Housing Advisory Commission

Regular Meeting Thursday, September 3, 2026 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Snow Zhu, Secretary HAC@berkeleyca.gov

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using **Zoom: https://cityofberkeley-info.zoomgov.com/j/1611379152**. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 137 9152**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email HAC@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. Questions regarding this matter may be addressed to HAC@berkeleyca.gov.

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.

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1. **Roll Call**
2. **Land Acknowledgment** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of July 2, 2026 Special Meeting Minutes** (Attachment 2)
6. **Public Hearing: Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2025 (July 2025 through June 2026)** – Jiro Arase, HHCS (Attachment 3)

7. **Discussion and Possible Action: Short-Term Tenant Relocation Per-Diem Payment Rate Update Under Berkeley Municipal Code Chapter 13.84 (Tenant Relocation Ordinance)** – Snow Zhu, HHCS (Attachment 4)
8. **Update on Council Items (Future Dates Subject to Change)**
9. **Announcements/Information Items**
   a. State Density Bonus Law Informational Report (Attachment 5)
   b. Commissioner Stipend (Attachment 6)
10. **Future Items**
11. **Adjourn**

Attachments

1. Land Acknowledgment
2. Draft July 2, 2026 Special Meeting Minutes
3. Jiro Arase, HHCS, Public Hearing on City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2025 (July 2025 through June 2026)
4. Snow Zhu, HHCS, Short-Term Tenant Relocation Per-Diem Payment Rate Update Under Berkeley Municipal Code Chapter 13.84 (Tenant Relocation Ordinance)
5. Justin Horner, Planning and Development, State Density Bonus Law Informational Report
6. Mark Numainvlile, City Clerk, Commission Low-Income Stipend Update

Notices

Notice of Public Record

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 relevant board, commission, or committee. 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 of the relevant board, commission, or committee for further information.

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Health, Housing, and Community Services located at 2180 Milvia Street, Berkeley, CA 94704.

Communication Access Information

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Certification of Public Posting

I hereby certify that the agenda for this meeting of the Berkeley City Commission was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on August 27th, 2026.

Snow Zhu, Secretary

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.

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Housing Advisory Commission

HOUSING ADVISORY COMMISSION

DRAFT MINUTES

Special Meeting **Thursday, July 2, 2026** **7:09 pm**	**South Berkeley Senior Center** 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov

1. **Roll Call**

   Present: Sarah Bell, Karen Haycox (7:11 pm arrival), David Shere, Leah Simon-Weisberg, Alfred Twu, and Sean Vaughn Scott.

   Absent: Syrak Micael (excused) and Rebecca Mirvish (excused).

   Staff Present: Anna Cash, Lourdes Chang, Mike Uberti

   Commissioners in attendance: 6 of 6

   Members of the public: 5

   Public Speakers: 2

2. **Land Acknowledgment**

3. **Agenda Approval**

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

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

4. **Public Comment:** Zero speakers

5. **Approval of June 4, 2026 Regular Meeting Minutes**

   Action: M/S/C (Twu/Shere) to approve the June 4, 2026 Regular Meeting minutes.

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

6. **Discussion and Possible Action: Loan Modification Request for Housing Trust Fund Loans at 2425 Shattuck Avenue (Shattuck Senior Homes)**

   Action: M/S/C (Simon-Weisberg/Haycox) to recommend that the City Council approve modification of the City's existing Housing Trust Fund (HTF) loans for Shattuck Senior Homes, located at 2425 Shattuck Avenue, by:

   1. Combining the outstanding principal balances of the two existing loans into one new City loan in the amount of $970,603;
   2. Reducing the interest rate from 6% to 3% simple interest;
   3. Extending the loan maturity date by 55 years to September 1, 2082;

4. Waiving the requirement to restrict 20% of units at 30% Area Median Income (AMI) and maintaining affordability requirements at 50% and 60% AMI; and
5. Extending the Regulatory Agreement so that it is coterminous with the new loan maturity date of September 1, 2082.

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

7. **Discussion and Possible Action: Affordable Housing Preference Policy Pilot Assessment and Policy Updates**

Public Speakers: 2

Action: M/S/C (Shere/Simon-Weisberg) to recommend City Council adopt a resolution to establish an updated affordable housing preference policy with the following preference categories organized into ranked tiers:

- Displaced due to BART construction
- Generational ties to redlined neighborhoods (with families with children prioritized)
- Current/displaced Berkeley resident (with families with children prioritized)

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

8. **Discussion and Possible Action: Appoint Subcommittees**

a. Housing Trust Fund Subcommittee

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

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

b. Public Facilities Improvements Subcommittee

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

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

9. **Discussion and Possible Action: Commission Work Plan**

Action: M/S/C (Twu/Vaughn Scott) to approve the Fiscal Year 2027-28 Commission Work Plan, as amended.

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

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

11. **Announcements/Information Items**

12. **Future Items**

13. **Adjourn M/S/C**

Action: M/S/C (Shere/Twu) to adjourn the meeting at 8:58 pm.

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

Health, Housing, and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Kat Larrowe, Community Service Specialist III
Jiro Arase, Associate Management Analyst

Date: September 3, 2026

Subject: **Public Hearing on City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2025 (July 2025 through June 2026)**

Beginning Friday, August 28, 2026, the HAC and public are able to review and comment on the City's Draft Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2025 (July 1, 2025 to June 30, 2026). The draft CAPER is also available for public review on the City's HUD Planning and Performance Reports website.

The CAPER is a report required by the U.S. Department of Housing and Urban Development (HUD) which tells HUD and the public how the City spent its federal funds in the prior year. The City must complete the CAPER and submit it to HUD no later than 90 days after the program year ends, including City responses to all written public comments. The HAC's review of the Draft CAPER is part of the City's Citizen Participation Process. Written comments must be received by no later than Monday, September 14, 2026 at 11:59p.m. and can be submitted to jarase@berkeleyca.gov. Members of the public and the HAC can also provide comment on the draft CAPER at the HAC's September 3rd meeting during an agenized public hearing. This public hearing also serves as an opportunity for the HAC and public to comment on unmet community needs and how future funds should be used.

While staff make every effort to have as much of the information be as complete and accurate as possible for the draft CAPER, some areas remain unfinished in the current version. The draft CAPER indicates specific areas that are still in draft form. For example, some details on expenditures in PY25 remain incomplete until mid-September (after the draft CAPER has been published) when the City makes the final draw to HUD. Please also note that data, expenditures and/or other information may be added/edited/removed from the current draft.

Health, Housing, and
Community Services Department
Housing & Community Services Division

To: Housing Advisory Commission

From: Snow Zhu, Community Development Project Coordinator

Mike Uberti, Senior Community Development Project Coordinator

Date: September 3, 2026

Subject: **Short-Term Tenant Relocation Per-Diem Payment Rate Update Under Berkeley Municipal Code Chapter 13.84 (Tenant Relocation Ordinance)**

RECOMMENDATION

Recommend the City Council adopt a resolution to update the payments for tenant relocations twenty-nine (29) days or less as required by Berkeley Municipal Code Chapter 13.84 to:

1. $189 per day per household and designate this as the lodging allowance;
2. $23 per person per day and designate this as the meal allowance;
3. $79 for dogs and $32 for cats who are listed on the lease; and
4. Increase these amounts annually based on Consumer Price Index (CPI-U).

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact to the City from the proposed amendments. It is the property owner's obligation to provide relocation payments to tenants.

CURRENT SITUATION AND ITS EFFECTS

On June 6, 2023, Council adopted a referral to review and amend the Tenant Relocation Ordinance and draft a new Tenant Habitability Plan. The referral includes multiple, distinct policy updates. This includes updating the short-term per diem payment rates and indexing regular increases to cost of living increases. Staff are advancing this proposed update to short-term per-diem payments independent of the broader referral. This will allow the rates to increase immediately while the broader referral items are developed. This is intended to better serve residents as the rates have not changed since 2011 and there is no escalation clause to address inflation.

The Tenant Relocation Ordinance provides fixed per diem amounts for short-term relocation reimbursements (i.e., relocations lasting twenty-nine consecutive days or less). BMC Section 13.84.070 notes that payment amounts shall be established by City Council resolution and be based upon tenant household size.

The current short-term per diem rates are based on a market survey of area motels, comparisons with other jurisdictions that provide per diem payments, and the per diem rates established by the Federal General Services Administration (GSA). These rates no longer reflect the current cost of temporary housing, food, and incidental expenses in the local market.

Additionally, BMC 13.84.070 requires the per diem to address lodging and meals. The current rate is a flat rate with increased allowances for additional household members that does not explicitly account for meals. Staff are proposing to establish a separate meal allowance as required by the ordinance. The meal allowance is a per-person rate for all household members included on the lease.

Staff propose increasing the short-term relocation per diem amounts by Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward region. The escalated rate for a one-person household is proposed as the new per diem lodging rate. The escalated rate for additional household members is proposed as the new meal rate.

The CPI-U increased 58 percent from 2011 to 2026. Based on this data, the per diem rate increases from $120 per day to $189 per day (see Table 1). The proposed meal rate is $23 per person per day based on the current additional household member rate of $15 per day.

Staff also propose increasing the lodging rate for pets by CPI-U. The pet lodging rate applies only to pets that are on the rental agreement and if the tenant household's temporary accommodation does not accept pets. The rate would increase from $50 per day to $79 per day for dogs. The rate would increase from $20 per day to $32 per day for cats.

Table 1 shows the current and proposed payment schedules by household size. For example, a household with two adults and one child would be entitled to $258 per day under the proposed payment schedule compared to $166 per day under the current payment schedule. The City will adjust all rates by CPI-U for the San Francisco-Oakland-Hayward region on an annual basis. Property owners can continue to offer alternative comparable lodging in lieu of direct payments. Tenants can choose whether to accept the alternative lodging or the relocation payments.

Table 1: Payment Schedule for Relocation Lasting Twenty-Nine (29) Days or Less

Category	Current Payment Schedule (Per Day)	Proposed Payment Schedule (Per Day)
One-Person Household	$120	$189 per household, plus $23 per person for meals
Two-Person Household	$135	
Three-Person Household	$166	
Additional Household Members	$15/ per person	
Pet Lodging	$50 for dogs $20 for cats	$78 for dogs $31 for cats

Source: Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) for San Francisco-Oakland-Hayward, CA, all urban consumers

Attachment 1 provides a comparison of Berkeley's current and proposed rates to other jurisdictions in the region and state.

BACKGROUND
Chapter 13.84 of the Berkeley Municipal Code, the Tenant Relocation Ordinance, was adopted in 1986 to provide protections and relocation benefits for tenant households who are temporarily displaced due to code enforcement action, planned repairs, or renovations. The Tenant Relocation Ordinance has been amended several times to clarify or expand the provisions of the ordinance. The most recent amendments, including the adjustment to the short-term per diem rate, occurred in 2011.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
The proposed changes to relocation payments will align the short-term relocation requirements with those of long-term relocation. Long-term relocation payments are updated annually to reflect current rents. Using CPI-U provides a method for the payment amounts to automatically update each fiscal year and reflect current market conditions without a new study or review. The revised proposal also includes a separate meal allowance as required by the ordinance.

ALTERNATIVE ACTIONS CONSIDERED
HAC could decline to make any changes to the relocation payments. However, given the rate of inflation since 2011, the current relocation payments do not sufficiently cover the costs of lodging and meals in the local market.

Staff considered alternate methods for updating the payment schedule, including solely using the Federal GSA per diem rates for lodging and meals. However, the GSA rates were not updated in the past fiscal year. Staff also considered the Bureau of Labor Statistics Consumer Expenditure data for meal allowance but found it unsuitable as the data assumes access to a kitchen.

CONTACT PERSON

Snow Zhu, Community Development Project Coordinator, HHCS, 510-981-7774
Mike Uberti, Senior Community Development Project Coordinator, HHCS, 510-981-5114

Attachments:
1: Short-Term Temporary Relocation Payment Comparison
2: Draft Resolution

Attachment 1: Short-Term Temporary Relocation Payment Comparison

Jurisdiction	Short Term Relocation Definition	Temporary Relocation Payments	Basis for Relocation Payments	Adjustment Methodology
City of Berkeley (Current)	< 30 Days	$120 (1-person household) to $166 (3-person household) per diem rate, with $15 added for each additional household member	Market survey of hotels, comparison with other jurisdictions, Federal General Services Administration (GSA) rates.	None
City of Berkeley (Proposed)	< 30 Days	$189 per diem lodging rate, with $23 per person per day for meals	Market survey of hotels, comparison with other jurisdictions, Federal GSA rates, adjusted by Consumer Price Index.	Consumer Price Index
City of Richmond	< 60 Days	$185.86, plus $37.42 per person for meal expenses and $1.25 per day for laundry	Unknown	Consumer Price Index
County of Los Angeles	< 30 Days	$213.92 per diem for lodging, plus $83 per adult and $36 per child (12 and under) per diem for meals and incidentals	Federal GSA per diem rate for lodging and meals & incidentals in Los Angeles County	Federal GSA per diem rates
City of Hayward	< 30 Days	$193.70 (1-Bedroom) to $407.70 (5-Bedroom) per household per day	3x the Alameda County Fair Market Rents by Unit Bedrooms	Alameda County Fair Market Rents
City of San Francisco	< 20 Days	$446.00 per household per day (plus actual moving expenses)	Civil Code section 1947.9 (established a rate of $275 per household per day)	Consumer Price Index

Sources: City of Berkeley Relocation Ordinance, City of Richmond Relocation Ordinance, County of Los Angeles Relocation Assistance FAQs, City of Hayward Temporary Relocation Assistance Template, City of San Francisco Temporary Eviction for Capital Improvements.

Attachment 2: Draft Resolution

RESOLUTION NO. ##,###-N.S.

ADOPTING AN UPDATED PAYMENT SCHEDULE FOR RELOCATION ASSISTANCE FOR RELOCATION ORDINANCE, CHAPTER 13.84 OF BERKELEY MUNICIPAL CODE

WHEREAS, Berkeley Municipal Code ("BMC") Chapter 13.84 establishes a requirement that Households (as defined) to be relocated for twenty-nine (29) consecutive days or less shall be entitled to a per diem payment to compensate for hotel or motel accommodations and meals; and

WHEREAS, BMC Chapter 13.84 authorizes the City Council to establish by resolution such payment amount based upon tenant household size; and

WHEREAS, the existing payment schedule was adopted on September 27, 2011 and no longer reflects the cost of current hotel or motel accommodations and meals.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that the following amounts of relocation assistance shall be established under Chapter 13.84 of the Berkeley Municipal Code:

1) Per diem payments for lodging per household: $189 per day
2) Per diem payments for meals and incidentals for all household members included on the lease: $23 per person
3) Per diem payments for cats and dogs included on the lease: $79 for dogs and $32 for cats

This fee amount shall be automatically adjusted annually on July 1 based on the Consumer Price Index (CPI-U) for the San Francisco-Oakland-Hayward region.

Planning and Development Department
Land Use Planning Division

TO: Members of the Housing Advisory Commission

FROM: Justin Horner, Principal Planner

SUBJECT: State Density Bonus Law Informational Report

The following is an informational report to the Housing Advisory Commission (HAC) about State Density Bonus Law (SDBL), its application in the City of Berkeley, as well as two outstanding City Council referrals that address the SDBL.

Introduction

California's State Density Bonus Law (Government Code Section 65915)[1] was enacted in 1979 to encourage the development of affordable and other specified types of housing by requiring local governments to provide increased residential density and other development benefits to qualifying housing developments. Over time, the law has expanded to cover additional categories of affordable and special-needs housing and to provide eligible projects with incentives and concessions, waivers of development standards, and reductions in parking requirements. The law establishes a framework under which qualifying projects are entitled to these benefits, subject to specified eligibility requirements and limitations, and significantly limits a local government's ability to deny a qualifying density bonus request.

Application of SDBL in Berkeley

The City of Berkeley administers the SDBL through BMC Chapter 23.330.[2] The density bonus program is intended to increase the production of affordable housing by allowing eligible housing developments to exceed otherwise applicable density limits and, in appropriate circumstances, obtain incentives, concessions, waivers of development standards, and reduced parking requirements.

Eligibility and Density Calculation

In general, housing developments containing five or more residential units, including mixed-use developments, may qualify for a density bonus when they provide the required percentage of units at specified affordable income levels. The amount of the density bonus depends primarily on the type of housing and the percentage and level of affordability provided.[3] Certain specialized housing, including student housing, senior

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[1] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV
[2] https://berkeley.municipal.codes/BMC/23.330.010
[3] Tables detailing these percentages can be found in Government Code Section 65915 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV)

housing, housing for transitional foster youth, disabled veterans, or homeless persons, has separate eligibility and bonus provisions. Projects that donate land for affordable housing and certain condominium conversions may also qualify under specific requirements.

The first step in reviewing a density bonus application is to establish the project's eligibility and identify the applicable density bonus percentage. Staff then calculates the project's base density, which represents the maximum residential density permitted under the applicable zoning regulations before application of the density bonus.

- Where the zoning district establishes a density in dwelling units per acre, the base density is calculated using that standard.[4]
- Where no density-per-acre standard exists, the base density is determined using the maximum residential floor area allowed by applicable objective development standards and the average residential floor area per proposed unit.

The applicable bonus percentage is then applied to the base project to determine the number of additional units permitted. Fractional units are rounded up as required by State law. An applicant that qualifies under more than one density bonus category must select a category; the bonuses generally cannot be combined. An applicant may also elect to take a smaller density increase, including no increase in density, while retaining eligibility for applicable incentives, concessions, waivers, and reduced parking.

Incentives, Concessions, and Waivers
Density bonus projects may receive incentives or concessions in addition to the additional residential units. These may include modifications to zoning (for example, maximum height or required open space), design (for example, ground floor design standards), parking standards, or other regulatory modifications that produce identifiable and actual cost reductions. The number of incentives or concessions available depends on the amount and level of affordable housing provided.

Density bonus projects may also request waivers, or reductions, of development standards when those standards would physically preclude construction of the project at the density otherwise allowed under the Density Bonus Law. Unlike incentives and concessions, waivers are not limited in number and do not count against the number of incentives or concessions available to the project.

In brief:

- Incentives and concessions are intended primarily to address the *economic feasibility* of providing affordable housing. The number of incentives and concessions is based on the amount of affordable housing proposed;
- Waivers address development standards that *physically prevent* the project from being constructed at the density permitted by the SDBL. There is no limit on the number of waivers.

[4] These zoning districts include the Middle Housing zoning districts (R-1, R-2 and R-2A) as well as the Adeline Corridor-Commercial (C-AC) zoning district.

Both types of requests are subject to the State-law limitations on the City's ability to deny them.

Project Review and Affordability
During project review, staff verifies the project's eligibility, calculates the base and bonus density, evaluates requested incentives, concessions, and waivers, and reviews the proposed affordable units for compliance with applicable standards.

Affordable units must generally be comparable to market-rate units in construction quality, amenities, access, and bedroom mix and must be integrated throughout the development rather than isolated in particular portions of a mixed-income building. Approved affordable units are subject to long-term affordability requirements secured through recorded covenants.

Projects that replace existing or recently demolished rental units must also comply with Berkeley's Demolition Ordinance (BMC Section 23.326 (Demolition and Dwelling Unit Controls)).[5]

The City's authority to deny a density bonus request is limited. Generally, a request must be approved unless the City can make specific findings required by State law, supported by substantial evidence. Depending on the request, denial may be justified by a specific adverse impact on public health or safety, an adverse impact on a property listed in the California Register of Historical Resources, or inconsistency with State or federal law.

Density Bonus Projects in Berkeley

Pursuant to State law, the City prepares an Annual Progress Report (APR) each year on implementation of its General Plan, which is submitted to the State Department of Housing and Community Development. Each APR includes a list of all SDBL projects that received an entitlement, building permit, or Certificate of Occupancy during the prior year:

- In 2025, 84% of projects greater than 5 units were approved using State Density Bonus provisions.[6]

- In 2024, 83% of projects greater than 5 units were approved using State Density Bonus provisions.[7]

[5] https://berkeley.municipal.codes/BMC/23.326
[6] https://berkeleyca.gov/sites/default/files/2026-03/2026-03-27%20%20Housing%20Element%20and%20General%20Plan%20Annual%20Progress%20Reports.pdf
[7] https://berkeleyca.gov/sites/default/files/documents/2025-03-28%20%20%20Housing%20Element%20and%20General%20Plan%20Annual%20Progress%20Reports.pdf

- In 2023, 90% of projects greater than 5 units were approved using State Density Bonus provisions.[8]
- In 2022[9], 2021 and 2020, the majority of projects greater than 5 units were approved using State Density Bonus provisions.

Southside Local Density Bonus Referral

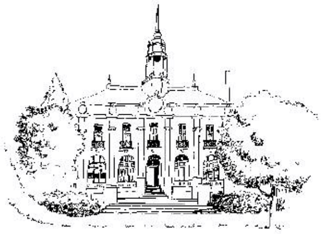
In May 2017, the City Council referred to the Planning Commission a request to develop a local density bonus program for the C-T (Telegraph Avenue Commercial) zoning district **(*Attachment 1*)**. The referral proposed a local program that would grant a density bonus comparable to the State Density Bonus, but would allow a project sponsor to meet the affordable housing requirement by paying an in-lieu fee into the city's Housing Trust Fund instead of providing affordable units on-site, as required under SDBL.

The funds raised by such projects would be used to fund housing for homeless and extremely low-income households (30% AMI of less), who are otherwise not explicitly served by the State Density Bonus program. The referral recommended initiating a pilot program with these general parameters for projects within the C-T zoning district.

Citywide Local Density Bonus Program for Lower-Cost Ownership Homes Referral

At its April 14, 2026, meeting, the City Council approved a referral (***Attachment 2***) to the City Manager to develop a citywide local density bonus modelled after the SDL that would incentivize new condominium development by allowing condo projects to take advantage of the same densities, bonuses, waivers, and concessions available under SDBL. Under the local density bonus, however, condo projects would be able to pay the current in-lieu affordable housing fee to the City's Housing Trust Fund for all units, rather than create on-site for-sale below-market-rate condo units—a requirement under SDBL that the referral states renders larger-scale condo development infeasible. Further, the local density bonus shall consider concession rules that uphold the City's workforce standards.

[8] https://berkeleyca.gov/sites/default/files/documents/2024-03-27%20%20Housing%20Element%20and%20General%20Plan%20Annual%20Progress%20Reports.pdf
[9] https://berkeleyca.gov/sites/default/files/documents/2023-08-09%20Housing%20Element%20and%20General%20Plan%20Annual%20Progress%20Reports%20-%20Off%20Agenda%20Memo.pdf



Kriss Worthington
Councilmember, City of Berkeley, District 7
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kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
May 30, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmembers Kriss Worthington and Ben Bartlett, and Mayor Arreguin

Subject: Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals

RECOMMENDATION

That the Berkeley City Council refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.

BACKGROUND

Under current state law, new development projects that get a density bonus, allowing up to 35 percent more density, are required to build inclusionary housing. Inclusionary housing is typically defined as below-market rate housing for people who earn 50 percent or 80 percent of the Area Median Income (AMI).

While it's great that developers are including some affordable housing in their market-rate projects, affordable housing for the homeless and extremely low-income who don't qualify for inclusionary units can be provided if developers instead paid fees into the Housing Trust Fund. This can be achieved through the use of a City Density Bonus for the Telegraph Avenue Commercial District, an area where many residents have expressed support for housing the homeless and the extremely low-income.

The City bonus fee would be equal to the in-lieu affordable housing mitigation fee, currently set at $34,000 per unit. Fees paid into the fund could be leveraged with other Federal, State and Regional affordable housing sources, resulting in significantly more affordable housing built through the Housing Trust Fund than currently available. The City has important policy proposals to assist the homeless and extremely low-income residents that urgently need funding.

The pilot program of a City Density Bonus in the Telegraph Avenue Commercial District could go a long way toward easing Berkeley's critical housing shortage by increasing incentives for developers to add more housing and give the city greater ability to deliver affordable housing.

FISCAL IMPACTS
This proposal will generate millions in new revenue to the Housing Trust Fund.

ENVIRONMENTAL IMPACTS
The proposed change is consistent with City Climate Action Plan goals supporting increased residential density. Additionally, new residential construction is subject to more stringent green building and energy efficiency standards and will help reduce per capita greenhouse gas emissions.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
April 14, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Igor Tregub, and Mayor Adena Ishii (Co-Sponsors)

SUBJECT: Referral to Establish a Citywide Local Density Bonus Program to Facilitate Lower-Cost Ownership Homes (Condominiums)

RECOMMENDATION

Refer to the City Manager to develop a citywide local density bonus modelled after the state density bonus that would incentivize new condominium development by allowing condo projects to take advantage of the same densities, bonuses, waivers, and concessions available under state density bonus law. Under the local density bonus, however, condo projects would be able to pay the current in-lieu affordable housing fee to the City's Housing Trust Fund for all units, rather than create on-site for-sale below-market-rate condo units—a requirement under state density bonus law that renders larger-scale condo development infeasible. Further, the local density bonus shall consider concession rules that uphold the City's workforce standards.

The fiscal and policy goals of this proposed local density bonus are to help stalled rental residential projects in our downtown reach feasibility as condo projects, which will provide affordable housing in-lieu fee revenue, property tax revenue, serve as an economic force multiplier for our downtown, and provide much-needed ownership opportunities for young families seeking a starter home and aging residents seeking to downsize. Further, the local density bonus should apply citywide or downtown or on San Pablo Avenue, considering the area(s) that is most feasible, and provide language for at least two options for applicability:

1) Projects that have vested prior to Jan. 1, 2025 only; and
2) All projects regardless of vesting date—and to consider a sunset date, or a progress report to help determine an appropriate sunset date.

The reason for providing these two options is so that Council may consider economic conditions and the number of stalled projects at the time that the ordinance is under consideration.

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E-Mail: rkesarwani@cityofberkeley.info

And further, to consider removing the exemption on the first 5,000 square feet for the affordable housing in-lieu fee.

Further, request information from staff on whether it is financially feasible and operationally possible to provide Affordable Housing Trust funding to provide for below-market-rate condos on site.

POLICY COMMITTEE RECOMMENDATION

On March 2, 2026 the Land Use Policy Committee took the following action:
Action: 15 speakers. M/S/C (Bartlett/Lunaparra) to send the item to the City Council with a qualified positive recommendation and with the recommendation revised to read as follows:
Refer to the City Manager to develop a citywide local density bonus modelled after the state density bonus that would incentivize new condominium development by allowing condo projects to take advantage of the same densities, bonuses, waivers, and concessions available under state density bonus law. Under the local density bonus, however, condo projects would be able to pay the current in-lieu affordable housing fee to the City's Housing Trust Fund for all units, rather than create on-site for-sale below-market-rate condo units—a requirement under state density bonus law that renders larger-scale condo development infeasible. The fiscal and policy goals of this proposed citywide local density bonus are to help stalled rental residential projects in our downtown reach feasibility as condo projects, which will provide affordable housing in-lieu fee revenue, property tax revenue, serve as an economic force multiplier for our downtown, and provide much-needed ownership opportunities for young families seeking a starter home and aging residents seeking to downsize. Further, the local density bonus should apply citywide or downtown and provide language for at least two options for applicability:
1. Projects that have vested prior to January 1, 2025 only; and
2. All projects regardless of vesting date – and to consider a sunset date, or a progress report to help determine an appropriate sunset date. The reason for providing these two options is so that Council may consider economic conditions and the number of stalled projects at the time that the ordinance is under consideration.

And further, to consider removing the exemption on the first 5,000 square feet for the affordable housing in-lieu fee. Further, information from staff on whether it is financially feasible and operationally possible to provide Affordable Housing Trust funding to provide for below-market rate condos on site.
Vote: All Ayes.

CURRENT SITUATION AND ITS EFFECTS

At Least Nine Recent Rental Residential Development Projects Are Stalled in Berkeley's Downtown, Sometimes Creating Blight. Currently, there are at least nine rental residential development projects that have received a zoning permit, the initial step that allows a project to apply for a building permit, as shown in Exhibit 1. However, only five of these nine projects have received a building permit and none have broken ground due to unfavorable economic conditions. According to a May 2024 residential feasibility analysis for the City of Berkeley, most development prototypes cannot support the current cost of development in today's market.[1] The report states, "This is being driven by increased construction and financing costs that are outpacing projected rental revenue relative to the required rate of return developers must provide to finance a project."

Exhibit 1: Nine Recent Proposed Rental Residential Development Projects in Downtown Have Received a Zoning Permit, But Have Not Broken Ground

Address	**Date Zoning Permit Was Received**	**Number of Proposed Units**
2128 Oxford	Oct. 4, 2024	456
2190 Shattuck	April 28, 2023	325
2274 Shattuck	April 22, 2025	277
2015 Blake	Sept. 25, 2023	219
2100 Milvia	July 1, 2025	205
2065 Kittredge[1]	Feb. 22, 2023	189
2037 Durant	June 19, 2024	74
2138 Kittredge	Oct. 20, 2025	66
2210 Harold Way	Dec. 10, 2020	38
Total Number of Proposed Units Stalled		**1,849**

Source: City of Berkeley, https://berkeley.buildingeye.com/building
[1]Note: Harold Way Development at 2065 Kittredge has broken ground but is currently stalled.

For the nine proposed projects listed above that received a zoning permit, five projects went on to receive a building permit (2210 Harold Way, 2065 Kittredge, 2190 Shattuck, 2128 Oxford, and 2138 Kittredge) but have not broken ground for various reasons. We note that another three projects not listed above (2113 Kittredge, 1998 Shattuck, and 2450 Shattuck) submitted a pre-application but never received a zoning permit. Some of these stalled projects are creating blighted conditions in our downtown:

[1] Ernst, Margot, "Residential Feasibility Analysis and In-Lieu Fee Recommendations," City of Berkeley Worksession, May 21, 2024, https://berkeleyca.gov/sites/default/files/documents/2025-02-25%20Item%2014%20Inclusionary%20Housing%20Ordinance.pdf

- The 2128 Oxford Street stalled project has caused a once vibrant block of small businesses to remain shuttered, with boarded up storefronts and fencing for an extended period;
- 2065 Kittredge project is the site of an unsightly pit of dirt; and
- 2274 Shattuck is the site of the shuttered United Artists Theatres.

Over Last Five Years, No Largescale Condo Projects Utilizing the State Density Bonus Have Been Built in Berkeley. While many multiunit rental housing developments have recently been added to Berkeley's housing stock, that has not been the case with multiunit ownership developments. Nor have many rental units been converted to condominiums over the same period. In large part that can be attributed to affordable housing requirements compelling developers to either include below-market-rate housing on site, which costs would need to be offset by the construction of additional market rate units, or pay an in-lieu fee that until very recently was costly.[2] The City's condominium conversion fees are also high which likely impacts the numbers of units converted to ownership opportunities.[3] Exhibit 2 shows the numbers of condominiums constructed and/or converted from rental units in Berkeley over the last five years.

Exhibit 2: Number of Condominium Units Constructed and Converted over the Last Five Years in Berkeley

Year	Project Addresses (New Construction Only)	Number of New Construction Units	Number of Converted Rental Units	Total Number of Condo Units
2020	1811 Sixty-Third St (3 units) 1444 Fifth St (4 units)	7	14	21
2021	1923 Ninth St (3 units) 1516 Carleton St (3 units)	6	3	9
2022	1157 Hearst Ave (4 units)	4	5	9
2023	1519 Fairview St (1 units) 776 Page St (3 units)	4	10	14
2024	2421 Ninth St (2 units) 2323 Eighth St (2 units)	4	2	6
2025	2403 San Pablo Ave (36 units)* 805 Jones St (6 units)	42	0	42
TOTAL		**67**	**34**	**101**

[2] Berkeley's Inclusionary Housing Ordinance In-Lieu Fee was amended February 2025: https://berkeleyca.gov/sites/default/files/documents/2025-02-25%20Item%2014%20Inclusionary%20Housing%20Ordinance.pdf#:~:text=SUMMARY%20The%20proposed%20updates%20to%20Berkeley's%20Inclusionary,development%20(2%E2%80%9319%20units)%2C%20which%20face%20market%20constraints.

[3] City of Berkeley Planning and Development Residential Condominium Conversion Packet: https://berkeleyca.gov/sites/default/files/documents/Condo%20Packet%2007-01-2022_Posted%20Online.pdf

Source: Berkeley Planning Department
*Indicates a private development for the purpose of a group living/ownership situation.
Note: There are two developments (2025 Kala Bagai Way, constructing 48 units, and 3000 San Pablo Avenue constructing 78 units) that have put a condo map on their projects but are being advertised as rental units; they are using a density bonus for those developments though will not be providing ownership units.

A Local Density Bonus Would Alter the Financial Feasibility of Larger-Scale Condominium Development, Allowing Stalled Rental Projects to Move Forward as Condominium Projects. Establishing a local density bonus for stalled rental residential projects that received a zoning permit since Jan. 1, 2024 could enable these projects to move forward as condo projects. A local density bonus can provide the benefits of the state density bonus (in terms of densities, bonuses, concessions, and waivers) that helps projects reach economic feasibility, while also providing the option to pay the in-lieu affordable housing fee for *all* condo units on site. These funds can then be used to fund 100 percent below-market-rate affordable housing elsewhere in Berkeley, such as at the Ashby East Parking Lot that is now owned by the City. The requirement under the state density bonus to provide below-market-rate units on site for condo developments currently renders these types of projects infeasible, as the for-sale price for below-market-rate condos is too low to be absorbed by the project's market-rate units. Costs for purchasing a condo unit can be considerable as they include mortgage loan payments, homeowner's insurance payments, property taxes and assessments, homeowner's association fees, utilities allowances, insurance premiums, etc., making ownership units much more costly to subsidize than rental units.[4] A local density bonus exclusively for condo projects could allow some of the stalled rental projects to convert to condo developments, providing the City with affordable housing in-lieu fee revenue that it cannot otherwise realize for stalled rental projects under current economic conditions.

Creating a Local Density Bonus to Jumpstart Stalled Residential Development Provides Fiscal Benefits to City and Economic Development in Downtown. By developing a citywide local density bonus, the City of Berkeley can help to ensure that some of the stalled rental projects can move forward as condo projects, providing significant fiscal benefits to the City. The City would realize affordable housing in-lieu fee revenue to fund 100 percent affordable housing as well as property tax revenue to support baseline City services. Further, new condominiums will bring new residents to our downtown who will patronize downtown small businesses, restaurants, and arts venues—acting as an economic force multiplier.

Condo Development in Downtown Offers Starter Homeownership Opportunities for Young Families and Downsizing Opportunities for Empty Nesters That's

[4] Meyers|Nave 2024 California Developers' Toolkit: Density Bonus Law, Housing Laws, & Strategies for Success, p. 4: https://www.meyersnave.com/wp-content/uploads/2024.10-California-Developers-Toolkit_Density-Bonus-Law.pdf

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Walkable to Amenities and Public Transit. The City's median home price of $1.3 to $1.5 million remains out of reach for all but the wealthiest families. This is an issue of public concern because our community must be able to provide long-term viable home options for the families of middle-class workers who serve our community, including police officers, firefighters, teachers, and health care workers. For aging empty nesters living in larger homes in the hills, there are virtually no opportunities to remain in the community and downsize to a smaller home that is walkable to amenities like grocery stores and public transit. A local density bonus for stalled rental projects seeking to convert to condo projects addresses the need to create smaller and more affordable ownership units for those seeking more affordable homeownership opportunities than a single-family home.

BACKGROUND

The State Density Bonus Is a Powerful Tool to Help Residential Development Reach Feasibility. The state density bonus law allows developers to build more housing units than normally permitted by local zoning standards in exchange for including affordable deed-restricted units on site. Depending on the number of below-market-rate units and the affordability level, developers can increase the project's density. For example, providing 20 percent of units at a very low-income level allows a developer to utilize a 50 percent density bonus. The goal of the state density bonus law is to incentivize the creation of affordable housing by helping a project reach economic feasibility. For each project that utilize a density bonus, local jurisdictions are required to provide up to four concessions to achieve an "identifiable and actual cost reduction" per State Government Code Section 65915(k) as well as an unlimited number of waivers as long as the developer can prove that the project cannot be built without them.

Berkeley Has a Significant Aging Population of Homeowners. Slightly over a quarter of all Berkeley residents are 55 and older.[5] A high concentration of these older residents live in the Berkeley Hills, as shown in Exhibit 2 below. For aging residents wishing to remain in the community and downsize to a home they can own that is walkable to amenities and public transit, there are few options. Some new senior housing has been developed in recent years, such as Jordan Court for low-income seniors (corner of Oxford and Cedar), The Ivy at Berkeley assisted living and memory care home (corner of Dwight and Milvia), and Elegance Berkeley assisted living (corner of San Pablo Avenue and Addison). However, given the City's significant aging population, more ownership opportunities are needed for seniors seeking to downsize and relocate to a walkable neighborhood as they age.

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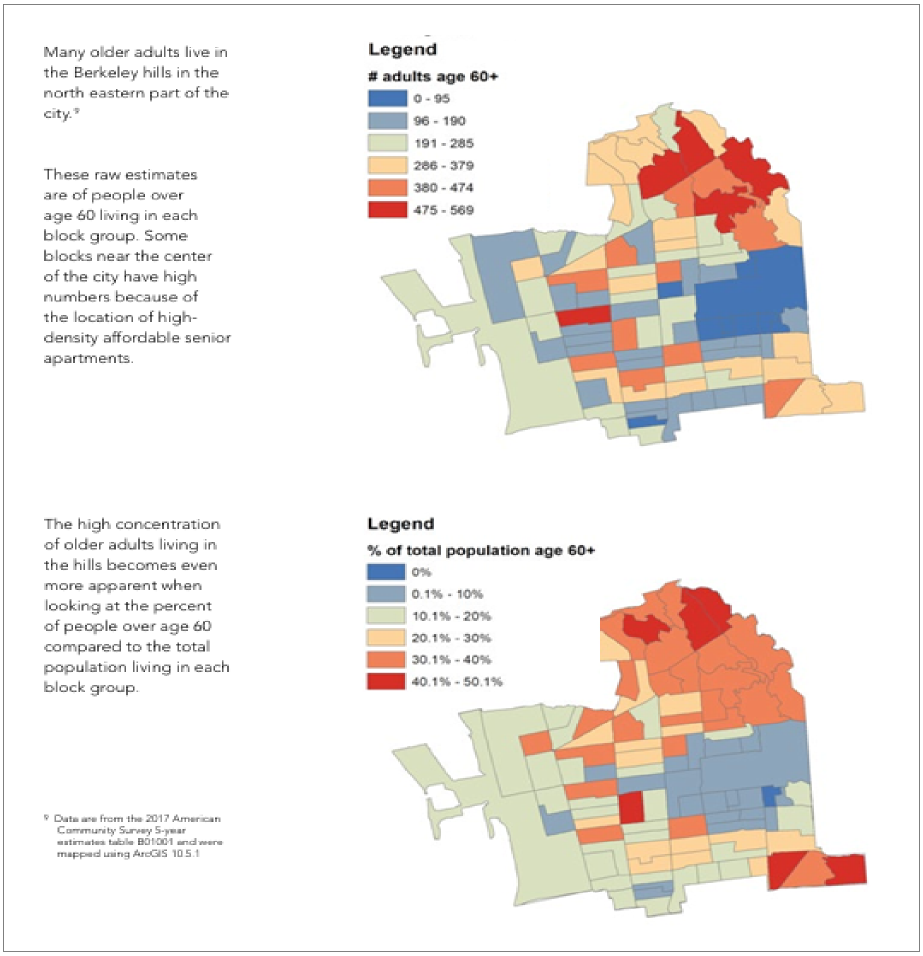
[5] State of Public Health in Berkeley Summary Report, Information Report presented at the June 24, 2025 City Council meeting: https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf

Exhibit 2: Aging Berkeley Residents Are Concentrated In Berkeley Hills



Source: Age-Friendly Berkeley Action Plan, 2018, : https://berkeleyca.gov/sites/default/files/2022-01/Age-Friendly-Berkeley-Action-Plan.pdf

Condo Affordable Housing In-Lieu Fee Has Been Lowered To Be Equal to Rental Affordable Housing Fee, With Potential to Encourage New Condo Development. Historically, the affordable housing in-lieu fee for condo developments has been much higher than the fee imposed on rental projects; it was calculated as 62.5 percent of the difference between the market price for each unit and the below-market-rate price for each inclusionary unit.[6] In January 2023, the Berkeley City Council modified the affordable housing in-lieu fee to be applied on a square-foot basis, and to be applied equally to rental and ownership units.[7] Effective July 1, 2025, the current in lieu fee is $62.83 per square foot, with all projects receiving a discount on the first 5,000 square feet.[8]

[6] Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf
[7] Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf
[8] Affordable Housing Requirements for Developers, City of Berkeley, https://berkeleyca.gov/construction-development/permits-design-parameters/design-

Oakland, San Francisco, and Hayward Have Implemented a Local Density Bonus To Further Policy Goals. Neighboring jurisdictions have adopted their own local density programs going beyond state requirements to further their own specific policy goals. In Oakland, the Zoning Incentive Program allows additional density beyond what is allowed by the Downtown Oakland Specific Plan Base Zoning in exchange for a variety of community benefits, on-site affordable housing and with the option of paying in-lieu fees.[9] San Francisco's local density program, HOME-SF,[10] allows more height than the state's density bonus in exchange for 20 to 30 percent of the units being affordable to low and moderate-income families, with 40 percent of the total units being two-bedrooms or larger, in an effort to provide more family-friendly housing. The City of Hayward allows an additional density bonus, incentives, and concessions for housing targeted to special populations, such as large families (3+ bedrooms), projects including universal design features for people with disabilities, seniors, college students, and foster youth to name several examples.[11] While this item is somewhat novel in allowing condominium projects to pay an in-lieu fee into our Housing Trust Fund only and not build affordable units on site, these other examples illustrate the flexibility that a local density bonus can provide to address local concerns.

FISCAL IMPACT

The fiscal impacts of this referral would be staff time to draft municipal code updates and implement the referral. The overall fiscal benefits to the City could be notable if we are able to incentivize stalled rental projects to move forward as condo developments.

ENVIRONMENTAL SUSTAINABILITY

Implementing a local density bonus for condo development will help create more infill housing in closer proximity to public transit. Studies show that infill development is an effective strategy for reducing greenhouse gas emissions by reducing vehicle miles travelled when compared to homes created in outlying undeveloped areas.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1 (510) 981-7110

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parameters/affordable-housing#:~:text=Effective%20July%201%2C%202025%2C%20the%20rental%20or,from%20the%20Residential%20Unit%20Floor%20Area%20calculation

[9] Hausrath Economics Group Memorandum: Comparative Analysis of Housing Outcomes: Downtown Oakland Specific Plan Zoning Incentive Program and California Density Bonus Law, March 10, 2023: https://www.oaklandca.gov/files/assets/city/v/1/public-meetings/zoning-update-committee/2023/b-comparing-zip-and-sdb-housing-outcomes.pdf

[10] San Francisco Planning Department: HOME-SF: https://sfplanning.org/home-sf

[11] City of Hayward, Hayward Density Bonus User Guide, June 2025: https://www.hayward-ca.gov/sites/default/files/documents/City-of-Hayward-Density-Bonus-User-Guide-2506.pdf

City Clerk Department

August 17, 2026

To: Commission Secretaries

From: Mark Numainville, City Clerk

Subject: Commission Low-Income Stipend Update

On March 9, 2021, the City Council adopted Resolution No. 69,739-N.S., stating that eligible members are authorized to receive $100 for each official meeting attended, not to exceed four meetings each month, and reimbursement of actual eligible expenses incurred. The new stipend rate went into effect on July 1, 2021.

Resolution No. 69,739-N.S. also stipulated that the $100 stipend amount should be adjusted annually according to the Bay Area Consumer Price Index (CPI). In 2025, the stipend amount was adjusted to $115. According to the 2026 Bay Area Consumer Price Index chart, **the 2026 stipend has increased to the amount of $120.00 per meeting.** As per 2026 State Income Limits, the annual income threshold for a 3-person household at 50% AMI in Alameda County is **$76,400.**

Please share this memorandum with your commissioners and the individual in your department/division who is responsible for processing the stipend payments in ERMA.

If you have any questions, please do not hesitate to contact the City Clerk Department at (510) 981-6908 or email commission@berkeleyca.gov.

Attachments:
1. A.R. 3.2
2. Resolution No. 69,739-N.S.

cc: Finance Department

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-6900 ● TDD: (510) 981-6903 ● Fax: (510) 981-6901
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CITY OF BERKELEY ADMINISTRATIVE REGULATIONS

SUBJECT: Stipend and Reimbursement in Lieu of Expenses for Members of Certain Boards, Commissions, Committees, Task Forces, and Joint Subcommittees

PURPOSE

The purpose of this Administrative Regulation is to establish procedures for reimbursing expenses to certain board, commission, committee, task force, and joint subcommittee members (including temporary appointees) who might otherwise incur an economic hardship.

POLICY

The City Council, by Resolution No. 69,739-N.S. (known as the Stipend Resolution March 9, 2021), authorizes payment in lieu of expenses to members of all Council-appointed boards, commissions, committees, task forces and joint subcommittees who meet certain household income criteria in order to remove economic hardship barriers from citizen participation. Subcommittees of commissions, which are designated by the advisory body and not by Council appointment, are not eligible for reimbursement.

An eligible member is authorized to receive:

a) $100 for each official meeting attended, not to exceed four (4) meetings each month;

b) reimbursement for actual child care expenses incurred while he/she attends meetings;

c) reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while he/she attends meetings; and

d) reimbursement for actual expenses incurred for disabled support services in order to participate fully in board, commission, or committee meetings.

The $100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

DEFINITIONS AND REGULATIONS

An "official meeting" is defined as a duly noticed, properly agenized, regular meeting or special meeting of the full board or commission at which a quorum of the full membership must be present in order for the meeting to be held.

For a meeting that is cancelled, claims may only be submitted if it is for an official meeting where the attendees and staff Secretary believed that the meeting would proceed as scheduled, and for which Commissioners and the Secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

A receipt or invoice signed by the person providing such child care, elderly dependent care or disabled support services must accompany a request for reimbursement. Invoices must include date, services provided, vendor contact information, and dollar amount.

The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or to be appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

The City Clerk Department is responsible for keeping this Administrative Regulation up-to-date and shall include notification of this policy with each appointment letter mailed.

COMMISSIONER'S CRITERIA AND RESPONSIBILITIES

1. Eligibility criteria for stipend and reimbursement:

   a) Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint subcommittee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

   b) Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI ($58,750 as of July 2021) per year.

   c) If a commissioner is paid $600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department for the commissioner's tax filing purposes.

2. To establish eligibility, Commissioners must file the Annual Declaration Form (attached) with the secretary of their board, commission, committee, task force or joint subcommittee. Commissioners must file a new declaration form annually prior to May 31st in order to maintain eligibility.

3. In order to pay a Commissioner's attendant directly, a completed IRS Form W-9 must be on file in the Finance Department's Accounts Payable Division. If an attendant, support service, or child care provider is paid $600 or more in one calendar year, a Form 1099 will be generated by Finance. In order to be reimbursed for payments made to an attendant, support service, or child care provider, a Commissioner must be set up as a vendor by Finance - General Services.

4. Eligible members who are disabled and are seeking reimbursement for support services must also complete the support services statement portion on the Annual Declaration Form. If the member's needs change, he/she must immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the member's term of appointment.

5. Pursuant to Berkeley Municipal Code Section 3.66.040, low-income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

6. Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

RESPONSIBILITIES OF SECRETARY

1. It is the responsibility of the secretary of each board, commission, committee, task force or joint subcommittee to submit quarterly payment forms to the Finance Department, by the 10th of each month (January, April, July, and October). Payment forms for stipends paid for attendance at meetings held pursuant to the Mental Health Services Act are filed monthly. Every submission must include the following:
   a) A.R. 3.2 Payment Form
   b) Invoices for support services, dependent care, and/or child care, if applicable.
   c) Verification that each meeting for which reimbursement or stipend is claimed actually occurred.
   d) A copy of the Annual Declaration Form
   e) A spreadsheet showing the year-to-date payments for each commissioner.

2. The completed forms must be attached to the request for check entry in ERMA and released for review to the Finance Department by the 10th of each specific month so payment can be made. A separate request for check and supporting documentation must be submitted individually for each member.

3. The secretary shall keep copies of all Annual Declaration Forms on file and attach a copy each time a request for check is submitted to the Finance Department, and when submitting quarterly statements.

4. Each secretary will advise the board, commission, committee, task force and joint subcommittee members of this policy and respond promptly to commissioner inquiries regarding payment status. Commissioners should not contact the Finance Department or City Clerk Department for payment status.

RESPONSIBLE DEPARTMENT: **City Clerk** **TO BE REVISED:** Every 1 year	Approved by: Department Director City Manager

ANNUAL DECLARATION FORM RESPECTING ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES AS A MEMBER OF THE

____
(Board/Commission/Committee/Task Force/Joint Subcommittee)

Inasmuch as it is in the public interest to remove barriers, particularly those creating economic hardships for citizens participating on boards, commissions, committees, task forces, and joint subcommittees the City Council has determined that it is in the public interest to alleviate this hardship by authorizing payments in lieu of expenses for certain meetings and under certain conditions as indicated in Stipend Resolution No. 69,739-N.S.

I, ____ certify to the following:

1) That my adjusted gross income reported individually, or as part of a household joint Federal Income Tax Return, was less than the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

2) I will file this declaration form every year no later than May 31st with the Secretary who will forward copies to the Finance Department; and

3) I will notify the Secretary as soon as I am aware that my household current year income exceeds the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year and request that my eligibility be canceled:

____ ________________
Signature Date

____ ________________
Signature of Parent or Legal Guardian if Member is a Minor Date

____ ________________
Signature of Secretary Date

* * *

SUPPORT SERVICES STATEMENT

I, ____________________________, certify I am disabled and require the following support services in order to participate fully in commission meetings:

____

____

____ ________________
Signature Date

A.R. 3.2 PAYMENT FORM

Name of Commission: ____

Name of Commissioner: ____

Address of Commissioner: ____

Name of Secretary: __________________________ Phone: ___________________

Quarter Covered: Year _____ ☐ Jan - Mar ☐ April - June ☐ July - Sept ☐ Oct – Dec

Date of Meeting	Payment Type*	Amount Due
		$
		$
		$
		$
		$
		$
	Total (this qtr.)**	**$**

* Stipend, Support Services, Dependent Care, or Child Care
**Attach Year-to-Date Spreadsheet to this Form

☐ Please hold check for pick up:____
(Commissioner's Signature)

Prepared by: ____________________________________ Date: ____________________
(Preparer's Signature)

Reviewed by: ____________________________________ Date: ____________________
(Commission Secretary Signature)

CERTIFICATION AND AUTHORIZATION FOR PAYMENT: I hereby certify that the payments for all persons whose names appear herein have been properly authorized; and that the amounts indicated as due said persons are actually due and payable. Payment is approved against the appropriation indicated under delegated authority of the City Manager.

Authorized by: ____ ________________
Authorized Department Signature (must be on file with AP) Date

COMMISSIONER STIPEND CHECKLIST

This checklist is provided to expedite the processing of commissioner stipends. The Finance Department requires that all forms are completed and information is accurately prepared and submitted before stipends can be paid. Review the checklist prior to submitting stipend requests.

For Initial Payment to a Commissioner or Service Provider:

- ☐ Set up the Commissioner as a vendor with Finance - General Services
  * Use a W-9 form to set up the Commissioner as a vendor (available on Groupware)
- ☐ Set up the Vendor (support services, dependent care, or child care) as a vendor with Finance - General Services
  * Use a W-9 form to set up the service provider as a vendor

Required Documentation for Every Payment Submission (compile submission in this order):

- ☐ Request for Check
  * In both description areas of the Request for Check screen, list the type of stipend being paid and the period covered (quarterly or monthly)
  * Provide the full account code and/or project string (consult your department budget analyst)
  * Verify in ERMA that adequate funds are available in the account to pay the voucher
  * Clearly document the payment amount
  * Obtain all required signatures
- ☐ A.R. 3.2 Payment Form
  * Complete all fields
  * Obtain all required signatures
- ☐ Invoices for Support Service, Dependent Care, and/or Child Care Providers
  * Must include date, services provided, vendor contact information, and dollar amount
- ☐ Attendance Verification
  * A copy of the meeting minutes
  * Requests for reimbursement for cancelled meetings require written representation from the Commission Secretary
- ☐ Annual Declaration Form
  * The form is completed and signed and dated yearly by the commissioner and the Commission Secretary
  * A copy of the form is submitted with each reimbursement voucher
- ☐ Year-to-Date Summary Spreadsheet
  * Documents the fiscal year (year to date) expenditures of the individual commissioner
  * Remember that payments of $600 or more result in the issuance of a Form 1099 from the Finance Department and may have tax implications

RESOLUTION NO. 69,739-N.S.

AUTHORIZING REIMBURSEMENT IN LIEU OF ACTUAL EXPENSES PAID OR INCURRED BY MEMBERS OF CERTAIN BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES, AND JOINT SUBCOMMITTEES, AND AUTHORIZING PAYMENT OF ACTUAL EXPENSES UNDER CERTAIN TERMS AND CONDITIONS AND RESCINDING RESOLUTION NO. 64,831-N.S. AND ALL AMENDMENTS

WHEREAS, it is in the public interest to remove barriers from citizen participation on boards, commissions and committees of the City of Berkeley; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to alleviate this hardship by reimbursing and paying certain minimum allowances for expenses incident to attending official meetings of said bodies; and

WHEREAS, such allowances are determined to be in lieu of actual expenses paid or incurred by said members, except in the case of actual expenses incurred for child care and actual expenses incurred by a member who must employ a paid attendance to provide care for a dependent elderly person while he or she attends meetings; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to reimburse for these support costs when they create and economic hardship for disabled members of boards, commissions and committees; and

WHEREAS, Resolution No. 64,831-N.S., known as the Stipend Resolution, is being rescinded and readopted to change the qualifying household income cap to 50% of Annual Median Income (AMI) for a three-person household in Alameda County, increase the per meeting stipend to $100 per month, and reaffirm the current policy and procedures.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. ELIGIBILITY OF BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES AND JOINT SUBCOMMITTEES

This resolution shall apply to members of Council-appointed boards, commissions and committees, and temporary task forces and joint subcommittees established by Council (collectively "Eligible Recipients"). Payments in lieu of expenses for other than members of Council-appointed boards, commissions, committees, task forces and joint subcommittees, shall be addressed as part of the Council's budgetary process.

Section 2. ANNUAL STATEMENT OF ELIGIBILITY

Eligible recipients desiring said payments shall file annually with the secretary of the board, commission, committee, task force, or joint subcommittee ("secretary"), a statement certifying that their family income for the preceding year was below the limits specified in Section 3.

Eligible recipients listed as dependents on their family's Federal Income Tax, shall file annually with the secretary, a parental statement certifying that the family income for the preceding year was below the limits specified in Section 3.

Section 3. FINANCIAL LIMITATIONS ON ELIGIBILITY

Those eligible recipients whose family gross income as filed jointly for Federal Income Tax purposes is below the Alameda County 50% Area Median Income (AMI) for a three-person household per year shall be entitled to receive payments as set forth in section 5.

When an eligible recipient becomes aware that their annual family income has or will exceed the Alameda County 50% AMI for a three-person household, that member shall immediately notify the secretary, and request that their eligibility to receive payments be cancelled.

When an eligible recipient whose family income for the preceding year was more than the Alameda County 50% AMI for a three-person household finds that their family income for the current year will be below the Alameda County 50% AMI for a three-person household, they may file a certified declaration with the secretary describing the general circumstances which have occurred that resulted in the lower income. Such certified declaration shall make the person again eligible for payments pursuant to Section 5 of this Resolution.

Section 4. DISABLED SUPPORT

Eligible recipients who are disabled and whose incomes fall within the limitations set forth in Section 3, qualify for reimbursement for the costs of readers to help in reviewing written materials in the meeting packets, for attendants to accompany members to meetings, and other support costs that are required in order to allow such disabled members to participate fully in meeting deliberations.

Disabled eligible recipients desiring reimbursement for these costs, will file in addition to the statement of eligibility set forth in Section 2, a statement with the secretary that certifies the support services that the member requires in order to participate fully. If the member's needs change, they will immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the eligible recipient's term of appointment.

Section 5. REIMBURSEMENT

Eligible recipients are authorized to receive $100 for each official meeting attended, not to exceed four meetings each month and reimbursement for actual expenses incurred upon presentation of a receipt from the person(s) providing the following services:

a) Child care expenses incurred by a member while they attend meetings;

b) Expenses incurred by a member who must employ a paid attendant to provide care for a dependent elderly person while they attend meetings;

c) Expenses incurred by a disabled member who requires support services in order to participate fully on board, commission or committee meetings.

An "official meeting" is defined as a duly noticed, properly agendized, regular or special meeting of the full board, commission, or committee.

For a meeting that is cancelled, claims may only be submitted if it is for a meeting where the attendees and secretary believed that the meeting would proceed as scheduled, and for which eligible recipients and the secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

The $100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

Additionally, eligible recipients requesting reimbursement for child care expenses, a paid attendant for elderly care, or expenses incurred for support services as a disabled member, are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter.

The ethics course is available at no cost online on the FPPC website. Upon completion of the course, a printed and signed certificate of participation must be filed with the secretary in order to be eligible for reimbursement,

Section 6. CLAIMS

Claims for reimbursement in lieu of actual expenses paid or incurred shall be filed with the secretary. Said secretary shall process the claim for payment pursuant to procedures established by City Administrative Regulation 3.2 and as amended by the City Manager.

Section 7. REIMBURSEMENT NOT SUBJECT TO FINANCIAL LIMITATIONS

A. Human Welfare and Community Action Commission. The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

B. Commission on Disability. Pursuant to Berkeley Municipal Code Section 3.66.040, low income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

BE IT FURTHER RESOLVED that the new stipend rate and qualifying threshold shall take effect upon the date which City Council appropriates resources in the General Fund for the increase in the stipend, but no earlier than July 1, 2021.

BE IT FURTHER RESOLVED that Resolution No. 64,831-N.S. and all amending resolutions are hereby rescinded upon the date the new stipend rate and qualifying threshold take effect.

The foregoing Resolution was adopted by the Berkeley City Council on March 9, 2021 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

Jesse Arreguin, Mayor

Attest:

Mark Numainville, City Clerk