

Mayor Jesse Arreguin, President
Association of Bay Area Governments

July 20, 2021

Supervisor Alfredo Pedroza, Chair
Metropolitan Transportation Commission

Therese McMillan, Executive Director
Bay Area Metro
375 Beale Street, Suite 700
San Francisco, CA 94105

Re: Draft Implementation Plan Housing Strategies for Plan Bay Area 2050

Dear ABAG Executive Board and MTC Commissioners:

Since 2010, the 6 Wins for Social Equity Network has been working toward a racially equitable, inclusive, and environmentally sustainable Bay Area. We and our community land trust partners strive for this vision by bringing together grassroots organizations and advocates to craft housing, transit, and climate justice solutions for the region.

We write to share our feedback on the Plan Bay Area 2050 (PBA) Implementation Plan housing strategies and Bay Area Housing Finance Authority (BAHFA). As we stated in our previous letter on February 26, 2021 (attached here), the PBA Implementation Plan and BAHFA must build and implement an affirmative housing vision for the Bay Area with tenants and communities of color at the center by:

- a. Prioritizing solutions that immediately **stop displacement and prevent homelessness**;
- b. Adopting an **actionable, anti-displacement rubric and timeline** of meaningful community engagement to develop, evaluate, and prioritize projects across all 3Ps;
- c. Supporting **universal access to counsel program(s)** for tenants across the region (tenant protection), and relatedly, creating a **regional rental registry** to inform additional tenant protection policies;
- d. Creating a **two-part regional acquisition fund** and directing existing and forthcoming funding pots for affordable housing preservation; and
- e. Incentivizing and supporting deeply affordable housing production through increased funding for **operating subsidies and services**, on **public land** for ELI and VLI households, and via a **land bank strategy**.

Now that the Draft PBA Implementation Plan and its Draft Environmental Impact Report (EIR) are public, we write to elaborate on these points.

I. The Implementation Plan must prioritize solutions that stop displacement and prevent homelessness by first accurately defining and measuring displacement of lower income residents of color.

The Draft EIR analyzes displacement risk, however its metric does not adequately measure displacement. It incorrectly captures voluntary moves into high-resource areas. Since 1978, HUD and other researchers and agencies have defined displacement as follows:

“Displacement occurs when any household is forced to move from its residence by conditions which affect the dwelling or immediate surroundings, and which:

- 1) are beyond the household’s reasonable ability to control or prevent;
- 2) occur despite the household’s having met all previously-imposed conditions of occupancy; and
- 3) make continued occupancy by that household impossible, hazardous or unaffordable.”¹

The Draft EIR’s metric is inconsistent with this definition. Using the Draft EIR’s metric will lead to local governments in high-resource areas further denying affordable housing under the guise of minimizing displacement. This is at odds with Affirmatively Furthering Fair Housing, which requires *increasing* affordable home options in predominantly white, wealthy, and high-resource areas, while also investing in existing lower-income neighborhoods of color to prevent displacement.

We ask MTC/ABAG to correct its displacement risk metric to evaluate the extent to which low-income households are forced to move out of their homes - whether because of rising rents, their rental homes falling into disrepair, harassment and/or discrimination by their landlords, or other reasons outside of their control. This metric should include qualitative and quantitative analyses as described in research by UC Berkeley’s Urban Displacement Project.²

II. In addition to BAHFA’s Equity Framework, the Implementation Plan must identify actionable steps, timelines, and outcomes for each implementation action to ensure forward movement and transparency.

We strongly recommend making the Implementation Plan clearer regarding responsible actors, timelines, and outcomes for each implementation action, such that each action is measurable and accountable to the public. We are concerned that the housing strategy implementation actions (p. 139-140 of draft Implementation Plan), in particular, are ambitious and overly broad; they position BAHFA to make most substantive implementation decisions with minimal public engagement.

¹ Zuk, Miriam; Bierbaum, Ariel H; Chapple, Karen; Gorska, Karolina; Loukaitou-Sideris, Anastasia, “[Gentrification, Displacement, and the Role of Public Investment](#),” *Journal of Planning Literature*, 2018, Vol 33(I): 31-44 (citing Grier and Grier 1978).

² *Id.*

We have seen in past rounds of Plan Bay Area that MTC/ABAG did not take many important steps unless they were clear and actionable. We have also seen MTC/ABAG make many decisions in past rounds without meaningful input from members of the public and key stakeholders, particularly tenant organizations, legal service providers, low-income renters, BIPOC residents, local affordable housing providers and advocates, community land trusts, and housing cooperatives. The Implementation Plan should therefore identify clear actors, timelines, and outcomes and codify a system for tracking progress over the next five years through regular updates, public hearings, and annual progress reports.

Where relevant, these implementation actions should also describe how they will comply with the statutory requirement to Affirmatively Further Fair Housing (AFFH). For example, implementation action 5(b) should AFFH by advocating for legislation that enables a greater mix of housing densities and types particularly in jurisdictions that are now predominantly wealthy and disproportionately white because they have historically denied housing options for people of all income levels.

For a sample of detailed recommendations, please see the Appendix, where we exemplify clear and concrete implementation actions for all steps under Theme/Strategy 4. We also distinguish between protecting *tenants* and preserving *affordable housing* under this theme. Tenant protections focus on policies and structures that support tenants themselves, while the object of affordable housing preservation is the housing units (recognizing that affordable housing preservation is a direct, anti-displacement strategy that supports tenants). We look forward to working with MTC/ABAG and BAHFA to further develop actions for Themes/Strategies 5 and 6.

III. The 6 Wins is eager to partner on a number of housing strategies and implementation actions in the PBA Implementation Plan to ensure they are affirmatively furthering fair housing, centering racial equity, and supporting a range of social housing models.

The 6 Wins and our allies offer a range of housing expertise, such as stabilizing tenants, developing local preservation programs, passing policies to support increased affordable housing, and forming community land trusts and limited-equity housing cooperatives. **We look forward to partnering with MTC/ABAG and BAHFA on the implementation actions below.** We are particularly interested in supporting the study and operationalization of universal access to counsel and a regional rental registry; development of a two-part regional acquisition fund that directs existing and forthcoming funding pots to preservation; and creation of incentivizes for deeply affordable production through increased funding for operating subsidies and services, on public land, through a land bank strategy.

4. Protect Tenants and Preserve Affordable Housing

4a) Seek new revenues for affordable housing preservation

4b) Advocate for greater renter protections for tenants and low-income communities to prevent unjust evictions and displacement

4c) Launch and deliver pilot projects that will focus on developing standardized best practices for tenant protection and anti-displacement programs and launch and deliver a pilot program to pursue new affordable housing preservation strategies, including the restructured Bay Area Preservation Pilot Program

4d) Complete and implement the Expanded Regional Housing Portfolio Business Plan

5. Spur Housing Production for People of All Income Levels

5a) Seek new revenues for affordable housing production and explore better coordination of existing funding streams

5b) Advocate for legislation that enables a greater mix of housing densities and Legislation types in Plan Bay Area 2050 Growth Geographies

5h) Launch and deliver pilot projects to facilitate affordable housing production and ensure equitable access to affordable housing, including a regional affordable housing application platform (“Doorway”) and an affordable housing pipeline database

6. Create Inclusive Communities

6b) Launch and deliver pilot projects which will focus on developing standardized regional best practices for tenant protection and anti-displacement programs

6c) Partner with local jurisdictions and other stakeholders to develop and roll out a regional homelessness prevention system

6e) Complete and implement the Expanded Regional Housing Portfolio Business Plan

6f) Partner with local jurisdictions and stakeholders to explore approaches, including potential working groups, regional studies, or other appropriate vehicles, to catalyze the use of public- and community-owned land

We look forward to solidifying these opportunities during the Partnerships Phase of drafting Plan Bay Area 2050.

Sincerely,

6 Wins for Social Equity members and allies:

Shajuti Hossain, *Public Advocates*

Jeffrey Levin, *East Bay Housing Organizations*

Matt King, *Sacred Heart*

Debra Ballinger, *Monument Impact*

Ofelia Bello, *Youth United for Community Action*

Tim Frank, *Center for Sustainable Neighborhoods*

Leslie Gordon, *Urban Habitat*

Courtney Welch, *Bay Area Community Land Trust*

APPENDIX: Suggested Draft Implementation Actions upon which to seek input during the Partnerships Phase

We ask MTC to update its Draft Implementation Actions for the housing strategies with more detail on actionable steps, actors, timeframes, and accountability. Below is an example of what this could look like for Theme/Strategy #4 (but split into two separate themes). We are available to help draft a similar actionable plan for Themes/Strategies #5 and #6.

Theme/Strategy: Protect Tenants - it is critical to separate out tenant protections here because “Protections” under the 3 Ps is focused on protecting tenants, whereas “Preservation” is focused on preserving the units; they are separate but related.

Draft Implementation Actions

Steps	Actor(s)	Timeframe	Accountability	Desired Outcomes
Seek new revenues for tenant protection programs and policies	BAHFA	2022-2024 -2022: begin convening stakeholders and analyzing protections -2023: prep work for new revenues -2024: approve the new revenues	Convene tenant organizations, legal service providers, low-income renters, and BIPOC residents to identify needed tenant protection programs, funding mechanisms, and allocation of revenues. Revenues may come from a regional ballot measure, federal or state funding, and/or private philanthropy pursuant to AB 1487.	Support local tenant protection programs and policies through technical assistance, best practices, and research, building off of BAHFA’s Anti-Displacement Services Network pilot.
Advocate for and incentivize greater renter protections at state and local levels to prevent unjust evictions and displacement	ABAG/ MTC	2022-2025 and ongoing -2022: begin convening stakeholders and analyzing protections needs -2023: develop a program to condition transportation funds -2024: begin	Convene tenant organizations, legal service providers, low-income renters, and BIPOC residents to identify needed tenant protection programs and how to most effectively design them.	ABAG/MTC’s transportation funding to local jurisdictions will be conditioned on greater renter protections. ABAG/MTC will help shape state and local renter protections, building off of findings and work from BAHFA’s Anti-Displacement Services Network pilot.

		implementation		
Launch and deliver the Anti-Displacement Services Network pilot to develop best practices for tenant protection and anti-displacement programs	BAHFA	By December 2022	Convene tenant organizations, legal service providers, low-income renters, and BIPOC residents to identify and workshop these best practices.	The Anti-Displacement Services Network pilot will be a central place for tenant organizations, service providers, and local jurisdictions to share resources. The pilot will study models to operationalize universal access to counsel and a regional rent registry. It will also inform longer-term revenue advocacy on tenant protections (above).
Complete and implement the Expanded Regional Housing Portfolio Business Plan	BAHFA and its consultants	By mid-2023	Convene local affordable housing providers and advocates, community land trusts, housing cooperatives, tenant organizations, legal service providers, low-income renters, and BIPOC residents to help create the Equity Framework and plan for BAHFA's long-term actions.	The Business Plan will describe BAHFA's innovative funding and financing tools for all 3 Ps starting in 2025 and beyond, including revenue strategies and staffing that support deeply affordable and permanent supportive housing, community land trusts and housing cooperatives, and stronger tenant protections infrastructure. The plan will include an Equity Framework to measure outcomes and an operational structure.

Theme/Strategy: Preserve Affordable Housing

Draft Implementation Actions

Steps	Actor(s)	Timeframe	Accountability	Desired Outcomes
Seek new revenues for affordable housing preservation	BAHFA	2022-2024 -2022: begin convening stakeholders and analyzing a two-part acquisition fund -2023: prep work for new revenues -2024: approve the new revenues	Convene local affordable housing providers and advocates, community land trusts, housing cooperatives, low-income renters, and BIPOC residents to identify funding needs, funding mechanisms, and allocation of revenues. Revenues may come from a regional ballot measure, federal or state funding, and/or private philanthropy pursuant to AB 1487.	A two-part regional acquisition fund to support smaller and larger scale affordable housing preservation, grant funding to support organizational capacity building, and increased permanent subsidy, including through the Bay Area Preservation Pilot.
Launch and deliver the Preservation Strategies pilot to pursue new affordable housing preservation strategies, including the restructured Bay Area Preservation Pilot Program	BAHFA	By December 2022	Convene local affordable housing providers and advocates, community land trusts, housing cooperatives, to identify and workshop preservation strategies.	The Preservation Strategies pilot will be a central place for housers and local jurisdictions to work together to preserve existing affordable housing and facilitate tenant and community ownership. It will also inform longer-term revenue advocacy on affordable housing preservation (above).
Complete and implement the Expanded Regional Housing Portfolio Business Plan	BAHFA and its consultants	By mid-2023	Convene local affordable housing providers and advocates, community land trusts, housing cooperatives, tenant organizations, legal service providers, low-income renters, and BIPOC residents to help	The Business Plan will describe BAHFA’s innovative funding and financing tools for all 3 Ps starting in 2025 and beyond, including revenue strategies and staffing that support deeply affordable and

			create the Equity Framework and plan for BAHFA's long-term actions.	permanent supportive housing, community land trusts and housing cooperatives, and stronger tenant protections infrastructure. The plan will include an Equity Framework to measure outcomes and an operational structure.
Evaluate changes to federal and state policies and decide whether to advocate on such policies to increase incentives for and the viability of affordable housing preservation	MTC/ABAG	Ongoing	Continue to present on these changes and have public discussions about these federal and state policies. Meet with low-income renters and BIPOC residents to determine MTC/ABAG's position and next steps.	