



Office of the City Manager

CONSENT CALENDAR
February 13, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Sharon Friedrichsen, Budget Manager
Subject: City of Berkeley's 2024 State and Federal Legislative Platform

RECOMMENDATION

Adopt a Resolution approving the City of Berkeley's 2024 State and Federal Legislative Platform.

FISCAL IMPACTS OF RECOMMENDATION

Formal adoption and use of a legislative platform, by clearly indicating the City of Berkeley's priorities, may increase the City's effectiveness when competing for federal or state funding opportunities.

CURRENT SITUATION AND ITS EFFECTS

The proposed 2024 State and Federal Legislative Platform outlines the City's legislative priority areas related to homelessness, housing, economic development, infrastructure, public safety, sustainability and the environment, and health. In addition, the platform supports the City's efforts to seek federal and state funding assistance in the areas of affordable housing and homelessness, infrastructure improvements and climate resiliency. These legislative priorities support the City's long-term Strategic Plan goals, including providing state-of-the-art, well-maintained infrastructure; creating affordable housing and housing support services; creating a resilient and safe city, and continuing to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The City Manager and City Department Directors provided input regarding the priority areas and projects to include within the 2024 legislative platform. In addition, the Budget and Finance Policy Committee reviewed the draft platform during its meeting on January 25, 2024, proposed amendments to the draft platform related to funding for affordable housing programs and recommended to forward the item as revised to the City Council with a positive recommendation (Vote: Ayes – Mayor Arreguin and Councilmember Kesarwani; Noes – None; Abstain – None; Absent – Councilmember Harrison).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

While adopting the legislative platform will not directly impact climate or improve environmental sustainability, these items will be supported by the platform through related policy and funding priorities.

RATIONALE FOR RECOMMENDATION

A formally adopted legislative platform clearly indicates the City's policy and funding priorities, allowing for more effective, targeted advocacy for the City's needs at the state and federal level.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to formally adopt a legislative platform. This could result in missing funding opportunities and a less clear position, voice or impact during state and federal level policy discussions and decisions.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, (510) 981-7000

Attachments:

1: Resolution

Exhibit A: City of Berkeley's 2024 State and Federal Legislative Platform

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

CITY OF BERKELEY 2024 STATE AND FEDERAL LEGISLATIVE PLATFORM

WHEREAS, the City of Berkeley has an interest in indicating to state and federal government the City's own legislative platform; and

WHEREAS, said platform can improve the City's ability to influence state and federal policy; and

WHEREAS, said platform can improve the City's effectiveness when competing for state and federal funding opportunities; and

WHEREAS, the City of Berkeley 2024 State and Federal Legislative Platform clearly outlines the City's policy and funding priorities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves Exhibit A, the City of Berkeley's 2024 State and Federal Legislative Platform.

Exhibits

A: City of Berkeley 2024 State and Federal Legislative Platform



M E M O R A N D U M

To: The Honorable Jesse Arreguin and Members of the Berkeley City Council
CC: Dee Williams-Ridley, City Manager

From: Christopher Townsend, President, Townsend Public Affairs, Inc.
Niccolo De Luca, Vice President
Joseph Mello, Federal Senior Associate
Andres Ramirez, Senior Associate
Carly Shelby, Legislative Associate
Sammi Maciel, Federal Associate

Date: January 25, 2024
Subject: Amended Draft 2024 State and Federal Legislative Agenda

Townsend Public Affairs, Inc. (TPA) has prepared a draft 2024 Legislative Platform for the City of Berkeley. The City's legislative platform for 2024 will reflect the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City's adopted goals.

Once adopted, this blueprint will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress and the Biden Administration. However, it will be necessary to remain nimble and responsive as we move through the legislative year. Our legislative agenda will be fluid as some issues will be addressed with introduced legislation.

Proposed Legislative Priorities for 2024

It is expected that the State Legislature in 2024 will maintain its focus on its recent priorities including; Climate Resiliency, Governance and Transparency, Homelessness and Behavioral Health, Housing and Greater Access, Public Safety, and Transportation and Infrastructure.

The State Legislature is currently in interim recess and will reconvene on January 3rd to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be like bills that did not advance in 2023, the second year of the two-year legislative cycle.

In Washington, DC a politically fraught Congress and new Speaker of the House will aim to legislate on several key priorities while balancing elections for the Presidency, House, and Senate. Major legislative action will center on the Fiscal Year (FY) 25 National Defense Authorization Act, 2024 Water Resources Development Act, the Farm Bill, and Energy Permitting Reform. Border security, foreign conflicts, artificial intelligence, and continued implementation of the Inflation Reduction Act and Bipartisan Infrastructure Law will also garner much attention.

Before Congress can focus on policy, both chambers must reconcile FY24 appropriations differences to fund the government and avoid a shutdown. Although this will likely drag into next year, Congress will begin accepting earmark requests for FY25 appropriations process as soon as February 2024.

Federal and State Legislative Monitoring and Potential Action

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The City Council may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA maintains a constantly updated matrix of state legislation and in years past have presented recommendations after session has started then providing rolling updates. TPA will monitor legislative activity in the following areas.

Homelessness
<p><u>Policy Priorities:</u></p> <ol style="list-style-type: none"> 1) Prevent displacement of tenants and residents 2) Expand emergency, transitional, and permanent housing opportunities 3) Expand resources and housing alternatives for those unhoused persons who suffer with severe mental illness and require conservatorship 4) Support legislative efforts that require counties to partner with cities when receiving direct allocation of homeless funds and have a regional focus in the expenditure of state funds 5) Support legislative efforts that will allocate State homeless dollars such as the HHAP program and others, based off city point-in-time count numbers 6) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs and encampment resolution for housing placements 7) Support legislative efforts that have a focus on keeping people in housing, once placed, for many years which could include legislative changes to emergency shelter crisis declarations 8) Support legislative efforts that address racial disparities in homelessness 9) Support legislative efforts that provide minimum basic income for those who are unhouse or at risk of becoming unhoused
<p><u>Funding Priorities:</u></p> <ol style="list-style-type: none"> 1) Continue the state-funded emergency rent and utility assistance program for those at-risk of becoming homeless 2) Expand funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), non-congregate shelters and emergency shelters, as well as operating costs for permanent supportive housing 3) Funding for permanent housing interventions that reduce and prevent homelessness 4) Support for more mental health and behavioral health outreach services; incentivize County provision of In-Lieu of Services in the CalAIM system change 5) Funding for targeted homeless prevention programs that provide financial assistance, legal and housing navigation services 6) Funding for employment, wage-earning programs for homeless people 7) Funding for substance abuse services 8) Support funding efforts for non-congregate shelter such as Safe Parking programs and allow existing rent subsidies sources to be used to subsidize the rent at these programs 9) Support funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing) and emergency shelters, as well as operating costs for permanent housing 10) Investment in extremely low income housing for those experiencing homelessness 11) Investment in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities

Housing

Policy Priorities:

- 1) Help promote and support housing legislation to enable the construction of more housing at various income levels; fight to repeal Article 34
- 2) Support legislation that advances the creation or funding of affordable housing projects
- 3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction
- 4) Reasonable reform to CEQA to streamline development and housing opportunities
- 5) Support legislative and funding efforts relating to housing preservation and acquisition and operation
- 6) Support legislative efforts to protect tenants and small property owners impacted by the COVID-19 pandemic which includes residential lease terminations
- 7) Support legislative efforts to extend the State rent relief program and to bring back the eviction moratorium/eviction protections
- 8) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
- 9) Support legislative efforts to repeal or reform the Ellis Act and the Costa–Hawkins Rental Housing Act
- 10) Work with UC Regents to help support more opportunities for student housing
- 11) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
- 12) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
- 13) Seek amendments to ADU legislation to establish additional conditions/protections on ADU construction in high fire hazard zones
- 14) Strongly support efforts to restore any proposed reductions in funding to affordable housing programs including the Multifamily Housing Program, Transit Oriented Development Program, Infill and Infrastructure Grant Program, and others

Funding Priorities:

- 1) Support for soft-story seismic retrofits
- 2) Funding for housing programs that advance racial equity
- 3) Funding for innovative programs to prevent displacement and address hazardous housing conditions
- 4) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
- 5) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
- 6) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
- 7) Expand funding for affordable housing on transit agency sites
- 8) Support funding for remediation of hazardous sites (to make viable for housing)
- 9) Support efforts to create more student housing funding opportunities

Economic Development

Policy Priorities:

- 1) Support and funding for arts and cultural spaces, arts education, and outdoor commerce
- 2) Measures providing for new tax increment financing opportunities (i.e., business district establishment or Enhanced Infrastructure Financing Districts) to support commercial districts as well as infrastructure and affordable housing
- 3) Efforts to encourage the development of sectors (and real estate sites) that align with quality job opportunities in local manufacturing, light industrial, bioscience, research and development, and other priority industry sectors. This includes environmental remediation of large industrial sites for redevelopment into research and development and/or life sciences use
- 4) Cannabis Tax reform which includes lowering taxes and tax simplification
- 5) Support efforts to address the digital divide
- 6) Support legislation relating to Online Sales Tax Distribution Formula reform
- 7) HARD HATS + funding for apprentice programs
- 8) Support legislative and other efforts for programs that create pathways out of poverty, including guaranteed income programs
- 9) Support legislative efforts to create and expand public banking

Funding Priorities:

- 1) Support for small business recovery, tourism/visitor recovery and other business sectors deeply impacted by the COVID-19 pandemic
- 2) Support funding for environmental remediation at the Pacific Steel site and other toxic sites throughout the City
- 3) Support funding for the seismic retrofit and renovation public landmark buildings (Civic Center, Veterans Building and Civic Center Plaza revitalization)
- 4) Loan access for minority- and women-owned businesses who experience difficulties in accessing loans from private banks

Infrastructure

Policy Priorities:

- 1) Support developing climate smart, resilient infrastructure to address growing climate threats and address deferred maintenance
- 2) Funding for programmatic implementation of hardware and software to ensure security
- 3) Funding for programmatic initiatives to advance use of technology in partnership with delivering cutting edge and strategic programs
- 4) Funding for upgrading and updating outdated technological infrastructure
- 5) Measures affecting funding for roads, transit, “last mile” projects and goods movement as well as alternative modes of transportation (bikes, ebikes, scooters, etc.), and support the needs of the disabled community
- 6) Support efforts to help commuters and increase public transportation and last mile expansion
- 7) Measures that tax ride sharing networks and help reduce vehicle congestion
- 8) Measures that support data sharing of TNCs with local government
- 9) Support regional transportation projects that would provide a benefit to the City and surrounding communities
- 10) Support for public infrastructure projects including the Ashby/North Berkeley BART Development, Berkeley Pier/Ferry Terminal Project, Maudelle Shirek (Old City Hall), Veterans Building, Civic Center Park, Santa Fe Right of Way, and San Pablo Park and Pool
- 11) Increasing resiliency of public infrastructure from threats of climate change
- 12) Support for public infrastructure that supports ADA access to all City facilities including buildings, Right of Way, and Parks
- 13) Support equity in infrastructure by improving City facilities and amenities in South and West Berkeley
- 14) Expand EIFD resources to include services for underserved communities

Funding Priorities:

- 1) Increased funding for bicycle and pedestrian safety improvements
- 2) Increased funding for utility undergrounding
- 3) Increased funding to address the wildland urban interface and fire safety
- 4) Funding to electrify and add e-charging in public facilities and for the public fleet and to provide public e-charging stations
- 5) Funding for the Safe Routes to School program
- 6) Funding for improving, restoring, and enhancing public infrastructure including landmark sites (e.g., Maudelle Shirek)
- 7) Funding for lifting equity through an African American Holistic Resource Center
- 8) Funding to enhance and build recreation facilities to address neighborhood youth engagement and enrichment. (i.e., San Pablo Park and Pool)
- 9) Funding for cyber security and necessary, related technological improvements
- 10) Funding for riding transit especially when linked to housing

Public Safety

Policy Priorities:

- 1) Support automated speed enforcement legislation and to seek alternatives to sworn traffic/parking enforcement
- 2) Support efforts to have non-sworn staff to investigate and report taking
- 3) Support disaster preparedness, training, response, and resilience efforts
- 4) Criminal justice reform
- 5) Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on other individuals before they are at risk
- 6) Support efforts that reimagine public safety and incorporate community-based organizations to help address problems
- 7) Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct
- 8) Support legislative efforts that seek to legalize safe crossings for pedestrian's aka 'jaywalking', allows cyclists to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-hand turn, and other related efforts
- 9) Support legislative modifications to the CalVIP program to help cities such as Berkeley
- 10) Support legislation and funding to improve fire safety, including undergrounding utilities

Funding Priorities:

- 1) Support funding opportunities for alternative traffic enforcement efforts
- 2) Support funding opportunities for violence prevention services
- 3) Support funding opportunities for dispatch and service redesign or expansion
- 4) Support wildland fire mitigation grants to support home hardening, vegetation management and suppression and response such as low or no-interest loan/grant programs to assist homeowners in clearing hazardous vegetation and hardening homes in high fire hazard zones
- 5) Support funding opportunities for community paramedicine and alternative destination protocols
- 6) Support funding/resources for analysis, development and implementation of road network for wildfire evacuation programs
- 7) Support funding for park access and ADA amenities
- 8) Support funding for law enforcement engagement and community-centered collaborative approaches in support of reimagining public safety efforts (Specialized Care Unit)

Sustainability and the Environment

Policy Priorities:

- 1) Support legislative efforts to incentivize Low-Carbon Construction: ability to and tools for incentivizing lower-carbon construction with fees from higher-carbon construction projects.
- 2) Support legislative efforts relating to electric bicycles: legislation to subsidize electric bicycle purchase, in coordination with electric vehicle subsidies.
- 3) Support legislation efforts to expand transportation alternatives by water (ferry)
- 4) Support legislative efforts to expand funding for electric vehicle charging in the public right of way
- 5) Measures that provide new tools and potential revenue opportunities to address illegal dumping
- 6) Measures that support regional planning for a climate change strategy, including sea level rise
- 7) Support efforts that enhance data sharing for utility companies
- 8) Support efforts for gray water capture
- 9) Remediation of open space to expand public green/open space
- 10) Support efforts to improve research on making desalination more cost effective and environmentally friendly

Funding Priorities:

- 1) Support technological advancements that reduce our draw on paper and nonrenewable resources
- 2) Support development of software infrastructure to support current and emerging initiatives in the most sustainable way possible
- 3) Funding for enhancing capacity in Information Department to support ongoing movement towards sustainable systems that require forward thinking processes and modern technological systems
- 4) Support funding to address sea level rise along waterfront and Aquatic Park (inclusive of state lands)
- 5) Support funding for electrification and seismic retrofitting of care and shelter facilities
- 6) Support funding for low-income solar and battery installation
- 7) Support for reaching Climate Action Plan, Clean Water, and Resilience Plan goals
- 8) Support funding for Zero Waste efforts
- 9) Support funding for more EV charging stations at apartments and elsewhere

Health

Policy Priorities:

- 1) Support legislative efforts to enhance greater access to hospitals and health care.
- 2) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds
- 3) Support legislative and other efforts to keep Alta Bates Hospital open and operating as an emergency and acute care hospital
- 4) Support legislative efforts that support and increase psychiatric care facilities and acute care facilities
- 5) Support legislative efforts to protect the rights of women and reproductive health
- 6) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings
- 7) Support legislative efforts that existing mental health and substance programming prioritize people who are referred by the homeless system
- 8) Support legislative efforts that soften data sharing constraints at the Federal level: HIPAA contains broad information-sharing allowances among “treatment providers” for the purposes of “care coordination”—issue guidance defining homeless encampment or homeless-serving teams as “treatment providers” and making it clear that information can be shared on a need-to-know basis
- 9) Support legislative efforts related to oversight of guardians, receivership, conservatorship and other forms of care

Funding Priorities:

- 1) Support funding and regulatory changes to advance for emergency readiness, particularly in relation to public health
- 2) Support funding efforts relating to mental health treatment, substance abuse treatment, and other related services
- 3) Focus on funding health services for underserved communities

Miscellaneous

Policy Priorities:

- 1) Support legislative efforts to make changes to the Brown Act to help encourage greater public participation and further encourage online meetings and make changes to posting requirements and public access in private residences
- 2) Support legislative efforts to address the way ballot measures are formulated, worded, and advertised
- 3) Support funding for emergency readiness, particularly in relation to public health

One Time State and Federal Funding Priorities for “Member Request” Consideration

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last year. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as “Member Requests” or “Congressionally Directed Spending”.

As it relates to state and federal “Member Requests”/ “Congressionally Directed Spending”, our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City’s projects fit the eligibility requirements of the various state and federal funding sources.

These buckets include:

- *Affordable Housing/Homelessness* which could include funding to reduce unsheltered homelessness including outreach and mental health services, non-congregate shelter, housing subsidies and gap funding for affordable housing projects including new construction and acquisition and rehabilitation of housing.
- *Infrastructure Improvements* which could include funding for enhancements to public infrastructure including landmark sites, active transportation enhancements which includes bicycle and pedestrian upgrades at various city locations such as the Telegraph Shared Street project.
- *Climate Resiliency* which could include funding for urban forestry interface, wildfire prevention, cooling centers, HVAC upgrades, and other related items.

Process for Reporting/Next Steps

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess, during July while they are on Summer Recess, and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA will provide monthly updates which can be shared with the City Council.