



Kriss Worthington

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CONSENT CALENDAR

October 27, 2015

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington

Subject: Requesting the Reintroduction of AB 1229 or Similar Legislation to Allow Cities the Right to Adopt and Enforce Inclusionary Housing Law and Send a Letter to Senator Loni Hancock and Assemblymember Tony Thurmond

RECOMMENDATION:

Request the reintroduction of AB 1229 or similar legislation to allow cities the right to adopt and enforce inclusionary housing laws and send a letter to Senator Loni Hancock and Assemblymember Tony Thurmond.

BACKGROUND:

For many years, inclusionary zoning laws were a very important tool for cities that sought to create affordable housing in new rental housing development projects. In 2009, the Palmer decision limited 170 cities across California, including Berkeley, from utilizing this feature of inclusionary zoning laws. In 2013, the Assembly and Senate passed AB 1229 which would have legislatively reversed this negative impact of the Palmer decision. Unfortunately AB 1229 was vetoed.

It is imperative that Berkeley call for the reintroduction of legislation that would have the same effect as AB 1229. The cost of housing in Berkeley and the greater San Francisco Bay Area has dramatically increased since 2013. Therefore, requesting our state to reintroduce legislation that reverses this negative impact of the Palmer decision is extremely time sensitive.

There are two significant new reasons why the Legislature should adopt this important housing legislation now. First, the housing crisis has worsened within the last two years due to a lack of affordable housing and by landlords increasing their rent, forcing out families who could not afford the significant increases. Second, the California Supreme Court clarified that legislation such as AB 1229 is allowed to create inclusionary units in new developments.

Therefore reintroducing this bill could benefit many low income families by giving them a chance to find affordable housing. Affordable housing is essential and it is our responsibility to do everything that we can to increase access to affordable housing.

(http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1229)

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL IMPLICATIONS:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

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Attachment:

1. Letter to Senator Loni Hancock and Assemblymember Tony Thurmond

Dear Senator Loni Hancock and Assemblymember Tony Thurmond,

The Berkeley City Council urges you to reintroduce and/or support legislation similar to AB 1229. This would reverse the effects of the Palmer decision on inclusionary zoning law. Berkeley and the Greater San Francisco Bay Area have a housing shortage crisis which has led to unprecedented high levels of housing cost.

The Palmer decision had the unintended consequence of unfairly destroying the ability of cities across California to require for profit developers that build rental housing to include desperately needed affordable housing units for low-income and middle-class families.

Although AB 1229 was vetoed in 2013, we believe that since housing costs continue to skyrocket and homelessness for families continue to rise, there is now a better chance to get inclusionary zoning re-established.

There are two new reasons why the Legislature should adopt this important housing legislation now. First, the California Supreme Court clarified that this type of legislation is allowed to create inclusionary units in new rental developments. Second, the housing crisis has worsened within the last two years due to a lack of affordable housing being built and by landlords increasing their rent and forcing out families who couldn't afford the significant increases.

If deemed more effective for reasons of deference to committee assignments or prior lead sponsorship, we request you to encourage other members of the Assembly or Senate to be the primary sponsor(s).

Thank you for your service to Berkeley and the State of California.

Sincerely,

Berkeley City Council

