



Dear Metropolitan Transportation Commission and Association of Bay Area Governments,

We hope you are well. We are members of The Hayward Collective, a grassroots womxn, people of color, LGBTQI+-led organization in the City of Hayward with the aim to build a community of accountability, equity, health, and social justice. As residents of Hayward, and the broader Bay Area, we wanted to offer our comments on the draft Plan Bay Area 2050 document.

Firstly, thank you for doing the difficult work of putting this document together. It is highly researched and well designed, making the complicated subject matter and recommendations easy to digest. With that being said, we have the following comments and recommendations.

Support for the Plan

Section H contains many important and positive policies. **Of specific interest to us in Hayward are sections H1 and H2.** For H1, strengthening renter protections is crucial to keeping low-income renters from being displaced or forced onto the streets. The current rent restrictions in the City of Hayward only apply to a very small subset of properties and can be easily avoided by providing a few thousand dollars in upgrades to the property. Limiting rent increases region-wide to the rate of inflation for all units older than 10 years would go a long way toward keeping people housed.

We are also in support of H2 with some reservations, as it is unclear in this policy document how the properties will be acquired and deed restricted to preserve affordability. Using non-governmental options such as Community Land Trusts or Permanent Real Estate Cooperatives (PRECs) which put control of the property back into the hands of those who use it can be very effective means of growing community and inter-generational wealth, and preventing displacement of the most vulnerable¹. This also synergizes with H8 which specifically mentions the need to help community land trusts, and PRECs should also be included here, to develop mixed-income affordable housing.

Section H5 is also supported with the comment that appropriate incentives need to be given to developers to ensure that affordable units are included. For example, in Hayward In-Lieu fees can be paid to avoid the affordable unit percentage, and while this does make sense for smaller developments (especially those with fewer than 10 units), it can also be more profitable for developers to pay the fee on large developments to build fully market-rate housing instead. This loophole should be avoided at all costs, especially region-wide.

¹ East Bay Permanent Real Estate Cooperative: <https://ebprec.org/about-us>

We also support Section H7 as it is vitally important to find ways to address the historic injustices which have been committed against communities of color throughout the Bay Area. While this is not, and should not be considered, a reparations program, \$10 billion in funding can go a long way toward helping communities of color, which have been historically disinvested and underserved, to be more self-sufficient and more likely to thrive without fear of gentrification. We also want the MTC and ABAG to bear in mind small businesses without brick and mortar storefronts when allocating money, as mobile and online-only businesses still suffer from racist disinvestment and could benefit from increased investment from the regional governments.

Finally, we also support Section H8 for its inclusion of Community Land Trusts, though we also believe that PRECs should be included in this section, as well, due to the fact that they are already being enacted in the Bay Area, they ensure permanent affordable housing (which your report points out is rarely the case with deed restricted housing or even Community Land Trusts), and they put control of the property into the hands of the people who will use it as opposed to a large corporation with no ties to the community beyond their dollars.

We also request that land-rich, resource-poor cities, such as Hayward, receive support to ensure that public land be used to serve the community as opposed to generating tax revenue for City coffers. Cities like Hayward are incentivized to use public lands to increase revenue for the city, often at the cost of affordable housing for its existing residents. While Hayward is on par with most Bay Area municipalities in meeting its RHNA goals by percentage, giving resource-poor municipalities additional support (planning, financial, etc.) would go a long way toward helping cities like ours use public lands for the public good.

Strengthening the Plan

As good as we believe the Plan is, we also believe there are ways it could be strengthened to better serve the entirety of the Bay Area. As the report points out, the HCD sets out Regional Housing Needs Allocations (RHNAs) to every city in the Bay Area. While municipalities strive to meet those goals every eight years, there are a variety of barriers to meeting these goals, including “Community opposition to policies related to furthering fair housing”². With this in mind, although we agree that offering financial incentives to create more affordable housing is a good start, there should be some kind of accountability for not meeting housing goals. As it stands now, in the 5th Cycle of the RHNA goals, the ABAG is meeting less than 25% of its goals for all housing for Moderate Income households and below³. Even for Above Moderate Income (120% of AMI) the housing goal sits at below 50%, so even market-rate housing development lags far behind the need⁴.

² Draft RHNA Plan: San Francisco Bay Area 2023-2031:

https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

³ APR Dashboard:

<https://app.powerbigov.us/view?r=eyJrjoiMDA2YjBmNTItYzYwNS00ZDdiLTNmMGMtYmFhMzc1YTAzMDM4IiwidCI6IjJiODI4NjQ2LWlwMzctNGZINy04NDE1LWU5MzVjZDM0Y2Y5NiJ9&pageName=ReportSection3da4504e0949a7b7a0b0>

⁴ Ibid.

The other common barriers cited by the ABAG RHNA plan is a lack of funding and the lack of land availability⁵. The former, I can understand and I believe this plan will help address, but the latter is simply ridiculous. There is potential for infill development throughout the Bay Area⁶, but it is clear that leaving the planning and use of these projects to local officials who, by their own admission, succumb to pressure from a minority of vocal NIMBY residents means that these goals may well never be reached, much to the detriment of our region. While it is important to have local autonomy in housing development, the fact that individual residents can file numerous spurious CEQA claims to stymie development is unconscionable and something should be done regionally to prevent things like this from happening or progress will never be made at the rate necessary to meet demand.

We also believe the following policies, submitted by 6 Wins in July 2021, could go a long way toward strengthening the Plan Bay Area 2050 Plan:

1. Prioritize solutions that immediately **stop displacement and prevent homelessness**, including tenant protections, affordable housing preservation, and permanent supportive housing and housing affordable to ELI and VLI households.
2. Adopt an actionable, **anti-displacement rubric and timeline** of meaningful community engagement to develop, evaluate, and prioritize projects across all 3Ps.
3. Under tenant protections, **support a right to counsel program(s)**. Relatedly, create a **regional rental registry**.
4. Under affordable housing preservation, **create a two-part regional acquisition fund and direct existing and forthcoming funding pots to preservation**.
5. Under affordable housing production, **incentivize and support deeply affordable production on public land and create a land bank strategy**.

Other Areas We Support

Outside of the Housing element of the report, we also have several other areas for which we would like to voice our support:

- **EC1:** A Universal Basic Income plan has been shown in multiple pilot projects around the globe to quickly lift people out of poverty, as well as allow individuals and families better plan for their future by providing an economic safety net while things are in flux.
- **EC3:** Investing in high-speed internet is vital, as the pandemic has shown, for success in any community. The fact that some communities are without access, even for a high cost, is unconscionable.
- The entirety of the **Transportation Strategies** section is generally very important, though we believe that our primary reliance on individual vehicles, regardless of any electrification, will be detrimental to our development as a region and problematic for the climate at large. While there are limitations on what can be done, more investment in local rail/light rail networks will do more for traffic than busses which are inevitably stuck in traffic with everyone else.

⁵ Draft RHNA Plan: San Francisco Bay Area 2021-2031

⁶ Council of Infill Builders: <http://www.councilofinfillbuilders.org/>

- The **Environmental Strategies** section is generally supported, especially the emphasis on including parks and recreation facilities in historically disinvested communities. That being said, the push for carpooling/sharing is not going to be enough and, as mentioned above, more investment in public transportation is going to be imperative for the future of the climate and mobility within the region.

Finally, we would like to, once again, thank the staff for all of the time and effort which went into this report. We hope that you consider our recommendations and are able to bring this plan to fruition. The future of our region, our climate, and those most vulnerable depends upon cooperation between all of the regional governments as well as the State government. We owe it to those who will come after us to make the world a more just and equitable place for everyone in the Bay Area and we hope this plan helps us to do that.

Regards,
The Hayward Collective