysis/interpretation. (A lot of this is coming directly from the bill text or committee analysis, using CalMatters' excellent Digital Democracy reporting.)

## The Big Problem

An issue that I'll mention a few times here is that our understanding of how RealPage works, and thus what behavior needs to be targeted, has changed since 2022: While initial legislative efforts have focused on the use of nonpublic competitor data, RealPage has adjusted and has created a compliant option where nonpublic data isn't used as part of recommending rental terms. Focusing on nonpublic competitor data speaks to an important aspect of collusion but not the whole thing - recommendations can still be set with the intention to keep rents high for the market as a whole even without any specific knowledge of current inventory and prices at competitors.

In other words, any meaningful ban will need to focus more broadly on collusive behavior and less on nonpublic data.

## The Bills

Each bill has passed its house of origin on mostly party line votes, and is working its way through the other house.

Note that these descriptions are valid as of today - July 9, 2025. The bills will surely be further amended if and when they continue to move through the process.

### **SB 295**

**California Preventing Algorithmic Collusion Act of 2025**

**CalMatters writeup here**

Authored by Melissa Hortado (Central Valley)

SB 295 is not focused specifically on housing but prohibits algorithmic collusion in general.

## **SB 384**

**Preventing Algorithmic Price Fixing Act: prohibition on certain price-setting algorithm uses.**

**CalMatters writeup here**  
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Authored by Aisha Wahab (Fremont)

SB 384 is similarly not focused specifically on housing but does mention “rent or occupancy level of rental property” as something that cannot be set using its (somewhat lacking, see below) definition of a price setting algorithm.

## **SB 52**

**Housing rental terms: algorithmic devices**

**CalMatters writeup here**  
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Authored by Sasha Perez (Pasadena)

SB 52 is focused solely on prohibiting algorithmic collusion in the context of the residential rental market.

## **AB 325**

**Cartwright Act: violations**

**CalMatters writeup here**  
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Authored by Ceclia Aguilar-Curry (Napa / Davis / West Sacramento)

AB 325 takes a different approach, focusing on amending state anti-trust law by adding language regarding “common pricing algorithms” rather than

nonpublic information. Like SB 295 and 384, it is not focused solely on rental housing.

## The Bans

### **SB 295**

(a) A person shall not **distribute** a pricing algorithm, **or make recommendations** based on the use of a pricing algorithm, to two or more competitors **with the intent or reasonable expectation** that the pricing algorithm or the recommendations be **used by the competitors to set the price** or commercial term of similar products or services in the same market **if the person knows or should know that the pricing algorithm processes competitor data.**

(b) A person shall not **use the recommendation** of a pricing algorithm that processes competitor data to set a price or commercial term of a product or service **if the person knows or should know** that the pricing algorithm uses or **incorporates competitor data** and that the pricing algorithm **or the recommendation of the pricing algorithm was used by another a competitor** to set or recommend a price or commercial term of a similar product or service in the same market.

### **SB 384**

A person shall not sell, license, provide, or use a price-setting algorithm with the intent that it be used by two or more competitors in the same market if the person knows or should know that the algorithm processes nonpublic input data to set either of the following:

- (1) A price or supply level of a good or service.
- (2) A rent or occupancy level of rental property.

### **SB 52**

This one I'll summarize because it's a lot of text:

1. You can't sell a rental pricing algorithm if your intent is for it to be used by multiple competitors in the same market.
2. You can't use a rental pricing algorithm if you know it's being used by your competitors or if you "coerce any other person" to use rental terms from the algorithm.
3. You can't set rents based on the recommendation of a pricing algorithm if you know it contains nonpublic data or was used by your competitors.

## **AB 325**

(a) It shall be unlawful for a person to use or distribute a common pricing algorithm as part of a contract, combination in the form of a trust, or conspiracy to restrain trade or commerce in violation of this chapter (the Cartwright Act).

(b) It shall be unlawful for a person to use or distribute a common pricing algorithm if the person coerces another person to set or adopt a recommended price or commercial term for the same or similar products or services in the jurisdiction of this state.

## **Winners: AB 325, SB 52, and SB 295**

The issue with 384 is that it only prohibits collusion if nonpublic competitor data is used, and doesn't separately emphasize collusion. The other bills include a separate emphasis on collusion.

## **Algorithm definitions**

### **SB 295**

"Pricing algorithm means **any computational process**, including a computational process derived from machine learning or other artificial intelligence techniques, **that processes data to recommend or set a price or commercial term** within the jurisdiction of this state."

## **SB 384**

"Price-setting algorithm means a **software**, computer system, computer process, algorithmic program, or artificial intelligence **that processes nonpublic input data for the purpose of producing a pricing or rental strategy.**"

## **SB 52**

Rental pricing algorithm means a **service or product** commonly known as revenue management software, that uses one or more algorithms to **perform calculations of nonpublic competitor data** concerning local or statewide rental terms **for the purpose of advising a landlord on setting or recommending rental terms** for residential premises.

## **AB 325**

Common pricing algorithm means **any process or rule**, including a process derived from machine learning or other artificial intelligence techniques, that **processes the same or substantially similar data to recommend or set a price or commercial term** using the same or performing a substantially similar function.

## **Winners: AB 325 and SB 295**

The issue with 384 and 52 is they define a pricing algorithm as something that necessarily includes nonpublic competitor data. This isn't helpful because as I've said, we know that RealPage has the ability to exclude nonpublic data from its calculations. The problem isn't (only) the data that's being used, it's the fact that the same trained model is being used to generate pricing recommendations across multiple competitors.

## **Exclusions**

The three Senate bills focus on nonpublic competitor data and include details regarding what does and doesn't qualify as nonpublic data.

## **SB 295**

This bill allows for the use of nonpublic competitor data “if all of the competitor data processed by the pricing algorithm was collected more than one year before the use or distribution of the pricing algorithm

## **SB 384**

A person has “an affirmative defense to liability” if they can demonstrate that they “exercised reasonable due diligence, including obtaining written assurances...that the algorithm does not process nonpublic input data.”

## **SB 52**

Specifies that nonpublic competitor data doesn't include publicly accessible sources such as advertisements, websites maintained by property owners or managers, government rental registries, public records requests, information from the Census Bureau, and others.

Also excludes data collected more than one year before the use or distribution of the rental pricing algorithm.

## **AB 325**

AB 325 doesn't focus on nonpublic competitor data and so doesn't contain language excluding or specifying certain data sources.

## **Supporters and Opponents**

### **SB 295**

SB 295 is sponsored by the AIDS Healthcare Foundation, a major (and notorious among certain activists) funder and organizer of tenant rights legislation. It's also supported by the City of Emeryville and TechEquity

Action. Among the 4 bills it has the narrowest base of organizational support. It is opposed by a wide range of business interests, well beyond just those relating to housing or real estate..

## **SB 384**

SB 384 is supported by a broader coalition of organizations than SB 295 and opposed by a similar coalition.

## **SB 52**

SB 52 is supported by a broad coalition, including TechEquity Action and many organized labor organizations. It is opposed by a more narrow coalition, primarily groups representing landlords and realtors.

## **AB 325**

AB 325 is supported by a wide range of labor and progressive organizations, including both progressive housing organizations like AIDS Healthcare Foundation and the Western Center and Law and Poverty, as well as more than a dozen supply-oriented groups throughout the state. It is opposed by a wide range of business interests.

# **Conclusion**

For my money, the best bills of the bunch are AB 325 and SB 52. Together, they have the widest base of support, and I like that they tackle different components of the problem.

While the issue has moved past a sole focus on the use of nonpublic data, it's good that SB 52 proscribes the use of that data while making very clear what can be used as part of a pricing algorithm. The focus shouldn't be on technology, it should be on cheating, and of the three Senate bills I think SB 52 does the best job of threading that needle.

I do think that SB 52 could be strengthened by amending its definition of a pricing algorithm to drop any reference to nonpublic data, and instead say that you can't use nonpublic data to train or inform a pricing algorithm.

As for AB 325, I'm a little bit out of my depth talking about anti-trust law. I like the language of a "common pricing algorithm", which makes it clear that we're talking about something that is shared across multiple users. I also like that it makes no reference to nonpublic data so that if there were any sort of legal issue and one of the other bills were passed but struck down or rendered toothless in the courts, you'd still have this bill.

[#housing](#) [#technology](#) [#real-page](#) [#ca-legislature](#) [#hurtado](#) [#wahab](#)  
[#perez](#) [#aguilar-curry](#)

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Housing Advisory Commission

To: Housing Advisory Commission  
Submitted by: David Shere, District 2  
Subject: Support for AB 325 (Aguilar-Curry) and SB 52 (Perez)

### RECOMMENDATION

The Housing Advisory Commission recommends that Council approve a letter to Assemblymember Aguilar-Curry in support of AB 325 and send copies to Assemblymember Wicks, Senator Arreguin and Governor Newsom.

The Commission also recommends that Council approved a letter to Senator Sasha Perez in support of SB 52, with one suggested amendment, and send copies to Assemblymember Wicks, Senator Arreguin and Governor Newsom

### FISCAL IMPACTS OF RECOMMENDATION

None

### CURRENT SITUATION AND ITS EFFECTS

At its October 10, 2024 meeting, the Housing Advisory Commission recommended that Council adopt an ordinance to “prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.”

At its March 25, 2025 regular meeting the City Council passed the second reading of an amended version of that ordinance. At its July 8, 2025 regular meeting Council passed a second reading of an amendment to that ordinance, delaying its implementation until March of 2026.

As of today, there are 4 bills moving through the State Legislature that speak to similar issues as Berkeley’s delayed ordinance.

### BACKGROUND

The City of Berkeley along with the entire Bay Area and State of California face a devastating housing crisis that has resulted in the destruction of countless communities through displacement, as housing costs rise out of reach of working families.

## Support for AB 325 (Aguilar-Curry) and SB 52 (Perez)

In this face of this crisis, the City of Berkeley has been a regional leader in protecting tenants and producing new housing at all income levels. Nevertheless city leaders must remain vigilant to new threats and schemes that can harm tenants and worsen our affordability challenges.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

While Berkeley's effort to protect tenants from algorithmic collusion is moving through the judicial process, efforts to proscribe similar behavior continue at the state level. Berkeley is part of a regional housing market, so any action that has the effect of reducing rents in neighboring jurisdictions will have positive impacts on Berkeley's tenants.

There are currently 4 bills moving that will address algorithmic collusion.

The four bills are:

SB 295<sup>1</sup> (Hortado), SB 384<sup>2</sup> (Wahab), SB 52<sup>3</sup> (Perez), and AB 325<sup>4</sup> (Aguilar-Curry).

This recommendation focuses on SB 52 and AB 325 because those bills get close to the heart of the matter - algorithmic collusion. Berkeley's own ordinance understood that a strict focus on nonpublic competitor data is inadequate, since software vendors are able to comply with those regulations while still enabling collusion.

While Senate Bills 295, 384, and 52 are quite similar, there are some differences that render 52 the strongest of the group.

The problems with 384 are that it focuses solely on collusive behavior in the context of nonpublic competitor data, and it specifically protects users of these algorithms if the distributors offer written assurances that no nonpublic data was used.

SB 295 similarly has a substantial emphasis on "competitor data" - the use of a shared algorithm is only proscribed in the event that the algorithm processes competitor data.

SB 52 comes the closest - it prohibits use or distribution of rental pricing algorithms in the case that an algorithm is being used by two or more landlords in the same rental

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<sup>1</sup> [https://calmatters.digitaldemocracy.org/bills/ca\\_202520260sb295](https://calmatters.digitaldemocracy.org/bills/ca_202520260sb295)

<sup>2</sup> [https://calmatters.digitaldemocracy.org/bills/ca\\_202520260sb384](https://calmatters.digitaldemocracy.org/bills/ca_202520260sb384)

<sup>3</sup> [https://calmatters.digitaldemocracy.org/bills/ca\\_202520260sb52](https://calmatters.digitaldemocracy.org/bills/ca_202520260sb52)

<sup>4</sup> [https://calmatters.digitaldemocracy.org/bills/ca\\_202520260ab325](https://calmatters.digitaldemocracy.org/bills/ca_202520260ab325)

## Support for AB 325 (Aguilar-Curry) and SB 52 (Perez)

market. The only issue is that its definition of a “rental pricing algorithm” includes the requirement that the algorithm performs “calculations of nonpublic competitor data.”

The City’s letter of support should suggest an amendment to the text that excludes “nonpublic competitor data” from the definition of an algorithm, since other elements of the bill’s text adequately specify that landlords can’t use an algorithm that includes that data.

### ALTERNATIVE ACTIONS CONSIDERED

The City could endorse one or more of the other bills at the state level that targets algorithmic rent setting, or none at all.

## **FY 2024-25 HAC WORK PLAN**

### Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committing to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice lens.

### Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism and inequity in the city of Berkeley as outlined in HAC's FY 2024-25 work plan.

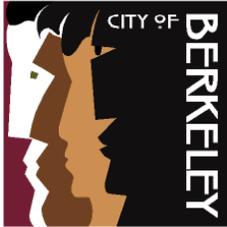
### FY 2024-25 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Work with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.
- Undertake a process to: 1) better inform the HAC about General Fund-funded workforce development programs and agencies, and ESG and CDBG-funded agencies, programs, and funding needs, and 2) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.

- Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
- Review and make recommendations to City Council regarding various affordable housing policies including the Housing Preference Program discrimination study report (if funded), the proposed amendments to the City's linkage fees program, etc.
- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, proposed "upzoning" to provide opportunities for more middle-income housing.
- As part of the CDBG five-year Consolidated Plan adoption, provide recommendations to the City Council regarding the City's single-family rehabilitation programs, including emergency home repair, accessibility improvements, and major rehabilitation.

Outcomes:

- HTF monies pledged to affordable housing projects serving families and housing-insecure households
- CDBG-funded public facilities constructed in support of non-profits
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure
- Five-Year and Annual CDBG/ESG/Workforce Development Plans/programs and funding recommendations that are grounded in service to the city's low-income and historically marginalized residents
- Citywide initiatives that enhance opportunities for affordable housing preservation and development
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.



Lori Droste, District 8  
Susan Wengraf, District 6

CONSENT CALENDAR  
July 19, 2016

TO: Honorable Mayor and City Council

FROM: Councilmembers Lori Droste, Susan Wengraf,  
Linda Maio, and Kriss Worthington

SUBJECT: Commission Work Plans

RECOMMENDATION

Commissions—with the exception of the Board of Library Trustees, Design Review Committee, and the Zoning Adjustments Board—will submit a work plan detailing its goals and objectives for the year. Plans will be submitted at the start of the fiscal year, annually.

FINANCIAL IMPLICATIONS

Although additional staff time will be needed to assist commissions in drafting work plans, staff time will be reduced overall if misaligned commission referrals are reduced. In addition, if boards and commissions do not direct city staff to perform research, gather information, or otherwise engage in activities involving projects or matters that are not aligned with the City's Strategic Plan, staff will be able to make more efficient use of their time.

BACKGROUND

The City of Berkeley is in the process of introducing its first strategic plan. To ensure that Berkeley's commissions are in alignment with the overall mission of the City, commissions should submit annual work plans. Each work plan should contain the following information:

1. Commission mission statement
2. What are the commission's goals? In order to achieve these objectives, please specify:
  - a. Resources
    - i. What specific resources are needed and available to achieve desired change? (i.e. staff time, \$, time, materials, equipment)
  - b. Program activities
    - i. What will the commission do with its resources?
    - ii. Processes, tools, events, technology, actions that are employed to bring about the intended objectives.

- c. Output(s)
  - i. What will be the direct results of commission activities?
  - ii. How much will be done? (i.e. Number of forums/meetings held, # of participants reached, etc.)
- d. Outcomes
  - i. The specific changes desired/achieved in the short-term (1-3 years) and long-term (4-6 years)

Outcomes should be measurable, action-oriented, and realistic (W. K Kellogg Foundation, 2004).

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Lori Droste, City Councilmember District 8, 510-981-7180

Susan Wengraf, City Councilmember District 6, 510-981-7160

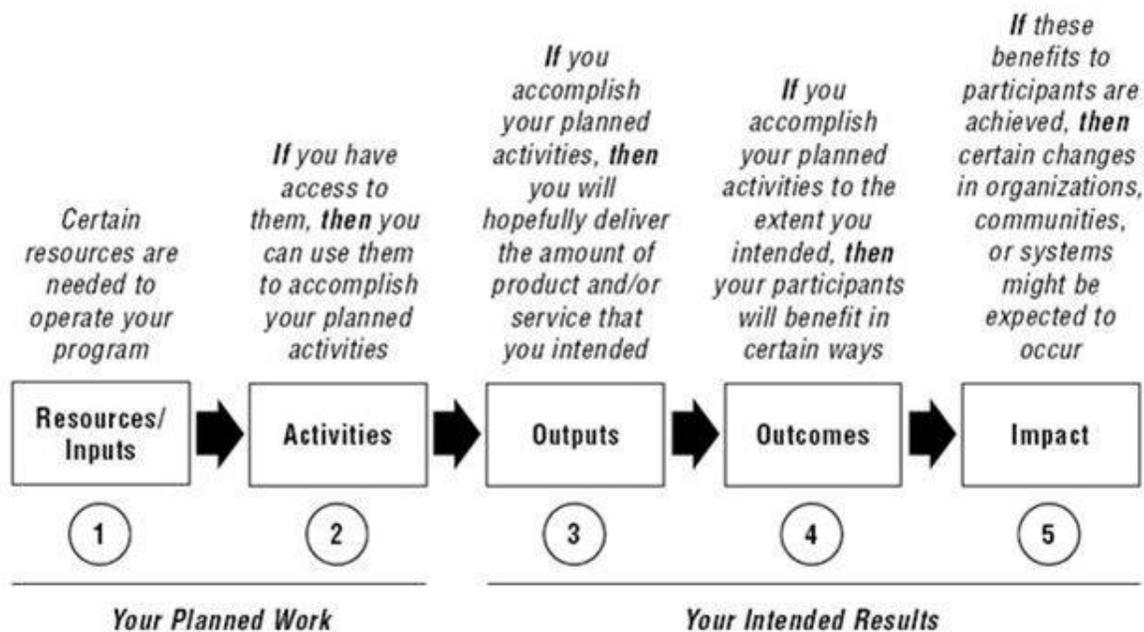
Attachments:

1: Logic Model Summary (W.K. Kellogg Foundation)

# Logic Model Summary

A logic model brings program concepts and dreams to life. It lets stakeholders try an idea on for size and apply theories to a model or picture of how the program would function.

The program logic model is defined as a picture of how your organization does its work – the theory and assumptions underlying the program. A program logic model links outcomes (both short- and long-term) with program activities/processes and the theoretical assumptions/principles of the program.



The Basic Logic Model components shown above are defined below. These components illustrate the connection between your planned work and your intended results.

They are depicted numerically by steps 1 through 5.

YOUR PLANNED WORK describes what resources you think you need to implement your program and what you intend to do.

**1. Resources** include the human, financial, organizational, and community resources a program has available to direct toward doing the work. Sometimes this component is referred to as Inputs.

**2. Program Activities** are what the program does with the resources. Activities are the processes, tools, events, technology, and actions that are an intentional part of the program implementation. These interventions are used to bring about the intended program changes or results.

YOUR INTENDED RESULTS include all of the program's desired results (outputs, outcomes, and impact).

**3. Outputs** are the direct products of program activities and may include types, levels and targets of services to be delivered by the program.

**4. Outcomes** are the specific changes in program participants' behavior, knowledge, skills, status and level of functioning. Short-term outcomes should be attainable within 1 to 3 years, while longer-term outcomes should be achievable within a 4 to 6 year timeframe. The logical progression from short-term to long-term outcomes should be reflected in impact occurring within about 7 to 10 years.

**5. Impact** is the fundamental intended or unintended change occurring in organizations, communities or systems as a result of program activities within 7 to 10 years. In the current model of WKKF (W.K. Kellogg Foundation) grantmaking and evaluation, impact often occurs after the conclusion of project funding.

Compiled from:  
W.K. Kellogg Foundation. "Logic Model Development Guide." (2004)



City Clerk Department

June 27, 2025

To: Commission Secretaries  
From: Mark Numainville, City Clerk  
Subject: Update on the Status of Hybrid Meetings for City Commissions

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Pursuant to previous City Council action, City commissions will move toward a hybrid meeting format when technical and operational requirements are met.

In a hybrid meeting format, members of the community may participate either in-person at the physical meeting location or through an online audio-visual platform such as Zoom.

Commissioners will participate in-person unless they are permitted to participate remotely as outlined in the teleconference policy or ADA procedure in the Commissioners' Manual.

The City Clerk Department and Department of Information Technology are currently in the process of configuring and testing the equipment used for a hybrid meeting. This testing is expected to be completed this summer. As part of the testing, the City Clerk Department is developing step-by-step procedures for the set up and conduct of a virtual meeting using City equipment at a City facility.

There will be two types of remote meeting audio-visual equipment. The first type is large screens on a rolling cart. These A/V carts will be used only for commission meetings held in the Multi-Purpose Rooms (MPR) at the North Berkeley Senior Center and South Berkeley Senior Center. The second type of remote meeting equipment is an "Owl Kit" – these kits consist of a meeting Owl, laptop, and projector. The Owl Kit is used for any commission meeting not held in an MPR at a senior center. Of course, if your commission currently meets in a location that has built-in videoconference capability, you may use that equipment for your hybrid meetings.

The current timeline is for quasi-judicial commissions to begin hybrid meetings in the fall of 2025. Upon successful completion of the pilot program with the quasi-judicial commissions, the hybrid meeting program will be expanded to all city commissions.

My office will schedule a series of in-person, hands-on trainings to allow secretaries and commission staff to become comfortable and proficient with the teleconference equipment. More information will be forthcoming as we continue the implementation process.