




Commission on the
Status of Women

Commission on the Status of Women
Wednesday, March 15, 2023 – 6:00pm
South Berkeley Senior Center, Large Conference Room
2939 Ellis Street, Berkeley, CA 94703
AGENDA

1. Roll call
2. Approval of Agenda for March 15, 2023
3. Approval of Meeting Minutes February 15, 2023
4. Public Comment
5. Discussion with Women’s Daytime Drop-In Center staff on needs of low-income women in Berkeley; discussion and possible action
6. Discussion with Berkeley Police Department on domestic violence and sex trafficking victims; discussion and possible action
7. Chairperson’s Report includes CEDAW, COSOW purpose and direction
8. Adoption of land acknowledgment (if so adopted, land acknowledgment will be read at the of all future meetings)
9. Discussion and possible action re a start time and location of future meetings
10. Possible recommendation to Council of letter to be written by Council to Governor, State Attorney General, State Senate and State Assembly in support of Governor’s decision to not renew \$54 million contract with Walgreens due to Walgreens making unavailable reproductive choice medication; discussion and possible action
11. Possible recommendation of letter to Council supporting Homeless Services Panel of Experts’ recommendation for funding a gender-based/domestic violence transition house for women fleeing domestic violence and sex trafficking victims; discussion and possible action

12. Discussion on upsurge in suicide rates among young girls and developing a strategy to acquire additional local information addressing suicide prevention among young girls in Berkeley; discussion and possible action
13. Discussion re statistic that African-American women in United States are more likely to die during childbirth and if this health disparity is consistent in Berkeley, CA; discussion and possible action
14. Discussion on elderly female homeowners approached by speculators and strategy to advise them of their rights; discussion and possible action
15. Legislative and City Council Update
16. Discussion of Vice-Chair nomination and election at future meeting
17. Good of the Order
18. Adjournment

ADA Disclaimer

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SB 343 Disclaimer

Commission on the Status of Women

March 15, 2023

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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 the City Manager's Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

Shallon Allen, Secretary

Commission on the Status of Women

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Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – February 15, 2023
DRAFT MINUTES**

The meeting convened at 6:05pm with Chairperson Deguzman presiding.

ROLL CALL

Present: Deguzman, Ball, Simon, Henneman, Marasovic (arrived at 6:13pm)
Absent: None
Excused: None

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Comments from the Public

- Public attendance: 4
- Public comments:

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Action

Item # 2: The Commission on the Status of Women approved the February 15, 2023 agenda.

M/S/C: Ball/Henneman
Ayes: Deguzman, Ball, Simon, Henneman
Absent: None
Excused: None

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Item # 3: The Commission on the Status of Women approved the January 18, 2023 meeting minutes.

M/S/C: Deguzman/Ball
Ayes: Deguzman, Ball, Simon, Henneman
Absent: None
Excused: None

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Item # 5: The Commission on the Status of Women elected Carole Marasovic as Chair of the commission.

M/S/C: Marasovic/Deguzman
Ayes: Deguzman, Ball, Simon, Henneman, Marasovic
Absent: None
Excused: None

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Item # 5: The Commission on the Status of Women elected Heather Ball as Vice Chair of the commission.

M/S/C: Deguzman/Marasovic
Ayes: Deguzman, Ball, Simon, Henneman, Marasovic
Absent: None
Excused: None

The meeting was adjourned at 7:39pm.

Respectfully Submitted,

Shallon Allen, Secretary
Commission on the Status of Women

3.48.010 Established--Membership--Appointment.

A Commission on the Status of Women is established. The commission shall consist of nine members. Appointment to the commission shall be made and vacancies on the commission shall be filled in accordance with the provisions of the Fair Representation Ordinance, Sections [2.04.030](#) through [2.04.130](#) of the Berkeley Municipal Code. It is the intention of the council that the members of the commission shall have demonstrated a commitment to women's issues and shall represent the entire women's community, including third world women, lesbian women, teenage and elderly women and single parents. (Ord. 5341-NS § 1, 1981)

The Berkeley Municipal Code is current through Ordinance 7849-NS, passed December 13, 2022.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company](#)



City Clerk Department

October 21, 2022

To: Berkeley Unified School District
Berkeley Rent Stabilization Board
Board of Library Trustees
Berkeley Housing Authority
All Berkeley Boards & Commissions

From: Mark Numainville, City Clerk

Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People

On October 11, 2022, the Berkeley City Council unanimously adopted the Land Acknowledgement Statement Resolution. The Statement acknowledges that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people, brings attention to their centuries of resistance to colonial violence, and reminds our City and community of the need to take concrete restorative actions.

The full recommendation of the City Council is as follows:

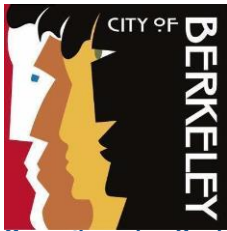
1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

This memo transmits the agenda item and resolution to you as directed by the City Council in recommendation number three. Recommendation number three also states that the City Council recommends to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in their meeting practices.

Thank you for your review and consideration of this important item.

cc: Mayor and City Council
Dee Williams-Ridley, City Manager

Enc.



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

October 11, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Hahn (Author)
Mayor Jesse Arreguín (Co-Sponsor)
Councilmember Taplin (Co-Sponsor)
Councilmember Robinson (Co-Sponsor)
Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral,
Unceded Home of the Ohlone people.

RECOMMENDATION

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

SUMMARY

Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions.

The settlers of California, primarily Europeans seeking religious converts, agricultural land and economic opportunity during the gold rush, committed one of the most egregious genocides in history. Settlers murdered 80 percent of Indigenous people in the state from

1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation.¹

Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities. Today, land acknowledgments are used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live.² To begin public meetings, dozens of localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements. Many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA), read these acknowledgements as well. The practice has been common for nearly a decade in Canada, New Zealand, and Australia.³

Locally, many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board.

However impactful these statements may be, it's important to consider that land acknowledgements have been criticized as appropriating the Indigenous practice of acknowledging the ancestral roots of land without taking concrete action against ongoing oppression.⁴ According to University of Oklahoma Professor of Native American Cultural Studies Dustin Tahmahkera, "To acknowledge Indigenous homelands and to return those lands are related, but the former alone allows for rhetoric without further action."⁵

Dr. Duke Redbird, an Elder of the Saugeen First Nation in Ontario recently noted that Canada has invited non-Indigenous territories such as Prince Edward Island into the government's confederation, giving them lawmaker representation in parliament, while excluding millions of Indigenous people from the same opportunity:⁶

¹ Madley, B. (2016). *An American Genocide. The United States and the California Indian Catastrophe*. Yale University Press. Print. p. 10, 12. Note: approximately, one in ten of these 125,000 deaths were the result of direct violence, often perpetuated by volunteer militias. Others resulted indirectly through displacement and disease.

² Smithsonian National Museum of the American Indian, *Honoring Original Indigenous Inhabitants: Land Acknowledgment*. [Web](#).

³ Dewey, C. (2021). *Growing Number of Cities Weigh Tribal 'Land Acknowledgements.'* Pew Research Trust. [Web](#).

⁴ Kaur, H. (2021). *Land acknowledgments are often an empty gesture, some Indigenous people say.* CNN. [Web](#).

⁵ Wood, G. (2021). *'Land Acknowledgments' Are Just Moral Exhibitionism.* The Atlantic. [Web](#).

⁶ Museum of Toronto (2020). *Ask an Elder: What do Land Acknowledgements represent?* [Web](#).

To get up in government and give a land acknowledgement without even inviting us into confederation, we were left out. What is the land acknowledgement supposed to represent? Give us a feeling that we should be grateful? Grateful for what?

Naomi Bob, an Indigenous Youth Wellness Project Coordinator with the Snaw'naw'as and Nanoose First Nation, shared his perspective:⁷

I'm seeing land acknowledgements done in a way that is tokenizing and minimizes responsibility and our history... It's really easy to list off your host nations you found off of a google search but I want to hear how you as an individual have ended up on their land and I want to hear about the work you're doing to reconcile responsibilities you have inherited . . .

One of the leading advocacy groups for land acknowledgement, the Native Governance Center, acknowledges this issue of “optical allyship,” asking that local governments and community groups craft land acknowledgements that go beyond a mere statement, by providing research on the history of Indigenous peoples and offering concrete actions to support them. The organization’s Guide to Indigenous Land Acknowledgement states “every moment spent agonizing over land acknowledgement wording is time that could be used to actually support indigenous people... an apology or an acknowledgement is one thing, but what are you going to do next?”⁸

At an April 2022 Berkeley Rent Stabilization Board meeting Lisjan Ohlone Chairperson Corrina Gould spoke in support of their land acknowledgment and emphasized that we must acknowledge not only the past but also the future. She stressed that land acknowledgements are “a way to create goals together so there is an ongoing partnership taking care of the lands, and waters, and places that we live.”⁹ The City of Berkeley should honor this intention and use this resolution and the Land Acknowledgement practice as a first step to bring attention to these histories and as a foundation for further concrete actions.

This item asks for the Land Acknowledgement to be formally adopted, displayed, and spoken by the City Council at the start of proceedings, and asks other appointed and elected governmental bodies in Berkeley to consider adopting similar Land

⁷ CFSC Video (2020). Why are land acknowledgments important? Naomi Bob - Indigenous Voices on Reconciliation. [Web](#).

⁸ Native Governance Center (2019), quoting Dr. Kate Beane of the Falandreau Santee Dakota and Muskogee Creek as well as Robert Larson of the Sioux Indian Community. A Guide to Indigenous Land Acknowledgement. [Web](#).

⁹ City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Acknowledgement practices. More importantly, *it is intended to serve as a starting point for further restorative and reparative work our City and community must engage in*, not as an end in and of itself.

BACKGROUND

The United States, the State of California, and the City of Berkeley came into being through the deliberate and sustained genocide of Indigenous people, and modern forms of this colonial violence continue to this day both here in Berkeley and across the country and globe. This history is often obscured or erased. Schools for decades have failed to teach the truth about this legacy, replacing hard and ugly facts with a variety of convenient myths and misrepresentations. Surviving Native Americans endured forced reeducation at boarding schools that suppressed oral history transmission, and fear of violence and murder drove many to hide their Indigenous ancestry, further eroding culture and memory.¹⁰ But Lisjan Ohlone and other Native American people found ways to survive this murderous and cultural genocide, and many are with us today.

To contextualize this painful history, honor the Indigenous people who have survived and resisted this violence, and chart a new path forward for our community, this item briefly recounts elements of this history to understand the present.

The Ohlone are a group of around 50 separate tribes, who for 10,000 years lived on ancestral lands that spanned the coast of what is now known as San Francisco through Monterey Bay to the lower Salinas Valley.¹¹ There were eight different nations in the Bay Area alone, including the Lisjan; many came to adopt the term Ohlone in solidarity with other nations to push back against the Spanish colonizers' blanket name of "Costanoan."¹²

The territory xučyun (Huchiun), extending from what is now known as the Berkeley Hills to the Bay Shore from West Oakland to El Cerrito, is the home territory of the Chochenyo speaking Ohlone people. The cities of Alameda, Berkeley, Emeryville, El Cerrito, and most of Oakland were created on this ancestral territory. Nearly 310,000 Indigenous people across the region lived in what is now called California, speaking as many as 100 languages.¹³

Spain began colonizing these lands in 1769, establishing military forts and religious "mission" outposts across the region, including Mission San Jose in Fremont and

¹⁰ Madley, B. (2016). Ibid. p. 10.

¹¹ UC Berkeley, n.d. Berkeley sits in the territory of xučyun. [Web](#).

¹² Gould, Corrina. (2021). Berkeley's Ohlone History. Peralta Community Garden. [Web](#).

¹³ Madley, B. (2016). Ibid. p. 23.

Mission Dolores in San Francisco, that enslaved the ancestors of some modern-day Berkeley and East Bay Ohlone people.¹⁴ ¹⁵Spain used slavery, rape, and torture of Indigenous people to secure silver mines to compete against colonial powers like Russia and Britain and “spiritually conquer” the region in the name of Catholicism.¹⁶ In this period, Spain claimed ownership of the land and granted use rights to some ranchers and farmers.¹⁷

In 1818, the Spanish soldier Luis Peralta petitioned the Spanish authorities to be granted 48,000 acres extending from modern day San Leandro Creek to El Cerrito. This area, encapsulating modern day Berkeley, was known as “Rancho San Antonio.” Two of Peralta’s four sons, Domingo and Vicente (for which streets are named today), administered the territory for nearly two decades, through the transfer of the region to Mexico from Spain. Ranching appropriated and destroyed native landscapes and diverted streams for irrigation at great cost to native peoples, some of whom found ways to survive amid ongoing Spanish oppression.¹⁸

Following Mexican independence in 1821, the new Mexican government granted private land rights to individual “ranchos” through the Missions: these land grant settlers began occupying prime agricultural lands across the state, but remained less than 20 percent of California’s population – the remainder being Native American.¹⁹ The Peralta family soon had company in the form of other landed “aristocratic” families, which replaced the missionary friars as the most powerful people across the region.²⁰

Amid the 1850’s Gold Rush, U.S. soldiers victorious over Mexico and other squatters began to make legal claims to the Peralta lands. Federal judges of the California Land Commission in 1851, not well prepared for their tasks, attempted to resolve these numerous land disputes, but the Peraltas were overwhelmed by lawyers’ bills and property taxes, eventually selling off much of their lands to pay their debts.²¹ Meanwhile the violent occupation of settlers as well as the spread of European diseases like smallpox reduced the Indigenous population to only 150,000 people by the time the United States had taken legal control of what is now California in 1846, during the Mexican-American war.²²

¹⁴ Novan, K. (2021). California Agriculture: Dimensions and Issues, 2nd Edition: Chapter 3, California’s Evolving Landscape. University of California: Giannini Foundation of Agricultural Economics. [Web](#). p. 59.

¹⁵ Gould, Corrina. (2021). Ibid.

¹⁶ Novan, K. (2021). Ibid. p. 59.

¹⁷ Madley, B. (2016). Ibid. p. 27 - 38.

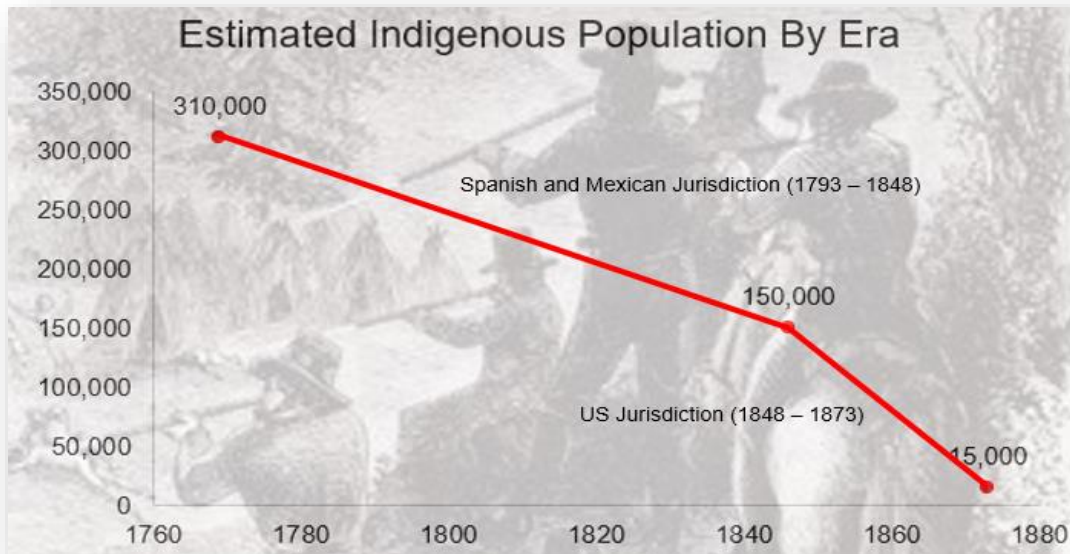
¹⁸ Wollenberg, C. (2008). Berkeley: A City in History. Chapter One: First Settlers. UC Press. p. 8. [Web](#).

¹⁹ Novan, K. (2021). Ibid. p. 60. / Lindsay, B.C. (2012), p. 131

²⁰ Wollenberg, C. (2008). Ibid. P. 8

²¹ Wollenberg, C. (2008). Ibid. P. 14

²² Madley, B. (2016). Ibid. p. 3, 12



So began the era of more affirmative, state-sponsored genocide that led US Indian Affairs Commissioner John Collier to declare in 1935 that “The world’s annals contain few comparable instances of swift depopulation— practically, of racial massacre—at the hands of a conquering race.”²³ Brenden C. Lindsay, Associate Professor of History at Sacramento State and author of *Murder State: California’s Native American Genocide*, concludes that “northern California’s Native population faced a genocidal assault perhaps unrivaled in North America in terms of its ferocity, bloodiness, and loss of human life,” this violence was executed through state-sponsored and state-tolerated violence, enslavement, and displacement.²⁴

It was just not just a select few who engaged in this violence. European settlers flooding into Northern California in search of gold came with a manufactured fear of Indigenous people, due to repetitive, sensationalized, and false storytelling in newspapers and other reports. Deaths from disease, natural causes, and even suicide were attributed to Indigenous people while actual violence by Indigenous people against settlers was quite rare. For example, contrary to popular myths, only 115 of nearly 90,000 new settlers were killed in conflicts with Indigenous people during the 1840s.²⁵ This manufactured fear, which translated into hatred, provided pretext for California Governors John

²³ Madley, B.

²⁴ Lindsay, B.C. (2012) *Murder State: California’s Native American Genocide, 1846-1873*. University of Nebraska Press. Print. p. 177

²⁵ Lindsay, B.C. (2012). *Ibid.* p. 9, 23, 31, 39, 120.

McDougal and Peter Burnett to legally sanction volunteer militias tasked with pushing Indigenous people off farming and ranching lands in the most economically efficient way possible: massacre.²⁶ Justifying this genocide with slurs like “digger,” Indigenous people were equated with animals for the purpose of literally hunting them with guns.²⁷

Many Indigenous people were enslaved for labor as well. Prominent State Senators and ranchers during California’s early years pushed the Governor to create reservations where Indigenous people could be used for hard labor but kept separate from whites. Legislation was also passed echoing legislation in southern States to reduce Indigenous people to non-legal entities who could be legally enslaved.²⁸ If Indigenous people were found drunk on Sundays, they were arrested and enslaved: the Los Angeles Star reported one instance where a jail door fell down because the cell was so crowded with imprisoned native people.²⁹ These and similar atrocities precipitated the unsuccessful pan-Indigenous “Garra Revolt” during the 1850s.

This enslavement also went hand in hand with displacement from ranching, which led to extreme poverty and starvation, with many Indigenous people desperate for work to survive. Ranching throughout California depended on the labor of enslaved Indigenous people as quests for gold by settlers drained the labor force.³⁰ Ranchers hunted deer and elk that competed for food with their cows and horses, devastating wild herds. Domesticated animals like cows, pigs, and sheep ate thousands of acres of plants Indigenous people depended on for food.³¹ This environmental devastation drove some Indigenous people such as the Paiutes to attack cows and horses (though even this tactic of survival was exaggerated by settlers, who often attributed the natural deaths of domesticated animals to Indigenous people).³² In an ironic twist, Indigenous peoples who killed domesticated animals tended to receive more in reservation funding, as this act of resistance created heavy costs for the ranchos.

The legal system, disguised with the veneer of “democratic will,” barred Indigenous people from testifying in court against settlers: in practice, legalizing their murder.³³ The Treaty of Guadalupe-Hidalgo, which ended the Mexican-American War, was violated as California took Indigenous affairs, a federal responsibility, into local hands following

²⁶ Lindsay, B.C. (2012). *Ibid.* p. 151, 170.

²⁷ Lindsay, B.C. (2012). *Ibid.* p. 133, 185

²⁸ Lindsay, B.C. (2012). *Ibid.* p. 146-148

²⁹ Lindsay, B.C. (2012). *Ibid.* p. 23, 153

³⁰ Lindsay, B.C. (2012). *Ibid.* p. 31, 136, 153

³¹ Lindsay, B.C. (2012). *Ibid.* p. 176, 181, 183, 186

³² Lindsay, B.C. (2012). *Ibid.* p. 17, 136, 186

³³ Lindsay, B.C. (2012). *Ibid.* p. 27, 28, 132, 168,

statehood.³⁴ For its part, however, the federal government reimbursed the cost of volunteer militias with millions in funding, effectively bankrolling massacre. It also issued a decree allowing soldiers from the Mexican-American war to claim up to 160 acres of land in California as a bounty, another factor in the demise of Ranchos and the establishment of “land rights” - to land that was stolen once from Indigenous peoples and a second time from the “owners” of formerly Spanish and later Mexican Ranchos.

The Sogorea Te’ Land Trust is an urban Indigenous women-led land trust based in the Bay Area that facilitates the return of Indigenous land to Indigenous people. The Trust’s website includes a short history of the Lisjan Ohlone, which parallels the history recounted in other sources.

“The Lisjan people have lived in the territory of Huchiun since the beginning of time. For thousands of years, hundreds of generations, the Lisjan Ohlone people have lived on the land that is now known as the East Bay in the San Francisco Bay Area. We did not own the land, we belonged to it. Generation after generation, we have cultivated reciprocal relationships with the plants and animals we share this place with, and developed beautiful and powerful cultural practices that keep us in balance.

The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history. Our tribes, cultures and languages are as diverse as the ecosystems we live within. When the Spanish invaded in the late 1700s, in their ignorance they called us Costanoan, people of the coast. In the 1960s and 70s, inspired by the Black Power and American Indian Movements, we organized and renamed ourselves Ohlone. The different nations of Ohlone people are connected but have different territories and languages. The Confederated Villages of Lisjan speak the language Chochenyo.

The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napien (Patwin). Our territory includes 5 Bay Area counties; Alameda, Contra Costa, Solano, Napa and San Joaquin, and we are directly tied to the “Indian Town” census of the 1920s and the Verona Band.

The colonization of this land began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land. The Missions were plantations, built by slave

³⁴ Lindsay, B.C. (2012). Ibid. p. 28, 140-143

labor and sustained through brutal physical violence and extractive land practices. The Spanish brought deadly diseases, invasive species, and Christian ideology, based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings we have shared the land with.

After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely. In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities. Cultural and spiritual traditions were forced into dormancy or secrecy, and much knowledge perished with the passing of generations.

Despite these concerted efforts to erase our history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families. Utilizing a wide array of survival strategies to navigate a profoundly altered 21st century world, we continue to revitalize our cultural practices and uphold our responsibilities to protect and care for our ancestral homeland.

We have survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras. Today, we continue to inhabit our ancestral homeland, fight for our sacred sites and revitalize our cultural practices.”³⁵

Despite the incredible strength it has taken to survive the repeated onslaughts of slavery, disease, environmental destruction, land appropriation, and state-sponsored physical and cultural genocide, centuries of trauma from colonization manifest themselves in ongoing struggles for Indigenous People in California and beyond. The nearly two million Indigenous people living under U.S. jurisdiction suffer the highest rate of poverty of any racial group—almost twice the national average. Rates of suicide, alcoholism, gang membership, and sexual abuse are also far higher than that of the non-Indigenous population, with challenges particularly acute on reservations.³⁶

By restoring sovereignty and land to Indigenous people, with negotiated environmental protections and meaningful economic opportunity, is one way to help repair deeply scarred communities.

As Standing Rock and other pipeline opposition campaigns have shown, Indigenous peoples living under U.S. jurisdiction continue to stand up against pipelines, oil extraction,

³⁵ Sogorea Te' Land Trust, Lisjan (Ohlone) History & Territory. [Web](#).

³⁶ Riley, N.S. (2016). One Way to Help Native Americans: Property Rights. The Atlantic. [Web](#).

and other desecrations that destroy their limited lands and poison communities with cancer and polluted water. The petroleum industry has demolished sacred sites and confronts individuals who resist with rubber bullets, attack dogs, and other war-like practices.³⁷ While Indigenous People are anything but a monolith, this common cause against extraction, pollution and desecration unites many. As Dallas Goldtooth of the Dakota Nation and Indigenous Environmental Network has described:

[Resistance] resonates across the diaspora of Indigenous Peoples. This is a critical moment we find ourselves in on this planet, not just in the sense for addressing climate change, but also a sense for social justice, a sense of just overall justice for all species. Indigenous Peoples tend to be, and rightfully are, on the frontline of those fights and those struggles. That's encapsulated by this idea of us rising together.

This connection even extends internationally, as the state of California plays an outsized role in the extraction and destruction of Indigenous homelands in the Amazon as well. In turn, the deforestation of the Amazon destroys moisture distribution that contains wildfires across North America, and California in particular.³⁸ A recent investigation demonstrated that California consumes more oil extracted from the Western Amazon than any other region on earth, refining it for airports, Amazon, PepsiCo and COSTCO.³⁹

In another example of the enduring nexus between our State and community and forces of destruction to Indigenous lands, a federal investigation found the largest animal production company in the world, JBS, has been implicated in the continued deforestation of the Amazon as well as the torture and murder of Indigenous people of the Amazon.^{40 41} Several of Europe's largest supermarket chains have responded by banning JBS beef products, acknowledging that animal feed crops and animal grazing drives 80 percent of Amazon deforestation.^{42 43} Through our consumption here in Berkeley, we literally fuel practices that continue to destroy Indigenous People and the lands on which they survive.

³⁷ Bunten, A.C. (2017). Indigenous Resistance: The Big Picture behind Pipeline Protests. Cultural Survival. [Web](#).

³⁸ Lazard, O. (2020). One Answer to California's Fires Lies in the Amazon. Carnegie Europe. [Web](#).

³⁹ Amazon Watch. Linked Fates: How California's Oil Imports Affect the Future of the Amazon Rainforest. [Web](#).

⁴⁰ Mano, A. (2021). Brazil's JBS bought 301,000 cattle from 'irregular' farms in the Amazon, audit finds. Reuters. [Web](#).

⁴¹ Phillips, D. (2020). Brazilian meat companies linked to farmer charged with 'massacre' in Amazon. The Guardian. [Web](#).

⁴² Spring, J. and Deutsch, A. (2021). European supermarkets stop selling Brazil beef over deforestation links. Reuters. [Web](#).

⁴³ Butler, R. (2009). Controlling the Ranching Boom that Threatens the Amazon. Yale School of the Environment. [Web](#).

With knowledge of these connections between the meat we eat and petroleum we consume to continued oppression of Indigenous People and desecration of their lands, we should consider actions like the boycotts undertaken in European countries.

Thoughtfully acknowledging our own history and current aspirations for local and other Indigenous Peoples prior to public deliberation offers hope for more permanent and meaningful restorative action in Berkeley as well as statewide, nationally, and across the globe.

REVIEW OF EXISTING PLANS PROGRAMS, POLICIES, AND LAWS

The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as oppressive actions that persist today.

In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day. This action motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People.⁴⁴ Since then, nearly 130 cities nationwide and 20 states have acknowledged this day of recognition as well.

In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as a landmark. The site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing. In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States.⁴⁵

Regarding the significance of the Shellmound and Village historic district, the "Shellmound - Ohlone Heritage Site and Sacred Ground" website documents that:

"For thousands of years, the people of this original village on the East Bay shore thrived on the abundant resources of land and sea, developing a sophisticated maritime culture. Towering over the village was a great mound, estimated to have been at least 20 feet high and hundreds of feet long, one of the largest of the 425

⁴⁴ Associated Press (1992). In Berkeley, Day for Columbus Is Renamed. New York Times. [Web](#).

⁴⁵ Dinkelspiel, F. (2020). West Berkeley Shellmound is now considered one of the U.S.'s 11 most endangered historic places. BerkeleySide. [Web](#).

shellmound funerary monuments that once lined the shores of San Francisco Bay. These mounds are older than the pyramids in Egypt and most of the major cities in the world.

Archaeologists have long recognized the importance of the West Berkeley Shellmound site, also known as the “West Berkeley Site,” or CA-ALA-307. The site has been determined eligible for listing on the National Register of Historic Places under all four criteria, and is listed on the California Register of Historical Resources. Archaeological evidence from the West Berkeley Site has fundamentally shaped understandings of the early human history of the San Francisco Bay Area, and ongoing research continues to enrich and reinterpret an amazing historical narrative.

Eminent UC Berkeley archaeologist Kent Lightfoot describes the West Berkeley Site as a fishing village where “an active port was maintained over hundreds of years,” with dozens of tule balsa canoes going out on fishing and hunting expeditions, or ferrying people and goods across the Bay. Large nets were used to catch fish such as sturgeon, salmon, thresher sharks, jacksmelt and surfperch. Hunters pursued antelope, deer, tule elk, dolphins, porpoises, otters, sea birds and other quarry, cooking their catch in underground ovens and hearths.

A unique 40-foot long oval-shaped building at the site is thought to have functioned as a center for ceremonies, dances and special meetings. Charmstones, abalone pendants and other ritual items have been recovered from the site. Hundreds of human burials have been recorded, as well as ritual burials of coyotes and a California condor.”⁴⁶

In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People’s right to self-determination.⁴⁷ In 2015, the Council later delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding.

In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and referred to the Berkeley Shellmound landmark.⁴⁸ The latter affirmed the City’s commitment to the “defense of Indigenous rights,

⁴⁶ Shellmound – Ohlone Heritage Site and Sacred Grounds. [Web](#).

⁴⁷ United Nations General Assembly (2007). United Nations Declaration on the Rights of Indigenous Peoples. [Web](#).

⁴⁸ Berkeley Resolution No. 67,352-N.S. Recognizing the Ohlone Peoples. [Web](#).

culture, and dignity” as an official value, committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”⁴⁹ The success of this measure underscores how Indigenous groups including Ohlone members and conservation activists have organized in spreading awareness throughout the community about their homeland and sacred sites in Berkeley and the Bay Area.

In January 2018, Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory." In October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory." As part of their deliberations, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting.

On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall.

At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings.⁵⁰

In the spirit of continuing to demonstrate and deepen the City of Berkeley’s commitment to recognition and inclusion of the Ohlone People we bring the proposal for an official land acknowledgment forward, including consideration of concrete actions that may follow from public deliberation.

ACTIONS/ALTERNATIVES CONSIDERED:

The City of Berkeley should consult with Lisjan Ohlone leadership regarding any decisions related to restorative, reparative, or other supportive actions. Some actions the City may wish to consult on include:

⁴⁹ Berkeley Resolution No. 67,353-N.S. Honor Berkeley Shellmound Indigenous Sacred Site, UC Berkeley Return Ancestral Remains to Ohlone Peoples. [Web](#).

⁵⁰City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Create Easements and/or Return City land: The Sogorea Te' Land Trust and the City of Oakland on September 8, 2022 announced a visionary, historic plan to return approximately five acres of land owned by the City to Indigenous stewardship.

The Oakland City Council will hold hearings to consider conveying the site, known as Sequoia Point, to the Sogorea Te' Land Trust, and the East Bay Ohlone tribe, Confederated Villages of Lisjan Nation. The City would grant a cultural conservation easement in perpetuity to the Land Trust, allowing the Land Trust to immediately use the land for natural resource restoration, cultural practices, public education, and to plan for additional future uses.

What started out with a casual conversation between Oakland Mayor Libby Schaaf and tribal Chairperson Corrina Gould in 2018, grew into a partnership between the City and the Land Trust to begin to address the historic harms of Oakland's founding.

In the short term, the easement would allow the Land Trust to immediately begin tending to the land, gather Native plants and foods, clean up the area, and perform environmental and natural habitat restoration. The long-term vision of this project is to create a thriving, beautiful, ceremonial gathering place and structure where Indigenous people and their guests can come together and share cultural information and celebrations.

"I am committed to returning land to Indigenous stewardship, to offer some redress for past injustices to Native people," said Mayor Schaaf. "I hope the work we are doing in Oakland with the Sogorea Te' Land Trust can serve as a model for other cities working to return Indigenous land to the Indigenous community we stole it from."

In recognition of this historic moment, tribal Chairperson Corrina Gould said, "This agreement will restore our access to this important area, allowing a return of our sacred relationship with our ancestral lands in the hills. The easement allows us to begin to heal the land and heal the scars that have been created by colonization for the next generations."⁵¹

Berkeley should consider this or similar actions to return land to Ohlone ownership and/or stewardship.

⁵¹ Sogorea Te' Land Trust and City of Oakland Announce Plan to Return Land to Indigenous Stewardship. [Web.](#)

Local Support for Land Transfers: As part of the land acknowledgement process, the City of Berkeley might consider encouraging residents to donate land to indigenous stakeholders such as the Sogorea Te' Land Trust that partners with dozens of local food justice and environmental groups to protect our shared environment.⁵² The Council could recognize donations of land or actions taken by community members to donate land through wills. The City could also partner to distribute information on the Sogorea Te' Land Trust and include information about the Trust on its website, including a guide to these types of donations produced by the Sustainable Economies Law Center, a copy of which is attached.^{53 54}

Local support for Voluntary Land Taxes: The City of Berkeley may consider further means to encourage residents to donate Indigenous causes through payment of voluntary land taxes, "Shuumi," that support the return of Indigenous land to Indigenous people.⁵⁵ The Sogorea Te' Land Trust, located in the East Bay, has such a program, and a similar program allows residents of the Humboldt Bay region to pay a voluntary tax to the Wiyot people. In Seattle, nearly 4,300 residents have signed up to pay the Duwamish Tribe symbolic rent.⁵⁶

Support for Statewide Indigenous Land Sovereignty: The City of Berkeley may continue its consideration of support letters, resolutions, and education campaigns that highlight exploitation of ancestral Indigenous people and lands.

Future efforts could support action to return land or pay restitution to Indigenous people. Returning land to Indigenous sovereignty or using restitution funds for Indigenous-led sustainability initiatives acknowledges the leading role that the securing of land had in the genocide of Indigenous people across the region.⁵⁷

Berkeley further may consider statements of support for giving Indigenous people sovereignty over national and local parks, acknowledging the acts of violence and genocide that drove them from these locations. Precedent exists in New Zealand and Australia.

⁵² Sogorea Te' Land Trust. Return the Land / Land Return. [Web](#).

⁵³ Sustainable Economies Law Center. Options for Transferring Land. [Web](#).

⁵⁴ Note: for lands outside this region, individuals can often find information on donations by searching "Tribal Historic Preservation Officer" along with the name of the nation they wish to give to.

⁵⁵ Sogorea Te' Land Trust. Shuumi Land Tax. [Web](#).

⁵⁶ Singh, M. (2019). Native American 'land taxes': a step on the roadmap for reparations. The Guardian. [Web](#).

⁵⁷ Lindsay, B.C. (2012) Murder State: California's Native American Genocide, 1846-1873. University of Nebraska Press. Print. P. 147- 186.

Indigenous communities are already stakeholders in park management, with a century of experience managing the layers of bureaucracy involved in managing these lands.⁵⁸

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Much like the process the Rent Stabilization Board pursued, the wording and intentions behind this land acknowledgement were developed in close consultation with Ohlone representatives. Academic and Native American sources underly the brief historical overview.

RATIONALE FOR RECOMMENDATION

The City of Berkeley has a moral obligation to acknowledge local and broader atrocities against Indigenous people, and continued injustices. The regular repetition of the Land Acknowledgement, coupled with opportunities for deeper learning, will serve as a constant reminder of our responsibilities, and open the door to further restorative actions by the City and members of the community.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

Very little staff time or expense is needed to carry out the requirements of this referral. For Zoom meetings, a written version of the Acknowledgement will need to be prepared for screening prior to Council meetings, and the Agenda Committee will need to add the reading of the Acknowledgement to the Ceremonial Agenda of the first Regular City Council meeting of each month. For in-person meetings, a poster-sized version of the Land Acknowledgement should be produced for display in a prominent location in the Council chambers. This likely can be accomplished for under \$100.

Staff will further need to convey a copy of this item and resolution to the secretaries and chairs of each appointed or elected body in Berkeley, with a note that the City Council has requested such bodies to consider incorporating the acknowledgement into their meeting practices.

Posting the Land Acknowledgement on the City's website homepage and completing the new Ohlone history webpage is a limited expense and should be completed as quickly as possible. Other jurisdictions and organizations that practice the reading of Land Acknowledgements often also include pages about the history of local Indigenous People on their websites. These can serve as examples. Consultation with Lisjan Ohlone representatives is central to ensuring what is posted is complete and accurate.

⁵⁸ Treuer, D. (2021). Return the National Parks to the Tribes. The Atlantic. [Web](#).

ENVIRONMENTAL SUSTAINABILITY

This resolution raises awareness of how genocide and exploitation of land and other natural resources intersects with climate change, wildfire, food insecurity, and other major challenges our community – and planet - face. It will also raise awareness of the local conservation and environmental work of the Ohlone people.

FISCAL IMPACT

See Section in Implementation, Administration, and Enforcement for a description of de minimus associated costs.

OUTCOMES & EVALUATION

The City Council should partner with the Ohlone to develop and carry out more substantive acts of education, partnership, and restitution. This will prevent the land acknowledgement statement from becoming a mere “check-box of optical allyship.”

CONTACT PERSON

Councilmember Sophie Hahn, shahn@cityofberkeley.info; 510-682-5905

Attachments

1. Land Acknowledgement Statement
2. Land Acknowledgement Resolution
3. Sustainable Economies Law Center Options for Transferring Land – A Brief Guide

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.

ATTACHMENT 2 - RESOLUTION

RESOLUTION #####-N.S.

RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgment statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century

world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value,

committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley’s recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

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.

BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.



OPTIONS FOR TRANSFERRING LAND

A BRIEF GUIDE

This short guide summarizes various options for landowners interested in transferring land to another person, group, or community. Landowners who are particularly interested in transferring ownership to nonprofit land trusts, indigenous tribes, and community-based organizations will find this guide most useful.

Because we have written this guide with landowners in mind, we also provide a brief consideration of the advantages and disadvantages of each option from that perspective. Having said that, we think it is essential that landowners consider their own goals as well as the goals and needs of the party or community to whom they would like to transfer land.

Four key questions to consider as you read through this guide focus on the *financial* and *use* needs of the parties.

1. What are the **financial needs** of the transferring party?
2. What are the **financial needs** of the receiving party?
3. What are the **use needs** of the transferring party after the transfer?
4. What are the **use needs** of the receiving party after the transfer?

The land transfer mechanisms covered in this guide include:

- Full Value Sale
- Charitable (Bargain) Sale
- Full Donation
- Donation of a Remainder Interest
- Revocable Transfer on Death (Lady Bird Deed)
- Donation by Bequest
- Sale or Donation of an Easement

In any situation, we strongly recommend that you seek individualized tax, legal, and estate planning advice to determine which of these options is best suited to your circumstances. Laws vary from state to state, so having appropriate counsel where the land is located is critical.



Full Value Sale

This is likely the kind of transfer of ownership that most people are familiar with. In this scenario, the landowner sells to the buyer at a price determined by a third-party appraisal. The buyer pays the full value and receives title to the property. For many people, including nonprofits and other community-based organizations, a full value sale is not an affordable option. However, there are ways to make this option more affordable by delaying payment in two ways.

1. **Installment Sale:** An installment sale allows the buyer to make payments over several years at intervals and amounts that are agreeable to both parties. The landowner would retain title to the property until the final payment. The parties could agree to provide the buyer with use of the land at any point during the payment period, including at the first payment or after payment has been made in full.
2. **Seller Financing:** Alternatively, the landowner could provide seller financing, meaning that title immediately transfers to buyer, and in exchange, the landowner gets a promissory note in which the buyer promises to pay the landowner over time, with or without interest. A deed of trust is recorded on the property to secure payment of the promissory note.

Advantages of this option:

- Fee simple ownership of land gives the buyer the greatest ability to fulfill their mission and ensure secure tenure over the long term.

Disadvantages of this option:

- The landowner will have to pay income tax on the capital gain if the land has appreciated in value since it was originally purchased.
- This is the least financially feasible option for buyers, particularly nonprofit organizations with a limited budget and limited capacity to raise capital.
- An installment sale may limit the buyer's uses of the land until the transfer is complete.



Charitable (Bargain) Sale

A charitable, or bargain, sale occurs when the landowner sells land to a *tax-exempt nonprofit* organization for less than market value. This kind of sale makes the land more affordable to the buying nonprofit, and can offer tax deduction benefits to the selling landowner. The parties can also use the **Installment Sale** or **Seller Financing** options discussed above in this situation as well, if affordability is still a concern for the nonprofit buying the land.

Advantages of this option:

- The difference between full market value and the sale price can qualify the landowner for an income tax deduction and capital gains tax reduction for that portion of the value. This can offset the income taxes and capital gains taxes the landowner will incur from the sale of the property, after reducing ordinary income.
- If the land has significantly increased in value since the seller purchased it, this option can offset a large amount of the resulting capital gains liability for the increased value.
- The nonprofit buyer will be more likely to afford the purchase price of the land.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.



Full Donation

This is the simplest way to transfer land to another party and is the most affordable option for receiving nonprofits or community-based organizations to advance their mission to protect, preserve, and steward land in the long term.

Advantages of this option:

- Fee simple donation to an eligible tax-exempt organization would give the landowner the greatest immediate income tax benefits, sometimes for the full appraised value of the land, in addition to relief from property taxes, and potential estate tax benefits.
- The receiving party would not require financing in order to receive the land.
- The land would be immediately available to the receiving party.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.



Donation of a Remainder Interest

If the landowner would like to donate the land to an eligible tax-exempt nonprofit organization but retain the ability to live on the land during their, or their family members', lifetime, they can donate what is called a "remainder interest" in the land while retaining what is called a "life estate."

Advantages of this option:

- Full transfer to the receiving party will occur immediately upon the landowner's death. Upon the landowner's, or their designated family members', death, this kind of transfer avoids the expense and delay of probate.
- The landowner may be able to receive an immediate income tax deduction for the value of the property that was donated (determined by an appraisal).
- This may be a good option for landowners who receive public benefits. The state can make a claim for repayment of these benefits against an estate and place a lien on property after death. However, because donating a remainder interest is irrevocable, the property will not be part of the estate at death.
- The land will not be subject to capital gains tax on appreciated value.
- The property will not be part of the donor's taxable estate, where the donor (and/or the donor's spouse) are the only life tenants.

Disadvantages of this option:

- The landowner will need to pay the property taxes on the land while retaining use of the property.
- The landowner does not realize the full income from the market value of the property.
- The receiving party would not require financing in order to receive the land.
- Without another agreement, the land will not be immediately available for use by the receiving party.



Revocable Transfer on Death Deed (Lady Bird Deed)

Lady Bird Deeds, which are only available in some states, are similar to deeds described above that create a life estate and donate a remainder interest, except that Lady Bird Deeds are revocable, meaning that the landowner can, during their lifetime, revoke the transfer. This gives more control to the landowner, but can put the receiving party in an uncertain position. Lady Bird Deeds are available in California until 2021, unless legislation is introduced to extend the law.

Advantages of this option:

- Transfer of title will occur immediately upon the landowner's death, so the donation will not be subject to the expense and delay of probate.
- The land donation will not be subject to capital gains tax on appreciated value.
- The landowner can revoke the deed at any time during their lifetime.

Disadvantages of this option:

- Because the deed is revocable, the landowner does not receive an income tax deduction available with other land donations.
- Without another agreement, the land will not be immediately available to the receiving party.
- The receiving party would not require financing in order to receive the land.
- This kind of transfer does not provide reliable certainty to the receiving party since the transfer can be revoked during the landowner's lifetime.



Donation by Will or Living Trust (Bequest)

A landowner can donate land in a will or through a revocable living trust. Both strategies allow the landowner to retain full use of the land during their lifetime.

Advantages of this option:

- Reduces estate or inheritance taxes.
- Can be changed or revoked at any time during landowner's lifetime.
- The receiving party would not require financing in order to receive the land.

Disadvantages of this option:

- The landowner will still be responsible for paying property taxes for the entire property during their lifetime.
- Without another agreement, the land will not be immediately available to the receiving party.



Agricultural, Conservation, or Cultural Easement Donation

An *easement* is an agreement between the landowner and a third party that affects the landowner's rights on the land covered by the easement. Easements are generally recorded on the deed of the property and are therefore permanent. Conservation, agricultural, and cultural easements are specific kinds of agreements that can be entered into with eligible organizations or tribes that can also qualify as a charitable contribution if donated by the landowner.

- A *conservation easement* permanently restricts uses on the land that interfere with the ecological conservation of that land.
- An *agricultural easement* permanently protects farmland by setting limitations on the use of the land.
- A *cultural easement*, available in some states, grants indigenous communities certain access rights to lands for continuing and preserving cultural heritage.

Easements can be sold or donated. The party holding the easement cannot also be the party that holds title to the land.

Advantages of this option:

- The landowner can retain ownership of the land and convey the land to their heirs.
- If the easement meets IRS criteria, the landowner may be able to deduct the value of any donated portion of the easement up to 50% of their adjusted gross income, or 100% if they are a farmer, for up to 15 years.
- Affirmative easements (those requiring certain uses) can increase the value of the easement and reduce the overall value of the land, making it more affordable if the easement is sold instead of donated
- In addition to an income tax deduction, the easement may reduce property taxes and estate taxes.

Disadvantages of this option:

- Easements do not convey an ownership interest in the land to the party holding the easement. This may not align with the intent of either or both parties.
- Easements can be expensive to enforce, thus creating a financial liability for the easement-holding party.
- Easements, alone, do not preserve long-term affordability of land, because an easement only reduces the relative market value of the land, but does not immunize the land value from increasing through speculation and other market forces.

RESOLUTION 70,564-N.S.

RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napien (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing

revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value, committing that "free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site..."; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words "Black Lives Matter" and "Ohlone Territory" on streets adjacent to Berkeley's City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley's recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

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.


BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.

The foregoing Resolution was adopted by the Berkeley City Council on October 11, 2022 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

California won't renew \$54M Walgreens contract over company's abortion pill decision

A group of Republican attorney generals had warned the company that it could face consequences if it sold abortion pills in their states, even if abortion is legal there.

🔊 TAP TO UNMUTE



California won't renew \$54M Walgreens contract over company's abortion pill decision

By Chloe Atkins

A group of Republican attorney generals had warned the company that it could face consequences if it sold abortion pills in their states, even if abortion is legal there.



March 8, 2023, 8:23 PM PST / Updated March 9, 2023, 11:59 AM PST

By **Chloe Atkins**

Gov. Gavin Newsom announced Wednesday that California [will not renew its multimillion dollar contract](#) with Walgreens after the company [said it would not](#) dispense medication abortion in multiple states where abortion is legal.

The California Department of General Services issued a formal notice “withdrawing a planned renewal of that agreement set to take effect on May 1, 2023” and “will explore other options for furnishing the same services,” according to a statement from Newsom’s office.

“Under this contract, Walgreens has received about \$54 million from the State,” the statement said.

“California will not stand by as corporations cave to extremists and cut off critical access to reproductive care and freedom,” Newsom said. “California is on track to be the fourth largest economy in the world and we will leverage our market power to defend the right to choose.”



— Gov. Gavin Newsom speaks during a press conference in Sacramento, Calif. on Feb. 1, 2023.

Justin Sullivan / Getty Images file

In a statement, Walgreens spokesman Fraser Engerman said the company was “deeply disappointed by the decision by the state of California not to renew our longstanding contract” due to what he called “false and misleading information.”

Recommended



ABORTION RIGHTS

Senate Democrats press Walgreens and other stores on new medication abortion policy



POLITICS NEWS

Feds launch manhunt for former Maryland Gov. Larry Hogan's ex-chief of staff

“Walgreens is facing the same circumstances as all retail pharmacies, and no other retail pharmacies have said that they would approach this situation differently, so it’s unclear where this contract would now be moved.”

“We will dispense this medication consistent with federal and state laws,” Engerman added. “Providing legally approved medications to patients is what pharmacies do, and is rooted in our commitment to the communities in which we operate.”

Walgreens announced its abortion pills decision last week after facing mounting pressure from a group of Republican attorney generals – in states where abortion is legal and illegal – who told the company in a [letter](#) that it could face legal consequences if it sold medication like mifepristone, a common abortion pill, in their states.

On Monday, Newsom said the state wouldn't do business with Walgreens as a result of that decision.

“California won’t be doing business with [@walgreens](#) -- or any company that cowers to the extremists and puts women’s lives at risk. We’re done,” he [tweeted](#) at the time.



A spokesperson for the governor, Brandon Richards, said in a statement to NBC News that “Walgreens preemptively shared its plan that it would not dispense the abortion medication mifepristone in 21 states, including where abortion remains legal, because of a letter from 21 anti-abortion attorneys general. Walgreens continues to refuse to clarify why it will not dispense mifepristone in several states – from that group of 21 – where abortion is legal.”

“And yes, California continues to review its relationship with Walgreens,” Richards said. “With today’s action, as previously noted in the release, we have no concerns about the ability to obtain needed medication after April 30 through the various procurement methods available.”

In New York on Thursday, Gov. Kathy Hochul and Attorney General Letitia James, both Democrats, sent a letter to the CEOs of Walgreens, CVS and Rite Aid asking if the companies will promise to provide the abortion drug in their state.



— A Walgreens store in Los Angeles. Marcio Jose Sanchez / AP file

"Will you commit to dispense mifepristone to patients with a doctor's prescription at all FDA-certified pharmacy locations in the State of New York? If not, what is the legal basis for this decision?" they wrote. "Will you commit to dispense mifepristone via mail with a doctor's prescription to patients in the State of New York? If not, what is the legal basis for this decision?"

The companies have 10 days to respond to their questions, the two officials said.

Of the states in question, some have either abortion bans in place or an in-person requirement for medication abortions, while others have pending court challenges that could prohibit the distribution of the pills or filed briefs in support of the Texas lawsuit seeking to reverse the FDA's approval of them, according to the Guttmacher Institute, a research group that supports abortion rights.

Engerman told NBC News last week that the company was "not dispensing mifepristone at this time. We intend to become a certified pharmacy under the program, however we will only dispense in those jurisdictions where it is legal to do if we are certified."

"This is a very complex and in-flux area of the law and we are taking that into account as we seek certification to dispense Mifepristone," he added. 



Chloe Atkins

Chloe Atkins reports for the NBC News Investigative Unit, based in New York. She frequently covers crime and courts, as well as the intersection of reproductive health, politics, and policy.

 Rebecca Shabad contributed.



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Berkeley Homeless Services Panel of Experts

To: Mayor and Members of the Berkeley City Council
From: Homeless Services Panel of Experts
Submitted by: Cameron Johnson, Chair
Subject: Gender-based/domestic violence transition house-ARP/HOME monies

The Homeless Services Panel of Experts (HSPE), during the 2022 Measure P funding process, submitted a recommendation that monies in the amount of \$600,000 be allocated towards a gender-based/domestic violence transition house:

Action: M/S/C Marasovic/Bookstein move to recommend that some Measure P monies be allocated to people experiencing domestic violence/gender-based violence in a shelter and/or transitional housing program. This residential setting should provide services for singles as well as families with targeted services and resources available for domestic/gender-based violence. The program should serve approximately ten singles or families.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Jones, De la Guardia, Meany, Feller.
Noes: None. *Abstain:* None. *Absent:* None.

In February, 2023, HSPE reaffirmed their commitment to funding in that direction.

Action: M/S/C Marasovic/Jones move to recommend affirming earlier HSPE recommendations for a crisis stabilization center and a domestic violence transition house, both to be funded through Measure P monies.

Vote: Ayes: Johnson, Jones, Marasovic, Feller, Kealoha-Blake, and Meany.
Noes: None. *Abstain:* None. *Absent:* Bookstein.

Since that time, HSPE has become aware of the 2.7 million available in HOME-ARP funding to address homelessness for which a staff report, and recommendation, was issued that went to the Housing Advisory Commission. In the future, HSPE recommends that all homeless funding recommendations also come to HSPE as HSPE has assumed the previous role of the Homeless Commission as well as making other recommendations on how homeless services monies are to be spent.

As to the HOME-ARP monies, one of the priority populations, established by the federal government, to be served is domestic violence survivors. Throughout the staff report, there are references to the significant numbers of women fleeing domestic violence in Berkeley.

Furthermore, in the staff survey of programs serving the homeless as to gaps, on p. 3-4 of the report, the Berkeley Police Department identified the lack of shelter/housing for victims of domestic violence and sex trafficking as a critical need.

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During the last 3 years, there has been no domestic violence setting not only in Berkeley but anywhere in Alameda County for women to go who are fleeing domestic violence. As BPD pointed out, the same lack of housing/shelter is also not available to women fleeing sex trafficking. Women cannot be immediately sheltered and if they wait several days, will be placed in a general homeless shelter where their confidentiality and thus, safety is compromised. If women seek a domestic violence residential setting, they are referred out of county to Antioch and Pittsburgh.

Staff has prioritized supportive services for ARP-HOME funding. While HSPE also recommends supportive services, HSPE requests that a portion of these 2.7 million in monies be directed towards a gender-based/domestic violence transition house or that Council otherwise fulfill this critical safety, treatment and homelessness need.

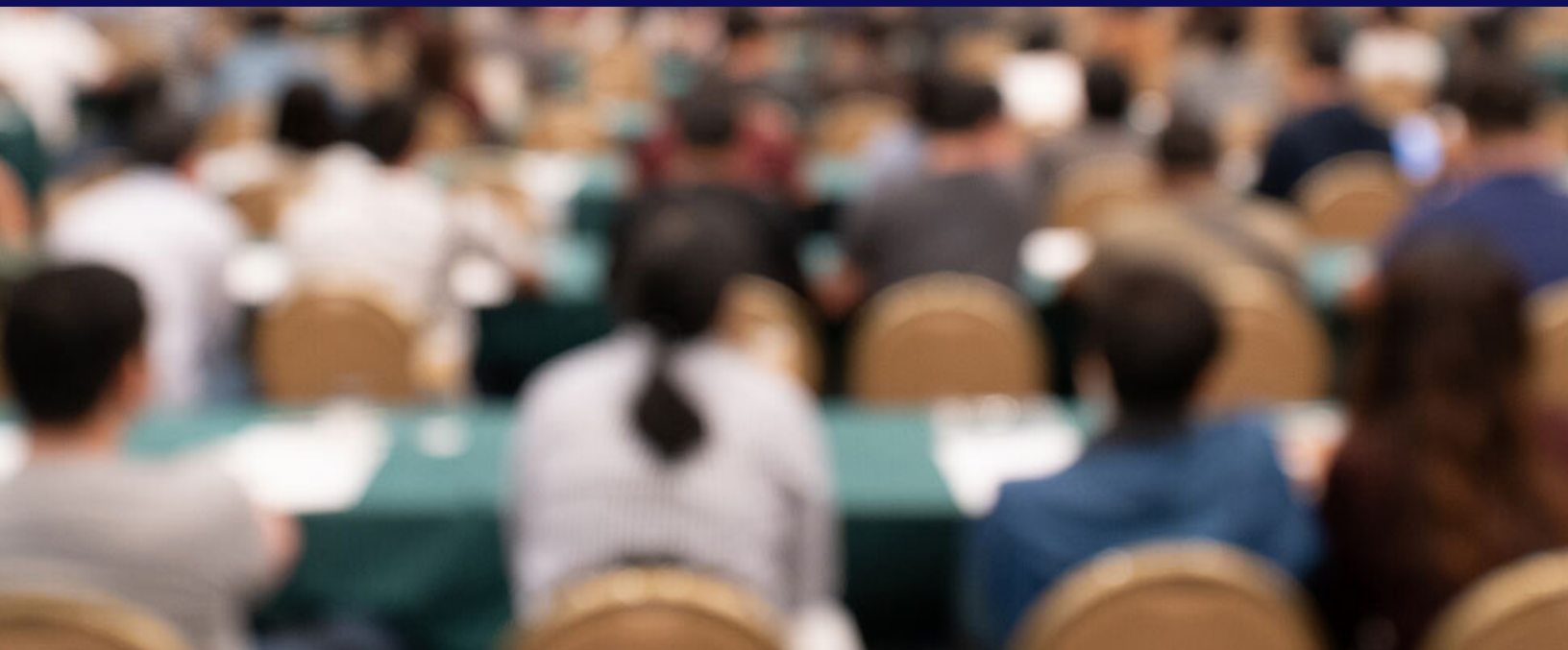
On March 8, 2023, the Homeless Services Panel of Experts passed a motion as follows:

Action: M/S/C Marasovic/Meany recommends that the staff recommendation for support services for HOME-ARP monies include a segment of those monies be directed to a gender-based/domestic violence transition house which would also serve sex trafficking victims. If HOME-ARP monies are not to be so utilized, then that Council identify another source of funding for this purpose and refer to staff for implementation.

Vote: *Ayes:* Johnson, Bookstein, Marasovic, Kealoha-Blake, and Meany.
Noes: None. *Abstain:* None. *Absent:* Jones, Feller.

Respectfully,

Cameron Johnson, Chair
Homeless Services Panel of Experts



OUR ISSUES

Below is an overview of the Mom Congress policy pillars.

Our supported legislation in each of these pillars is referred to as the Mom Congress Moms' Agenda.

Read about the bills in the [2022 Moms' Agenda](#).

Mom Congress is a proud supporter of the [Black Maternal Health Omnibus](#).

1. Supporting Working Mothers

Paid Family Leave

The U.S. is one of only three countries in the world not to offer statutory paid maternity leave. The others are the

See the [Mom Congress Black Learn, Listen, & Lift Toolkit](#)

family leave provided by their employers to care for a new child or an ill loved one.

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Affordable Child Care Options

The U.S. is one of the top three countries with the most expensive child care in the world, not providing any subsidies to working families. This widens the gender equity gap as well as the Black equity gap (both pre-COVID and post-COVID).

Learn more > [Mothers' Preferences for COVID and Post-COVID Child Care Background and Policy Proposals — Mom Congress](#)

Research Brief on Importance of Paid Family Leave and Affordable Child Care

Prenatal-to-3 Policy Impact Center

report highlights how access to paid leave from work and affordable child care can work in tandem to support children's development and promote positive family outcomes.



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2. Decreasing Maternal Mortality (Birth-related Death) and Addressing Racial Disparities

Mom Congress Black Learn, Listen, & Lift Toolkit

Mom Congress has created this [action toolkit](#) that contains action steps including films, books and podcasts to learn about race and black maternal health.



Safe and Supported Birth

The United States has the highest maternal mortality rate of any high resource country—and it is the only country outside of Afghanistan and Sudan where the rate is rising. Black women are three times more likely to die in childbirth than white women in America.

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Broken and Unequal Maternity Care

Watch this 40 minute documentary to understand one of the U.S.'s most pressing issues – the failure of our health care system in treating women equally.

Action:

Watch this film with a gathering of your friends.

the AMERICAN dream - film



How Racism Impacts Pregnancy Outcomes

UCLA obstetrician and gynecologist Dr. Michael Lu believes that for many women of color, racism over a life time, not just during the nine months of pregnancy, increases the risk of preterm delivery. To improve birth outcomes, Lu argues, we must address the conditions that impact women's health not just when they become pregnant but from childhood, adolescence and into adulthood.

How Racism Impacts Pregnancy Outcomes



disorder like postpartum depression. Maternal depression is the most common complication of birth, yet in the U.S. most women are never diagnosed.



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Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Joshua Oehler, Community Services Specialist III, Housing and Community Services

Date: February 21, 2023

Subject: **Annual Action Plan (AAP) PY 2021 (FY22), Draft Amendment #1 – HOME-ARP**

RECOMMENDATION

Staff is requesting the Housing Advisory Commission support the staff recommendation that Council approve a substantial amendment to the PY2021 (FY22) Annual Action Plan that describes its plans to expend the one-time allocation of \$2,735,696 of the HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds.

CURRENT SITUATION

On September 20, 2021, the City of Berkeley was awarded \$2,735,696 in HOME-ARP funds as part of HUD's HOME Investment Partnerships Program (HOME) allocation for PY 2021. The City executed the grant agreement to accept these funds through Council's resolution 70,141 N.S. on December 14, 2021.

Prior to expending these HOME-ARP funds, HUD requires the City submit a HOME-ARP allocation plan to HUD as a substantial amendment to its PY2021 (FY22) annual action plan, and do so on or before March 31, 2023. Failure to submit a HOME-ARP allocation plan on or before the final submission deadline of March 31, 2023, will result in the automatic loss of their HOME-ARP allocation.

Staff recommends that the City allocate up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations.

Supportive services are defined as a) services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services")¹

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(42 U.S.C. 11360(29)); b) homelessness prevention services and c) housing counseling services.

HUD's acceptance of the City's Plan is not dependent on which supportive services the City will fund, nor which entity will deliver the services. At this time, the City continues to identify the best distribution of funds for these services. Council will have final authority on the distribution method once identified.

BACKGROUND

Consistent with the requirements in HUD implementing Notice: CPD-21-10, "Requirements for the Use of Funds in the HOME-American Rescue Plan Program", staff conducted a thorough public consultation process, including releasing a survey, conducting individual meetings, and presenting at group meetings with City agencies and community partners serving the qualifying populations. The purpose of these consultations was to fulfill the allocation plan's requirements to gather input on the unmet needs and the gaps in services for the following qualifying populations defined in the HUD HOME-ARP notice:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C.11302(a)) ("McKinney-Vento");
- At risk of homelessness, as defined in section 401 of McKinney-Vento;
- Fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking;
- Part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or
- Veterans and families that include a veteran family member that meet the criteria in one of the above.

After the consultation process, the City finalized its evaluation of the information it gathered and combined it with data describing the qualifying populations, their unmet needs and gaps in services to understand the priority needs of the qualifying populations and the eligible activities allowed in the HOME-ARP program that may best serve these needs.

The eligible activities for use of HOME-ARP funds are listed below:

- Production or Preservation of Affordable Rental Housing
- Tenant-Based Rental Assistance (TBRA)
- Supportive Services
- Acquisition and Development of Non-Congregate Shelter

After careful analysis the City decided that the best use of the funds would be in the delivery of supportive services.

The City, in its further review of the best way to distribute the funds will be mindful of an additional requirement in the use of HOME-ARP funds, which is that all qualifying populations must be eligible and have access to the HOME-ARP program. Section IV of the Notice states that “ARP requires that funds be used to primarily benefit individuals and families in the following specified ‘qualifying populations’. Any individual or family who meets the criteria for these populations is eligible to receive assistance or services funded through HOME-ARP without meeting additional criteria. If the Participating Jurisdiction (PJ) will fund only one HOME-ARP project, a PJ is not permitted to impose a limitation on the project. By imposing a limitation in its one HOME-ARP project, the PJ effectively excludes qualifying populations from its HOME-ARP program in violation of the ARP and Notice. This will lead to HUD disapproval of the PJ’s plan as inconsistent with the purposes of ARP.”

Attachments:

- *HOME-ARP Allocation Plan (Annual Action Plan (AAP) PY 2021 (FY22), Draft Amendment #1 – HOME-ARP)*

City of Berkeley HOME-ARP Allocation Plan DRAFT

Guidance

- To receive its HOME-ARP allocation, a Participating Jurisdiction (PJ) must:
 - Engage in consultation with at least the required organizations;
 - Provide for public participation including a 15-day public comment period and one public hearing, at a minimum; and,
 - Develop a plan that meets the requirements in the HOME-ARP Notice.
- To submit: a PJ must upload a Microsoft Word or PDF version of the plan into the Federal Integrated Disbursement Information System (IDIS) as an attachment next to the “HOME-ARP allocation plan” option on either the AD-26 screen (for PJs whose FY 2021 annual action plan is a Year 2-5 annual action plan) or the AD-25 screen (for PJs whose FY 2021 annual action plan is a Year 1 annual action plan that is part of the 2021 consolidated plan).
- PJs must also submit an SF-424, SF-424B, and SF-424D, and the following certifications as an attachment on either the AD-26 or AD-25 screen, as applicable:
 - Affirmatively Further Fair Housing;
 - Uniform Relocation Assistance and Real Property Acquisition Policies Act and Anti-displacement and Relocation Assistance Plan;
 - Anti-Lobbying;
 - Authority of Jurisdiction;
 - Section 3; and,
 - HOME-ARP specific certification.

Participating Jurisdiction: City of Berkeley
Consultation

Date: March 31, 2023

In accordance with Section V.A of the Notice (page 13), before developing its HOME-ARP allocation plan, at a minimum, a PJ must consult with:

- *CoC(s) serving the jurisdiction’s geographic area,*
- *homeless service providers,*
- *domestic violence service providers,*
- *veterans’ groups,*
- *public housing agencies (PHAs),*
- *public agencies that address the needs of the qualifying populations, and*
- *public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities.*

Describe the consultation process including methods used and dates of consultation:

The City sent an online survey to agencies and service providers whose clientele include the HOME-ARP qualifying populations to identify unmet needs and gaps in housing or service delivery systems, and to determine the HOME-ARP eligible activities currently taking place within the City to identify potential areas of collaboration. The survey used a template that is Section 508 and WCAG2 compliant, for accessibility. It allowed for agencies and survey providers to upload data that would help the City better understand the needs and gaps in services of the qualifying populations and provided contact information for the City to provide additional feedback. The survey was emailed to 44 agencies and service providers on January 18, 2023 and the collection period ended on January 25, 2023. Fourteen responses were received from agencies serving all four qualifying populations, including 8 respondents serving Veterans.

The City gained a greater understanding of the unmet needs and gaps in services, with respect to the qualifying populations, by meeting with individuals from agencies and service providers. These meetings were about 30 minutes in length each and occurred between February 1st and February 17th.

Finally, the City presented on the HOME-ARP program, its requirements, and opportunities, during the February 17th monthly meeting facilitated by the City, that is open to all providers of services to people experiencing homelessness.

List the organizations consulted:

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Everyone HOME	CoC Serving Berkeley QP1	Meeting (2/9/23)	There is a need for supportive services to help unhoused people meet their essential needs and for more peer-led programs
Downtown Streets Team- agency not regularly involved in CoC	Homeless Services Provider serving QP1	Meeting Request (1/27/23)	No Response
Suitcase Clinic- agency not regularly involved in CoC	Homeless Services Provider serving QP1	Meeting Request (1/27/23)	No Response
Dorothy Day House - agency not regularly involved in CoC	Homeless Services Provider serving QP1	Presentation to homeless services provider meeting (2/17/23)	No Response

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
UC Berkeley – Homeless Services	Homeless Services Provider serving QP1 not involved in CoC	Meeting (2/17/23)	There is a need for flexible and low barrier short-term motel stays and liaison services between landlords and eligible program participants
Bay Area Community Services	Homeless Services Provider Serves QP1, QP2, QP3 and QP4	Meeting (2/17/23) and Survey	There is a need for specialists and resources to address hoarding to keep people housed
Abode Services	Homeless Services Provider. Serves QP1, QP2, QP4, and Veterans	Survey	Qualifying populations need more affordable housing, income stability, housing search, health/mental health resources
Berkeley Food and Housing Project	Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans	Survey	Qualifying populations need supportive services to prevent, gain, and retain housing as well as housing opportunities.
Satellite Affordable Housing Associates	Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans	Survey	Qualifying populations need quality, affordable homes and services
Family Violence Law Center*	Domestic Violence Service Provider serving QP3	Survey	No Response
Women’s Daytime Drop-in Center	Domestic Violence Service Provider. Serves QP1, QP2, QP3, and QP4.	Meeting (2/1/23) and Survey	Priority needs are domestic violence shelter, rental assistance for QP1 & QP3, shelter staffing, and mental health staffing.
Berkeley Housing Authority	Public housing agency (PHA) serving QP1, QP2, QP3, QP4, and Veterans	Meeting (2/6/23) and Survey	Mainstream voucher holders, particularly seniors and veterans, need supportive services
Berkeley Police Department	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Meeting (11/10/21) and Survey	There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. It is not uncommon for a victim of domestic violence to have to wait two or three

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
			<p>days for a bed at a safe shelter, once they have requested it.</p> <p>When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items.</p>
Berkeley Fire Department	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Survey	No Response
City of Berkeley Mental Health Division*	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4	Survey	No Response
City of Berkeley - Neighborhood Services - Homeless Response Team*	Public agency that addresses the needs of qualifying populations. QP1, QP2, and QP3	Meeting (1/26/23)	Support for the unsheltered that leverages State encampment resolution funds should be a priority
City of Berkeley – Aging Services Division*	Public agency that addresses the needs of qualifying populations. QP3 and QP4	Survey	Qualifying population needs are: food, housing, socialization, long-term case management. The gaps in services are: Housing navigation, caregiving assistance, resources for severe mental health illness and substance abuse.
City of Berkeley Library Social Worker	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4	Survey	Qualifying populations need more shelter and housing resources followed by benefits and employment

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
City of Berkeley – Public Health Division	Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4	Survey	No Response
Eviction Defense Center	Private organization that addresses civil rights and fair housing. Serves QP2, QP4, and Veterans.	Survey	Qualifying populations need rental assistance, financial assistance for housing stability related items, and assistance applying for affordable housing.
The Eden Council for Hope and Opportunity (ECHO Housing)	Private organizations that address civil rights and fair housing. Serves QP2 and QP4.	Meeting (2/1/23)	There will be an explosion of need for rental assistance, legal services, and housing counseling when the eviction moratorium ends
Center for Independent Living	Private organization that addresses the needs of persons with disabilities. Serve QP1, QP2, QP3, QP4, and Veterans	Meeting (2/6/23) and Survey	Flexible funding for low-cost accessibility tools like commode chairs and threshold ramps are critical for ensuring people with disabilities can access and remain in shelter and housing
Through the Looking Glass	Private organization that addresses the needs of persons with disabilities and low-income families. Serves QP1, QP2, QP3, and QP4	Survey	Families with disabilities often have difficulty finding and affording accessible housing.
Easy Does it	Private organization that addresses the needs of persons with disabilities and seniors. Serves QP2 and QP4.	Survey	Qualifying populations needs include transportation services, in-home care and assistance, assistive device repair, support to hire and maintain in-home care workers.

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Toolworks	Private organization that addresses the needs of persons with disabilities. Serves QP1, QP2 and QP4.	Survey	Qualifying populations need housing, rental subsidies, and employment assistance.
Rebuilding Together East Bay North	Private organization that addresses the needs of low-income seniors, veterans, and adults with disabilities. Serves QP2 and QP4	Survey	Service gaps include making residential bathrooms accessible for older adults and clean out services to prevent displacement
Berkeley City College Veterans Resource Center	Public organization that addresses the needs of veterans.	Meeting Request (1/31/23)	No Response
Swords to Plowshares	Public organization that addresses the needs of veterans.	Meeting (2/15/23)	There is a need for more programs that help veterans age in place and building social connections and community
East Bay Housing Organization – Berkeley Committee	Private organizations that address the needs of QP1, QP2, QP3, and QP4	Meeting (2/10/23)	Attendees encouraged to fill out survey

Summarize feedback received and results of upfront consultation with these entities:

The two largest needs identified through the survey for all qualifying populations were supportive services and affordable rental housing. Service gaps identified by survey respondents included mental health and recovery services, wraparound services, accessibility resources, case management, housing navigation, and nonprofit capacity building and operating support. These findings were echoed by consultation meetings,

where agencies also emphasized that each qualifying population needs tailored services and programming to meet their unique circumstances.

Public Participation

*PJs must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submission of the plan, PJs must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of **no less than 15 calendar days**. The PJ must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan. In addition, PJs must hold **at least one public hearing** during the development of the HOME-ARP allocation plan and prior to submission.*

For the purposes of HOME-ARP, PJs are required to make the following information available to the public:

- *The amount of HOME-ARP the PJ will receive,*
- *The range of activities the PJ may undertake.*

Describe the public participation process, including information about and the dates of the public comment period and public hearing(s) held during the development of the plan:

- ***Date of public notice:*** February 24, 2023
- ***Public comment period:*** start date – March 3, 2023. end date – March 18, 2023.
- ***Date of public hearing:*** March 2, 2023.

Describe the public participation process:

A Public Hearing on the PY21 Draft Annual Action Plan Substantial Amendment #1 (HOME-ARP Allocation Plan) was held on March 2, 2023 before the City of Berkeley Housing Advisory Commission. The City published the public notice notifying the community of the public hearing and the opportunity to provide public comment on the draft plan after the public hearing.

The Housing Advisory Commission recommended the City Council approve the City’s HOME-ARP Allocation Plan and, as required by the City’s Citizen Participation Plan, the City Council reviewed and approved the Housing Advisory Commission’s recommendation.

Describe any efforts to broaden public participation:

Several efforts were made to broaden public participation. The draft Amendment was posted on the City’s website, and a copy was presented at the City Council’s March 21, 2023 meeting. The City distributed the hard copy and electronic flyer mailings to

interested parties, including Alameda County-wide Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings. The public notice was published in English, Spanish and Mandarin. The Notice also made clear how the public can request reasonable accommodations and meaningful access to the plan in accordance with fair housing and civil rights requirements and the City's citizen participation plan.

A PJ must consider any comments or views of residents received in writing, or orally at a public hearing, when preparing the HOME-ARP allocation plan.

Summarize the comments and recommendations received through the public participation process:

TBD.

Summarize any comments or recommendations not accepted and state the reasons why:

TBD.

Needs Assessment and Gaps Analysis

PJs must evaluate the size and demographic composition of qualifying populations within its boundaries and assess the unmet needs of those populations. In addition, a PJ must identify any gaps within its current shelter and housing inventory as well as the service delivery system. A PJ should use current data, including point in time count, housing inventory count, or other data available through CoCs, and consultations with service providers to quantify the individuals and families in the qualifying populations and their need for additional housing, shelter, or services. The PJ may use the optional tables provided below and/or attach additional data tables to this template.

Homeless Needs Inventory and Gap Analysis Table

Homeless													
	Current Inventory					Homeless Population				Gap Analysis			
	Family		Adults Only		Vets	Famil y HH (at least 1 child)	Adult HH (w/o child)	Vets	Victim s of DV	Family		Adults Only	
	# of Beds	# of Units	# of Beds	# of Units	# of Beds					# of Beds	# of Units	# of Beds	# of Units
Emergency Shelter	50	12	221	221	12								
Transitional Housing	42	10	54	54	42								
Permanent Supportive Housing	98	25	341	341	0								
Other Permanent Housing						28	10	27	0				
Sheltered Homeless						51	295	21	87				
Unsheltered Homeless						0	813	60	203				
Current Gap										+111	+48	-502	-502

Data Sources: 1. Point in Time Count (PIT); 2. Continuum of Care Housing Inventory Count (HIC); 3. Consultation

Housing Needs Inventory and Gap Analysis Table

Non-Homeless			
	Current Inventory	Level of Need	Gap Analysis
	# of Units	# of Households	# of Households
Total Rental Units	29,822		
Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)	1,455		
Rental Units Affordable to HH at 30% - 50% AMI (Other Populations)	640		
Total	2,095		
0%-30% AMI Renter HH w/ 1 or more severe housing problems (At-Risk of Homelessness)		6,275	
30%-50% AMI Renter HH w/ 1 or more severe housing problems (Other Populations)		3,205	
Total		9,480	
Current Gaps			-7,385

Data Sources: 1. American Community Survey (ACS); 2. Comprehensive Housing Affordability Strategy (CHAS)

Describe the size and demographic composition of qualifying populations within the PJ's boundaries:

Homeless:

The most recent (2022) point in time (PIT) count found 1,057 people who were homeless in Berkeley, three quarters (803) of whom were unsheltered. The majority of unsheltered persons were sleeping either in a tent or on the street (67 percent) or in a vehicle (33 percent). About half (68%) of everyone in the count had been living in Alameda County (the County Berkeley is a part of) for ten years or more, and another 9% for five to nine years. 75% of the Alameda County PIT count respondents had been experiencing their current episode of homelessness for one year or more.

While 8% of Berkeleyans identify as Black/African American, the PIT count found that 45% of all people who were sheltered homeless residents of Berkeley were Black/African American. Conversely, 58% of the total population of Berkeley identifies as white, but 36% of the people found to be experiencing sheltered homelessness in Berkeley were white. Similarly, 2% of the sheltered homeless population in the Berkeley identified as Asian, but 21% of all residents were Asian. People in the PIT count who identified as Latinx/Hispanic, Multi-Racial, American Indian or Alaskan Native and Native Hawaiian or Pacific Islander experienced sheltered homelessness at disproportionate rates compared to the Berkeley total population.

Two-thirds of all people who were counted as sheltered homeless in the 2022 PIT count identified as male, 31% female, 0.8% transgender and 0.4% no single gender. Fourteen percent of people in the 2019 PIT count identified as LGBTQ+.

The 2019 PIT count is the most recent data source for other demographic information about Berkeley's unhoused population. The majority of people in the 2019 PIT count (73%) were between the ages of 25 and 69 and 17% were 60 years of age or older. There was one unaccompanied youth counted as homeless and additional 81 people were young adults.

In 2019, only five percent of the homeless population were persons in families, while the remaining 95 percent were single individuals.

A little more than a third (35%) of people who were found to be homeless during the PIT count in 2019, were chronically homeless and nearly 6 in 10 were unsheltered. Forty-one percent of all people who were homeless reported a disabling condition.

Because "most homeless services experts agree that the HUD point in time count undercounts the number of people experiencing homelessness in a community," to get a more accurate and detailed understanding of the homeless population in Berkeley, the City produced a report in 2019, the 1,000 Person Plan to Address Homelessness, that

used 42,500 individual records from the homeless management information system (HMIS), between the years 2006 and 2017.

Analysis of this data, found that “over the course of a year in Berkeley, nearly 2000 people experience homelessness of some duration. This number has been steadily growing at an average rate of 10% every 2 years and is highly disproportionate in its racial disparity: since 2006, 65% of homeless service users in Berkeley identify as Black or African American, compared to a general population of less than 10%.”

At Risk of Homelessness:

To account for all persons at-risk of becoming homeless is difficult because this population does not always present themselves to the homelessness response system and there is not an alternative systematic way to collect this data.

However, we can analyze the most recent (2014-2018) Comprehensive Housing Affordability Strategy (CHAS) data. This data contains elements of households that go some way to meeting the definition of “at risk of homelessness” found in 24 CFR 91.5. Specifically, the CHAS data breaks down occupied housing units by HUD Area Median Family Income (HAMFI)¹, including 30% and below of HAMFI and by their housing problems. This analysis uses severe housing problems² as a proxy for the non-income criteria found in definition, thus coming close to the precise definition of “at risk of homelessness”.

The CHAS data shows that about 16% of all households in housing units, in Berkeley, meet this proxy definition of “at risk of homelessness”. Five percent of all households in owner occupied units and 24% of all households in renter occupied units are “at risk of homelessness”. This data also provides estimates of the racial and ethnic makeup for the heads of households in these units. Households headed by people who identify as Asian and Black or African American, are overrepresented in this category, as compared to the total share of all housing units (see table below).

Race of Head of Household	<=30% HAMFI & at least 1 Housing Problem	All Housing Units
White alone, non-Hispanic	43%	62%
Black or African-American alone, non-Hispanic	13%	8%
Asian alone, non-Hispanic	28%	17%

¹ HAMFI – HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made (For full documentation of these adjustments, consult the HUD Income Limit Briefing Materials).

² The four housing problems are: incomplete kitchen facilities; incomplete plumbing facilities more than 1 person per room; and cost burden greater than 30%.

American Indian or Alaska Native alone, non-Hispanic	1%	0.4%
Pacific Islander alone, non-Hispanic	1%	0.3%
Hispanic, any race	9%	8%

The Turner Center’s December 2021 report, “On the Edge of Homelessness”, found that Extremely Low Income (ELI) households in the Bay Area are “more likely to include a person over 65 than higher income households, but they also represent a disproportionate share of children in the region.” The report also found that over 75 percent of employed ELI individuals are working-age adults who are primarily engaged in low-wage work, and that “Black and Hispanic/Latinx individuals, women, and immigrants are disproportionately represented among the low-wage labor force in the Bay Area.”

A May 2022 report from the California Budget Center found that half of low-income renters, who were hit hardest by pandemic-related job loss and suffering as inflation drives up the costs of food, energy and other necessities, are struggling to afford housing costs. The report also found that Black and Latinx renters are experiencing higher rates of housing hardship, and that half of California renters experiencing housing hardship are families with children.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking:

In the absence of comprehensive data, this report has consulted with the Berkeley Police Department (BPD) for available domestic violence data. While incomplete, given that not every victim has an accompanying case to record their victimization, examining criminal case data provides a reasonable approximation of the size and demographic makeup of this qualifying population.

In 2019, the BPD recorded 260 cases of domestic violence. In 2020, the number of cases increased to 241 and as of October 31st, there were 199 cases in 2021. Approximately, three quarters of the victims, during each time period, were female and a quarter were male. A disproportionately large number of victims have been Black or African American, compared to the total Berkeley population (~50% of victims each year vs. 6% of total population), and a disproportionately low number of victims identified as white or Asian. Fifty-four percent of the total Berkeley population identified as white, while the percent of victims who identify as white were 25, 31 and 24%, respectively. Similarly, 22% of the Berkeley population is Asian, while 7, 4, and 3% of victims identified as Asian, respectively.

Using BPD data of sexual assault cases, we find that there were 74 victims of this crime in 2019, 62 in 2020 and 47, as of October 31st, in 2021. The sex of the victims was largely female. In 2019, 85% were female, in 2020 the percentage was 95 and as of the end of October 87% of victims were female. The racial and ethnic disproportionality for sexual assault victims is different than it is from domestic violence victims. Sexual victims who identified as Black or African American made up 14% of all victims in 2019, 23% in 2020 and 23% in the most recent data from 2021 (up to October 31, 2021). These proportions are still disproportionate compared to the total population (6%), but less so than domestic violence victims. The proportion of sexual assault victims who identify as white (51 in 2019, 51 in 2020 and 36 as of October 31, 2021) is largely the same as the total population 54%.

The 2019 PIT count offers us a view of the size of the homeless population that had experience domestic violence. Five percent of the respondents in the Berkeley count reported currently experiencing domestic violence or abuse, compared to 6% of respondents in Alameda County. Twenty-five percent of the 2019 PIT count respondents in Berkeley reported a history of experiencing physical, emotional or sexual abuse by a relative or by a person with whom they have lived.

Other Populations:

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City of Berkeley currently funds a Housing Retention Program (HRP) that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21, 223 of whom were formerly homeless.

Of those recipients of emergency rental assistance who were formerly homeless, 62% were households where the head of the household was Black or African American. This is in stark contrast to the 8% of all households in Berkeley headed by someone who identifies as Black or African American. Similarly, head of households who identify as Hispanic/Latinx make up 8% of the total households in Berkeley, but were 15% of all emergency rental assistance recipients.

Conversely, 16% of all recipient, head of households, who were formerly homeless identified as white, compared to 62% of all head of households in Berkeley, and 17% of all head of households in Berkeley identify as Asian, but only 4% of emergency rental assistance recipients identify as Asian.

The largest age demographic, when broken by ten-year age groups, for this cohort, were 60-69 year olds. A little over 1 in 5 of the recipient head of households were in this

age group. Just under 1 in 5 recipient head of households were in the 30-39 and 40-49 age ranges, each.

Notably, 67% of all households receiving emergency assistance from the HRP, whose head of household was formerly homeless, had a child or adult with a disability in the household. Almost a quarter of the households were headed by single parent households.

The Rapid Rehousing programs within the City also have participants that meet the definition of this qualifying population. Participants of this program are formerly homeless individuals, notably it does not include families, who receive a temporary rental subsidy while they participate in supportive services that are meant to transition them to permanent housing. Data pulled from HMIS for the period of July 2020 to March 2021 from HMIS shows that there were 153 people served in this program, 41% of whom were female, 58% male and 1% trans women. Sixty-nine percent of participants identified as Black or African American and 25% white. The plurality of participants (31%) were 55-64 years of age. Twenty-five to 34-year-olds made up the next largest share of participants, by age group, at 21%, and a similar share (19%) was made up of 45 to 54-year-olds.

(2) At Greatest Risk of Housing Instability

(i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs)

According to the most recent (2015-2019) CHAS data, there were an estimated 45,350 occupied housing units in Berkeley. Of these, an estimated 6,760 (15%) were comprised of a household with an annual income that was less than or equal to 30% of the area median income, as determined by HAMFI, and were experiencing severe housing cost burden (i.e. paying more than 50% of monthly household income toward housing costs). Broken down by tenancy type, this amounted to 5% of owner-occupied units and 23% of all renter occupied units.

According to 2014-2018 CHAS data, the largest proportion (49%) of the owner-occupied units were households categorized as non-family elderly. Whereas, the largest share (69%) of renter occupied units meeting this definition of qualifying population, were households described as non-elderly and non-family.

Almost all of the units meeting this definition, 100% of owner and 95% of renter occupied unit had complete plumbing and kitchen facilities.

While there is no readily available data that estimates the racial and ethnic breakdown of this qualifying population, 2014-2018 CHAS data has been used to estimate the racial and ethnic breakdown for the population that meets the criteria of households that have a housing cost burden of 50% or greater. Using this proxy, we find that percentage

of households headed by someone who identifies as Asian (26%), is disproportionately higher than it is for the total household population of Berkeley (17%). There is also an overrepresentation of housed Black or African American headed households, that fall under this categorization (11% of $\geq 50\%$ housing cost burden vs. 8% of total housed households). Relatedly, white headed households are underrepresented in this category (49%), compared to the total population of occupied housing units (62%).

(ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the seven conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5.

The most recent CHAS data can also be used to provide a limited understanding of individuals and families that meet the definition of this qualifying population. There are several ways in which an individual or family can meet the criteria for this qualifying population. One of these ways, households living in units with 1.5 or more people and a HAMFI less than or equal to 50%, is covered in the CHAS data. According to the 2014-2018 CHAS, an estimated 2% of all occupied housing units are made up of households that meet this criterion, all of which are renter occupied households. Of those households, 25% are families and 75% are non-family households.

In its 2020 Consolidated Plan the City of Berkeley defined the “At risk of homelessness” subpart, “(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan”; as the high cost burden of housing characteristic in Berkeley. Using the number of households with a housing cost burden of greater than 30% as a high cost burden, and a HAMFI of less than or equal to 50%, we can utilize CHAS data to further understand the size and demographics of this population.

In Berkeley, 30% of all households occupying a housing unit have an income that is 50% or less of HAMFI and pay 30% or more on their housing costs. Broken down by type of tenancy, 10% of owner occupied and 44% of renter occupied units carry this housing cost burden. Low-income renters have a greater housing cost burden.

We can further breakdown the households who meet this criterion by their type of household. According to the data using the 2014-2018 American Community Survey, the most recent version of CHAS, we find that 59% of households in this subcategory are defined as non-family and non-elderly. The next most prevalent household type is, elderly non-family making up 21% of the subpopulation, followed by small families³ (15%) and elderly families⁴ and large families⁵ (2% each).

³ Small family is defined as: 2 persons, neither person 62 years or over, or 3 or 4 persons

⁴ Elderly family is defined as: 2 persons, with either or both age 62 or over

⁵ Large family is defined as: 5 or more persons

The closest approximation to a breakdown of households that meets the definition for this qualifying population, by race and ethnicity, is the breakdown by housing cost burden found in the current CHAS data tables (meeting subpart (G) of the “at risk” definition). For all households living in a housing unit with a housing cost burden greater than 30% (18,229 estimated) we find in this data series, that 54% are headed by someone who identifies as white, 11% as Black or African American, 20% as Asian, 1% as American Indian or Alaskan Native, 0.5% as Pacific Islander, 9% as Hispanic and 5% as multi-racial or a race not identified in the survey. These percentages largely mirror the share of occupied units throughout Berkeley by race and ethnicity (62% white, 8% Black or African American, 17% Asian, 0.4% American Indian or Alaskan Native, 0.3% Pacific Islander, 8% Hispanic and 4% multi-racial or a race not specified in the data).

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above:

The 2019 PIT count found that 81 people (7%) who were homeless were Veterans. The large majority (74%) of Veterans counted were living in unsheltered conditions.

An annual report from an agency that serves Bay Area veterans found that 50% of veterans served are over the age of 55, 44% have a disabling conditions such as a traumatic brain injury, and 51% are unhoused. 54% of this agency’s clients are veterans of color and 40% are Black veterans.

Describe the unmet housing and service needs of qualifying populations, including but not limited to:

- ***Sheltered and unsheltered homeless populations;***
- ***Those currently housed populations at risk of homelessness;***
- ***Other families requiring services or housing assistance or to prevent homelessness; and,***
- ***Those at greatest risk of housing instability or in unstable housing situations:***

Homeless, At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability:

Needs Identified by People with Lived Experience

In August 2022, the Alameda County Continuum of Care, EveryOneHome, convened a work group to help develop the Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. The group has six members, all of whom have experienced or are currently experiencing homelessness. Some of the group members have experienced living outside and/or in a vehicle. They have held two meetings to identify recommended strategies to be pursued either through multiple funding sources and processes.

As part of their discussions and deliberations, the Work Group identified the following

recommendations and ideas for how to better address unsheltered homelessness:

- Terms used to describe people experiencing homelessness, such as “unsheltered”, are intended to be respectful but in many ways, can actually be offensive, giving a technical definition to an experience that is traumatizing and tragic. Whatever terms we use, it is important to always strive to preserve the dignity and humanity of people we are talking about. HUD’s official definitions are also very restrictive and tend to exclude a lot of people that are unstably housed.
- Each person who experiences homelessness is unique and has their own story. Policies and programs should not treat people who are unhoused as a monolithic group.
- In general, programs and services need to be more individualized and oriented to the needs of individuals who are unhoused. In particular, we need improved “connectivity” throughout the system. The system is very difficult to navigate, and people need help getting from Point A to Point B. Speed and responsiveness are also important. People have to wait much too long for assistance. People need housing now—not many years from now.
- There needs to be more accountability and transparency about how public funds are spent. People who are staying in a program (e.g., a shelter) that receives public dollars should be able to see how the program is paid for, what the funding sources are, and how the money is spent.
- Program rules need to be more flexible to make it possible for people to succeed. Rules tend to be made and enforced by people who have never experienced homelessness. “Don’t tell me what is best for me if you have not walked in my shoes.”
- Fundamentally, homelessness is a problem caused by insufficient affordable housing and people not having sufficient income to afford housing.

The Work Group identified some key strategies that should be prioritized through federal funding.

a. Immediate Needs/Hygiene

- There is a need for showers, laundry, clothing, bathrooms, and other ways to help people meet basic hygiene needs while they are unsheltered. It is hard to find a job or a place to live when you are not able to be clean or have clean clothing. Basic hygiene provides dignity and is essential.
- Phones are also critical; it is hard to keep a hold of a phone when you are unsheltered, and people need phones to be able to access any help (services, shelter, housing).

b. Mental Health and Trauma

- Being unhoused is incredibly traumatizing and can cause or exacerbate mental health and/or substance use issues. Being unhoused can cause people to become mentally unwell due to the stress of being outside, fear for safety, and focus on basic survival. It is hard to do things as basic as keeping appointments.
- It is essential that staff from programs are understanding of trauma and how difficult it can be to transition back to housing. Staff sometimes underestimate the

level of stress that people are experiencing, and the long-term effects of this trauma.

- Once people are placed into housing, there needs to be more focus on helping to meet mental health needs and supporting them to rebuild their lives. There is a need for reintegration services to help people relearn things to rebuild a life.
- Mental health and substance abuse services are insufficient.

c. Street Outreach

- Street outreach programs will be much more effective if outreach teams include peers who have experienced homelessness. Train and pay peers, including people currently living in encampments, to be outreach workers, navigators, ambassadors.
- Offer outreach at night when people are awake.
- All outreach workers should be subject matter experts and have up-to-date and accurate information on available resources.
- All outreach teams should enter data into the Homeless Management Information System (HMIS) in real-time, so information can be shared and used to help connect people to what they need right away.

d. Physical Service “Hubs”

- In addition to street outreach, there is a need for physical “hubs” for drop-in services where people can go to get information and to communicate with each other and with case managers. One key function of hubs would be a place people can go to find out the status of their housing applications and ensure they don’t miss out on opportunities due to not having a phone or not getting messages in a timely way. The hubs would also be a place people could receive mail, access immediate needs like clothing, laundry or showers, and a place to safely store important documents so that they are not lost or stolen.
- Hubs should be a place where people can regularly meet Case Managers, as well as access other professionals, such as medical provider and attorneys.
- Hubs should be organized by quadrants (north, south, east, and west parts of the County) and there should be a bus to provide free access to hubs. Ideally, each City should be responsible for setting up a hub.

e. Encampments and Peer Navigators

- Identify people living in encampments who are interested in leadership roles and invite them to be part of a council that works with the cities on policies relating to encampments.
- Employ people living in encampments to do clean-up and other kinds of work through Public Works.
- Identify people living in encampments who can serve as ambassadors for outreach teams. People are more likely to share personal information and seek help from someone that they know and trust.

- There is a need for more peer navigators and peer counselors throughout the system. Peer navigators should be trained and compensated for their time. Policy change is needed so that stipends/wages do not jeopardize benefits such as housing or other benefits received.

f. Shelter and Housing

- It can be very challenging to move directly from streets to housing. Sometimes people need a place where they can transition (e.g., transitional housing), or a time in which they receive more intensive services during a time of transition into housing
- Provide services and supports to people who are newly housed. If their trauma and crisis is not addressed, people will return to homelessness. There is a need for landlord incentives to get landlords to rent units to people (e.g., direct payments, tax breaks).
- Stigma about homelessness needs to be addressed, to interrupt NIMBY-ism (“not in my backyard”) and discriminatory practices from landlords.

g. Use of Data

- There is always lots of data being collected but it seems like homelessness gets worse and worse. There needs to be action behind the data; use data to enact solutions in a timely fashion.
- We need more and better ways to understand how many people are unhoused and what their challenges are; not just Point in Time (PIT) count data. People who are interviewed in the PIT often do not self-report everything, such as criminal justice involvement. For many people, having a criminal background is a bigger obstacle to securing housing than mental health issues.
- There is a need for tracking and communicating data on housing – how many units are needed, how many are becoming available, how many developers are there, etc. Is the amount of housing production sufficient to meet needs?
- Need transparent data about how funding is being used.
- Look to other communities for what is working well and increase collaboration.

Needs Identified by Service Providers and Primary Data

49% of 2022 Alameda County PIT count respondents reported that rent assistance could have prevented their homelessness. Employment assistance (37%), mental health services (27%), benefits/income (26%), and family counseling (23%) were also top responses. We can safely assume that to some degree this means that these services were lacking in either in quantity, quality or accessibility.

Relatedly, the top five primary causes of homelessness can be viewed as a barometer for the needs of people who were homeless and populations at risk of homelessness. The 2022 Alameda County PIT count respondents noted that, family or friends couldn't let me stay or argument with family/friend/roommate (27%), eviction/foreclosure/rent

increase (25%), job loss (22%), other money issues including medical bills (13%), and substance use (13%), were the top reasons for homelessness.

Participants in the 2019 PIT count, people who were homeless, also identified how they think money should be spent to alleviate homelessness. This serves as another proxy for the needs expressed by people who are experiencing homelessness. In the responses, the top suggestion was to spend money on affordable rental housing (58%). A little under half (43%) of people felt that employment training/job opportunities was how money should be spent. The next most popular response (29%), was permanent help with rent/subsidies, followed by substance abuse/mental health services (28%), housing with supportive services (22%) and 24/7 basic sanitation (19%).

Examining the findings from the aforementioned, 1,000 Person Plan to Address Homelessness (the Plan) also helps to ascertain unmet housing and service needs for people who are homeless, which overlaps with people who may qualify as: at risk of homelessness. The Plan found, using the 42,500 individual records from HMIS, between the years 2006 and 2017, that:

- “The likelihood of returning back to homelessness in Berkeley after previously exiting the system for a permanent housing bed is increasing over time, irrespective of personal characteristics or the type of service accessed. Importantly, among those who previously exited the system to permanent housing in the past but eventually returned, the largest percentage of those exits had been to unsubsidized rental units. None of this is surprising given the extreme increase in the East Bay’s rental housing costs over the past several years, and the volatility that creates for poor and formerly homeless people struggling to make rent.”
- “A comprehensive regression analysis found that having any disability (physical, developmental, substance-related, etc.) is by far the single largest reason a person is unlikely to exit homelessness to housing and subsequently not return back to homelessness. Unfortunately, the percentage of homeless Berkeleyans self-reporting a disability of any kind has increased greatly, from 40% in 2006 to 68% by 2017--meaning the population is increasingly comprised of those least likely to permanently end their homelessness with the services available.”
- “Per Federal mandate, all entities receiving HUD funding for homeless services are required to create a Coordinated Entry System (CES) that prioritizes limited housing resources for those who are most vulnerable. However, Berkeley’s Federal permanent supportive housing (PSH) budget, which supports housing for 260 homeless people, can place only about 25-30 new people every year. To help alleviate this lack of permanent housing

subsidy, Berkeley experimented with prioritizing rapid rehousing for its highest-needs individuals at the Hub. We found that rapid rehousing can be used as a bridge to permanent housing subsidies, but, used alone, cannot prevent some of the highest needs people from returning to homelessness.”

The Plan concludes that “the system has not created sufficient permanently subsidized housing resources to appropriately service a Coordinated Entry System, and has instead relied on rapid rehousing to exit them from the system. Overreliance on rapid rehousing with high needs individuals in a tight housing market—all of which we found evidence for in these data—is a strategy that is tenuous in the long-run.”

A system model analysis in the Continuum of Care’s 2021 report, “Centering Racial Equity in Homeless Response System Design” found that Alameda County has a sufficient inventory of emergency shelter and transitional housing, and that capacity and investment is most needed in interventions that prevent homelessness and help people experiencing homelessness secure and retain permanent housing. The report also identified the “acutely limited housing options available in Alameda County for extremely low-income people.” According to its Regional Housing Needs Allocation, the City of Berkeley will need to build 2,446 affordable housing units for extremely- and very-low income households between 2023 and 2031.

The consultation process identified the following unmet housing and service needs for people experiencing homelessness:

- Mental health resources
- Needs of shelter residents are becoming increasingly complex and there is a need for additional staffing and resources to address those needs
- Unhoused people with a disability are in need of accessibility equipment in order to obtain and retain permanent and transitional housing
- There is a need for more peers in the field who are well compensated and trained
- Recently housed people are in need of additional supportive services to obtain and retain their housing, including mental health resources, transportation, education and employment services

Priority unmet needs identified at the February 17th homeless services provider meeting included short term hotel stays, respite beds and supportive services for shelter guests with disabilities and medical conditions, housing retention services along with short and medium term rental assistance, liaison services between landlords and eligible program participants, and resources to address hoarding.

Needs for People At Risk of Homelessness

The largest needs identified through the City’s January 2023 consultation survey for people at risk of homelessness (QP2) are also supportive services and affordable rental

housing. Other identified needs include shelter and transitional housing, rental assistance, housing counseling, and accessibility services. The service gaps most often identified by organizations serving this population are mental health and recovery services and wraparound services such as employment training and caregiving support. Consultation meetings also identified a need for flexible funding to help with deposit and first month's rent to keep people housed and for shallow subsidies and long-term rental assistance that doesn't require a disability.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

According to the previously referenced Berkeley Homeless Count and Survey, a history of domestic violence and partner abuse can be a primary cause of homelessness. Victims of domestic violence have a great risk of becoming homeless and experiencing poverty. According to the Family and Youth Services Bureau (<https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>), this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to go unidentified, move to an overcrowded unit, or move into a homeless shelter than those not experiencing domestic violence.

After consulting with the Berkeley Police Department's Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.
- It is not uncommon for a victim of domestic violence to have to wait two or three days for a bed at a safe shelter, once they have requested it. This can lead to victims to stay with or return to their abuser while they wait for a bed to become available.
- When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items. This may lead to the victim to return to the abuser for financial security.

The University of California, Berkeley Human Rights Center’s 2018 report on supporting human trafficking survivors in the Bay Area identified a need for housing dedicated to victims of human trafficking, finding that “shelter is sorely needed across the Bay Area, and special attention should be paid to providing appropriate transitional and long-term housing, foster care placements, and shelter for queer and gender non-conforming survivors.” The report also identified a particularly acute shortage of services for victims of labor trafficking, finding that “victims of sex trafficking generally have greater access to services than those of labor trafficking.”

The largest need identified through the City’s January 2023 consultation survey for this population (QP3) is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and homelessness prevention services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and case management. Interviews with agencies serving this population emphasized that human trafficking is a very complex issue that requires thoughtful and nuanced interventions.

Other Populations:

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City has had a rental assistance program for many years, but this program was prioritized during the COVID-19 pandemic and an additional \$3.7 million was added to provide rent relief and prevent evictions that may lead to homelessness. This program currently has a waitlist and is unable to fully meet the need in the community. The unmet needs for the recipients can be enumerated using some of the data collected from the heads of household. Loss of employment was cited as the primary reason for recipients seeking assistance. More than half (57%) listed their loss of employment and subsequent inability to find alternative employment as the reason for needing emergency rental assistance to remain housed. Increases in expenses, including child care and health care costs, accounted for a little more than a third (37%) of the recipient’s primary reason for needing assistance.

The largest need for this population identified through the City’s January 2023 consultation survey for is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and accessibility services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and accessibility resources, and case management.

One homelessness prevention provider noted that a primary cause of housing instability and loss of housing was unemployment or underemployment during the pandemic, which many households have still not recovered from. Another provider shared that the

major barriers for unstably housed and unhoused families are jurisdictional limitations, assessment barriers, programmatic limitations, and system navigation, and noted that the issues families need to resolved in order to secure stable housing are complex and require a great deal of trust and staff time to resolve.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

The 2022 Alameda County PIT count helps us better understand the needs and extrapolate the unmet needs for the population of veterans that are homeless. In this report, the top five primary causes the veterans list for being homeless are: Eviction/Foreclosure/Rent Increase, Loss of Job, Family or friends couldn't let me stay or argument with family/friend/roommate, Divorce/Separation/Break-up, and Other Money.

The largest needs for veterans identified through the City's January 2023 consultation survey are supportive services and affordable rental housing. Other identified needs include rental assistance and housing counseling. Service gaps identified by six organizations serving this population include wraparound services, mental health and recovery services, housing navigation, and accessibility resources.

The Berkeley Housing Authority noted that that there is a particular need for supportive services for veterans using mainstream vouchers, such as mental health resources, support with transportation, and securing housing. They also noted that there is a far greater need for VASH vouchers than the current amount available.

Providers that serve veterans identified a need for culturally responsive services that understand veterans' specific barriers and expectations when accessing support. Veterans tends to be older, more isolated, and have more complex health issues than civilians, and there is a need for programs that create community and social connection for veterans in addition to housing and wraparound services. The Bay Area's veteran population is rapidly aging and there is a need for more resources that help veterans age in place.

Identify and consider the current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, TBRA, and affordable and permanent supportive rental housing:

Homeless:

The City funds multiple agencies to provide 298 year around shelter beds, 30 seasonal shelter beds and 27 transitional housing beds. As part of the City's COVID-19 response, the census at these programs has been reduced by approximately 50% so staff and participants can maintain 6' social distancing. Additionally, funds have been provided to

expand shelter operations to 24/7 and to provide three meals per day so participants don't have to leave during the day.

To offset the census reduction, while providing a safe space, the City implemented a non-congregate shelter program to house 18 households who meet the CDC's criteria for at-risk populations, 65+ or having an underlying medical condition requiring extra precautions against COVID-19. These shelter enhancements are expected to be in place until the City's Shelter In Place (SIP) order is lifted. Rapid re-housing resources are being offered to help people move into permanent housing.

Additionally, the City expanded the Berkeley Emergency Storm Shelter operations from an inclement weather shelter to supporting a 24/7 winter shelter operation through mid-April.

Additionally, while the Emergency Solutions Grant (ESG) regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

"An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- The individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing."

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

During the coronavirus pandemic, the City expanded the housing retention program to assist households unable to pay rent due to a COVID-19 related loss of income. Households must provide a dated Notice of Eviction from landlord stating amount owed for back rent OR a letter of verification from landlord stating the amount owed for back rent, since there is currently an eviction moratorium.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can't support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

The following is a list of services targeted to people who are homeless in Berkeley:

Homelessness Prevention Services:

- Counseling/Advocacy
- Rental Assistance

Street Outreach Services:

- Law Enforcement
- Mobile Clinics
- Other Street Outreach Services

Supportive Services:

- Alcohol & Drug Abuse
- Employment and Employment Training
- Life Skills
- Mental Health Counseling
- Transportation

At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability

The City of Berkeley established the Housing Trust Fund (HTF) program in 1990, and since then the HTF program has funded the renovation or construction of approximately 1,414 units of affordable housing. The City's HTF portfolio includes units affordable to households at a variety of income levels, including units for formerly homeless households, people with disabilities, Extremely Low-Income households, veterans, and survivors of domestic violence. City funding is currently supporting projects that will create more than 564 new affordable housing units. 58 units in the City's pipeline received No Place Like Home funding from the State of California, which supports units for formerly homeless households with mental illnesses. The projects include supportive services and case management.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan, which was recently completed. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then, the City has been working closely with the project team on a three-part project including a community kitchen and wrap-around services space, 32 emergency shelter beds, 12 transitional housing beds for Veterans, 53 units of permanent supportive housing (53 units at 30% AMI), and 89 affordable apartments for low and very-low income families.

The City also offer flex funds. These funds are available for one-time costs like back payment of rent, security deposits, etc. They must generally must be used to obtaining or maintaining housing. Providers have emphasized in consultation meetings the importance of flex funds for this population.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

The following is a list of resources available to victims in Berkeley and the surrounding area:

Bay Area Women Against Rape (BAWAR) is Alameda County's community rape crisis center offering advocacy and counseling to folks in Alameda County who have experienced sexual violence. BAWAR has a 24/7 crisis line in both English and Spanish.

Family Violence Law Center (FVLC) provides survivor-centered legal advocacy and assistance for individuals who have experienced intimate partner violence or sexual assault. They have a 24/7 crisis line for people living in Alameda County.

Alameda County Family Justice Center provides access to 80 community agencies and programs that provide healing, support and resources to people impacted by domestic violence, sexual assault and exploitation, child abuse, elder and dependent adult abuse, and stalking.

- Domestic violence counseling
- Sexual assault counseling
- Restraining orders
- Case management
- Trauma recovery services
- Safety planning
- Children's counseling
- Parenting support
- Shelter/housing assistance
- Medi-CAL and CalFRESH application assistance
- Victims Compensation Program application assistance
- Safe at Home application assistance
- Self-sufficiency program: financial literacy, professional development, resume writing and interviewing skills.
- Criminal justice information and assistance
- Childcare while parent or guardian is receiving services onsite (KidZone)
- GED
- ESOL (ESL) ALCO
- Public Health Immunization Clinic
- Legal Advice Clinic

- Immigration Clinic

A Safe Place is an Oakland based domestic violence agency that provides an emergency domestic violence shelter for women with children, 24/7 crisis line, mental health services, and community outreach programs.

Deaf Hope is a center providing culturally specific services to deaf survivors of interpersonal violence and their children.

Narika is an agency providing multicultural services for people who have experienced intimate partner violence. Narika offers support groups, seed programs and a helpline particularly for immigrants from South Asian communities.

Ruby's Place is a free, multi-population program serving women, men, transgender people and accompanied minors who have experienced domestic violence, human trafficking or both. Shelter and 24/7 crisis line offered.

Shalom Bayit strives for social change and offers confidential peer counseling, support, information, referrals, and advocacy for women identified folk in the Jewish community. Healing support groups are offered in the East Bay, SF, Marin, and the Peninsula.

Other Populations

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

The City of Berkeley currently funds a Housing Retention Program that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21.

The County of Alameda also operates an Emergency Rental Assistance Program. It has received more than 777 applications for emergency rental assistance, and distributed \$11,645,004 in emergency assistance to Berkeley renters. This program cap also has a cap that affects the amount of assistance they can provide.

As mentioned earlier, there are also several Rapid Rehousing programs that serve formerly homeless individuals that operate within the City.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

The Roads Home Veteran Services program of Berkeley Food & Housing Project provides the following services:

- Housing location help
- Temporary financial assistance, and

- Wraparound case management for people who are experiencing or at risk of homelessness
- Outreach to people who are unsheltered
- Permanent Supportive Housing – Six-bedroom house for local Veterans
- Temporary housing (6-24 months) and intensive life skills training to 18 homeless male veterans in Berkeley.
- Health care specific case management to Veterans and their families, including help with:
 - Accessing eligible benefits,
 - Getting to appointments,
 - Filling prescriptions,
 - Establishing home aid, and
 - Referrals to other services.
- Employment Services
- Shallow subsidy that provides two years of rental assistance that will not decrease if the household increases their income.
- Assist Veterans in preparing and submitting applications for Housing & Urban Development/Veterans Affairs Supportive Housing (HUD-VASH) vouchers
- Works with local public housing authorities to understand their eligibility criteria, in helping with HUD-VASH

Additionally, Operation Dignity operates a duplex in Berkeley that provides transitional housing for seven male veterans at a time.

Identify any gaps within the current shelter and housing inventory as well as the service delivery system:

Homeless Shelter, Housing Inventory and Service Gaps

The 2019 City Council report, *1000 Person Plan to Address Homelessness*, states that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.”

Meanwhile, according to the 2019 PIT count, 35% of Berkeley’s homeless population is chronically homeless—387 individuals on any given night. “To alleviate this supply/demand mismatch, the City implemented a policy of prioritizing high-needs people not just for PSH, but also for rapid rehousing (RRH), beginning in 2016. As a result, the percentage of RRH clients entering with disability had approached that of PSH by 2017.

Given what we now know about the statistical effect of disability on housing success, this has had the predictable effect of reducing the percentage of clients who are able to ultimately keep their housing after the subsidy and intervention ends, from a pre-CES

average of 81% to a post-CES average of 57%. Compare this to PSH homeless return rates, which were less than 9% in 2017.”

It is becoming more common for City-funded affordable housing projects to restrict a portion of their total units to formerly homeless households. This responds to the significant need for homeless housing opportunities in Berkeley, but the challenge is identifying and securing funding to support rental subsidies and the long-term operation of the projects. Some of the City’s local funds are restricted to capital costs, and state funding programs often do not include operating subsidies. The City has some local funds that can be used for this purpose, but not enough to meet the demand.

The consultation process identified the following gaps in the homeless services delivery system:

- Mental health resources and staffing
- Adequate shelter staffing to respond to guests’ complex needs
- Dearth of non-congregate emergency shelter for families, which requires special employee screening and separation from other populations
- Low-barrier shelters and service hubs in multiple areas throughout the City
- Accessibility resources such as wheelchair ramps and low-cost accessibility equipment (e.g. bathroom commode chair or threshold ramps) to help unhoused people with disabilities access shelter, housing, and services
- Incentives for landlord participation in rehousing programs

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking Shelter, Housing Inventory and Shelter Gaps:

Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given that there is generally a lack of affordable housing in the City, additional affordable housing options would likely also benefit the population.

After consulting with the Berkeley Police Department’s Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.

This largest gap identified in the consultation process is the lack of an emergency shelter for people fleeing intimate partner, domestic, or gender-based violence in Berkeley.

Other Populations

(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness

According to data provided by the City's subrecipient distributing emergency rental assistance, 57% of all recipients who were formerly homeless, needed this assistance because they could not find employment, largely due to the economic effects of COVID-19. Forty-eight percent of formerly homeless recipients stated that their disability was a contributing factor to their need for assistance, 37% said increased costs, including child care and health care costs, contributed to their need and 20% were elderly.

This data suggests there is either a gap in services to people in this qualifying population or an unmet need, that, if properly filled and met, could alleviate their need for emergency rental assistance.

Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above

Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given the data presented in the PIT, ongoing supportive services may be beneficial.

Identify the characteristics of housing associated with instability and an increased risk of homelessness if the PJ will include such conditions in its definition of "other populations" as established in the HOME-ARP Notice:

In the City of Berkeley, the high cost burden is a housing characteristic strongly linked with instability and an increased risk of homelessness. According to the 2019 Out of Reach report, the hourly wage needed to afford a two-bedroom at FMR (\$2,790) in downtown Berkeley is \$53.65. According to the report, the same downtown zip code (94704) also has a poverty rate of 51.4 percent with a median household income of \$26,758 and an unemployment rate of just over nine percent (9.1%). The urbanized downtown area of Berkeley sits in stark contrast with the more suburban neighboring zip code (94705), which has an unemployment rate of just over five percent (5.3%), a 10.1 percent poverty rate, an \$116,250 median household income and where the hourly wage needed to afford a two-bedroom at FMR (\$2,370) is \$45.58. Proximity to social services and regional job centers via public transit makes Berkeley's urban downtown appealing, but its higher housing prices make it difficult for low income, transit dependent residents (without cars) to retain housing.

While the lower income households within the downtown core of Berkeley is of particular note, the numbers also reflect the impact of the University of California at Berkeley's (UC Berkeley) student population many of whom have little or no income. Students compete with nonstudent residents for housing, creating elevated pricing conditions for existing low-income households, especially in those geographic areas surrounding the UC Berkeley campus.

Service gaps for this population identified in the consultation process include:

- Dedicated funding for veteran services
- Resources to help unhoused seniors and veterans age in place
- Services and programs that build social connection and community for veterans, seniors, and people experiencing homelessness

Identify priority needs for qualifying populations:

Homeless, At Risk of Homelessness, Other Families Requiring Services or Housing Assistance to Prevent Homelessness & Other Populations at Greatest Risk of Housing Instability:

Housing instability and homelessness continue to be a pressing issue for Berkeley community members, many of whom are still grappling with the economic, social, and emotional impacts of the pandemic along with a regional housing shortage. All populations have a number of critical needs that outstrip the amount of HOME-ARP funding available. Overall, there is a need for more affordable housing, supportive services and non-congregate shelter.

Priority supportive services needs for all qualifying populations include mental health and recovery, peer support, essential hygiene services, accessibility resources, case management, and housing navigation.

The consultation process also identified a need for nonprofit capacity building, particularly to respond to the increasingly complex needs faced by qualifying populations and to adjust operations to comply with HOME-ARP requirements.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

The inability of a victim of domestic violence, dating violence, sexual assault, stalking or human trafficking to find immediate safe shelter, upon request, and quality affordable housing are top needs for this qualifying population.

Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined:

The data represented here is a compilation of the most recent CHAS data, the 2019 and 2022 PIT counts, the 1000 Person Plan to Address Homelessness and the PY2020-2025 Consolidated Plan. Some 2022 PIT count responses are not currently available at the local level, so a combination of 2019 and 2022 data was used to provide a more complete understanding of homelessness in Berkeley. All of the Plans had various methodologies and went through extensive public consultation process including multiple public hearings. We also used our consultation with various stakeholders to identify the needs and gaps in shelter, housing inventory and services.

Proposed HOME-ARP Activities

Describe the method for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors and whether the PJ will administer eligible activities directly:

The City will select subrecipients to administer the activities directly. It will do so by issuing a Request for Proposals (RFP) to provide supportive services to all of the qualifying populations in the city of Berkeley.

If any portion of the PJ's HOME-ARP administrative funds were provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

Not applicable.

PJs must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organization operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits. The following table may be used to meet this requirement.

Use of HOME-ARP Funding:

	Proposed Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 2,188,557		
Acquisition and Development of Non-Congregate Shelters	\$ 0		
Tenant Based Rental Assistance (TBRA)	\$ 0		
Development of Affordable Rental Housing	\$		
Non-Profit Operating	\$ 0	0 %	5%
Non-Profit Capacity Building	\$ 136,785	0 %	5%
Administration and Planning	\$ 410,354.40	15 %	15%
Total HOME ARP Allocation	\$ 2,735,696		

Describe how the PJ will distribute HOME-ARP funds in accordance with its priority needs identified in its needs assessment and gap analysis:

Given the significant need for multiple forms of supportive services to help community members access and retain housing, the City will distribute HOME-ARP funds to supportive services providers to offer McKinney-Vento Supportive Services, Homelessness Prevention Services, and/or Housing Counseling Services to help more people in the qualifying populations find and/or maintain housing. The one-time nature of the HOME-ARP funds as well as the availability of other resources to address the needs of new non-congregate shelter beds and affordable rental housing, mean the best use of the funds to address the needs and gaps in Berkeley are providing supportive services to all the qualifying populations.

Describe how the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

The City’s seminal 2019 report to Council, 1,000 Person Plan to Address Homelessness, clearly identified the lack of supportive services as a reason for the number of people returning to homelessness in Berkeley after previously exiting the system for a permanent housing bed, and that this need has increased over time. Specifically, the report found that people with the highest needs in the homeless population needed more support than what rapid rehousing programs provide to prevent a return to homeless.

Furthermore, the 1,000 Person Plan to Address Homelessness, found that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.” This lack of significant turnover of vouchers suggests people receiving them are not getting the supportive services they

need to release their voucher, solidifying the case that supportive services are lacking in Berkeley.

The most recent data on factors contributing to homelessness underpin the findings from the 2019 report. For instance, the leading causes of homelessness in the 2022 Alameda County PIT count were, in order of prevalence, rent assistance, employment assistance, mental health services, benefits/income, and family counseling, all of which can be addressed with supportive services. Many of the priorities identified by people with lived experience, such as mental health resources, service hubs, and peer support, can be addressed through supportive services.

The consultation process further supported the 2019 findings, as every service provider of the qualifying populations mentioned supportive services as a need.

HOME-ARP Production Housing Goals

Estimate the number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

N/A

Describe the specific affordable rental housing production goal that the PJ hopes to achieve and describe how it will address the PJ's priority needs:

N/A

Preferences

- *Preferences cannot violate any applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a).*
- *PJs are not required to describe specific projects to which the preferences will apply.*
- *The PJ must comply with all applicable nondiscrimination and equal opportunity laws and requirements listed in 24 CFR 5.105(a) and any other applicable fair housing and civil rights laws and requirements when establishing preferences or methods of prioritization.*

*While PJs are not required to describe specific projects in its HOME-ARP allocation plan to which the preferences will apply, the PJ must describe the planned use of any preferences in its HOME-ARP allocation plan. This requirement also applies if the PJ intends to commit HOME-ARP funds to projects that will utilize preferences or limitations to comply with restrictive eligibility requirements of another project funding source. **If a PJ fails to describe preferences or limitations in its plan, it cannot***

commit HOME-ARP funds to a project that will implement a preference or limitation until the PJ amends its HOME-ARP allocation plan.

For HOME-ARP rental housing projects, Section VI.B.20.a.iii of the HOME-ARP Notice (page 36) states that owners may only limit eligibility or give a preference to a particular qualifying population or segment of the qualifying population if the limitation or preference is described in the PJ's HOME-ARP allocation plan.

Adding a preference or limitation not previously described in the plan requires a substantial amendment and a public comment period in accordance with Section V.C.6 of the Notice (page 16).

Identify whether the PJ intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project:

N/A

If a preference was identified, explain how the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the PJ's needs assessment and gap analysis:

N/A

If a preference was identified, describe how the PJ will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference:

N/A

Referral Methods

PJs are not required to describe referral methods in the plan. However, if a PJ intends to use a coordinated entry (CE) process for referrals to a HOME-ARP project or activity, the PJ must ensure compliance with Section IV.C.2 of the Notice (page10).

A PJ may use only the CE for direct referrals to HOME-ARP projects and activities (as opposed to CE and other referral agencies or a waitlist) if the CE expands to accept all HOME-ARP qualifying populations and implements the preferences and prioritization established by the PJ in its HOME-ARP allocation plan. A direct referral is where the CE provides the eligible applicant directly to the PJ, subrecipient, or owner to receive HOME-ARP TBRA, supportive services, admittance to a HOME-ARP rental unit, or occupancy of a NCS unit. In comparison, an indirect referral is where a CE (or other referral source) refers an eligible applicant for placement to a project or activity waitlist. Eligible applicants are then selected for a HOME-ARP project or activity from the waitlist.

The PJ must require a project or activity to use CE along with other referral methods (as provided in Section IV.C.2.ii) or to use only a project/activity waiting list (as provided in Section IV.C.2.iii) if:

- 1. the CE does not have a sufficient number of qualifying individuals and families to refer to the PJ for the project or activity;*
- 2. the CE does not include all HOME-ARP qualifying populations; or,*
- 3. the CE fails to provide access and implement uniform referral processes in situations where a project's geographic area(s) is broader than the geographic area(s) covered by the CE*

*If a PJ uses a CE that prioritizes one or more qualifying populations or segments of qualifying populations (e.g., prioritizing assistance or units for chronically homeless individuals first, then prioritizing homeless youth second, followed by any other individuals qualifying as homeless, etc.) then this constitutes the use of preferences and a method of prioritization. To implement a CE with these preferences and priorities, the PJ **must** include the preferences and method of prioritization that the CE will use in the preferences section of their HOME-ARP allocation plan. Use of a CE with embedded preferences or methods of prioritization that are not contained in the PJ's HOME-ARP allocation does not comply with Section IV.C.2 of the Notice (page10).*

Identify the referral methods that the PJ intends to use for its HOME-ARP projects and activities. PJ's may use multiple referral methods in its HOME-ARP program. (Optional):

N/A

If the PJ intends to use the coordinated entry (CE) process established by the CoC, describe whether all qualifying populations eligible for a project or activity will be included in the CE process, or the method by which all qualifying populations eligible for the project or activity will be covered. (Optional):

N/A

If the PJ intends to use the CE process established by the CoC, describe the method of prioritization to be used by the CE. (Optional):

N/A

If the PJ intends to use both a CE process established by the CoC and another referral method for a project or activity, describe any method of prioritization between the two referral methods, if any. (Optional):

N/A

Limitations in a HOME-ARP rental housing or NCS project

Limiting eligibility for a HOME-ARP rental housing or NCS project is only permitted under certain circumstances.

- PJs must follow all applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, section 504 of Rehabilitation Act, HUD's Equal Access Rule, and the Americans with Disabilities Act, as applicable.*
- A PJ may not exclude otherwise eligible qualifying populations from its overall HOME-ARP program.*
- Within the qualifying populations, participation in a project or activity may be limited to persons with a specific disability only, if necessary, to provide effective housing, aid, benefit, or services that would be as effective as those provided to others in accordance with 24 CFR 8.4(b)(1)(iv). A PJ must describe why such a limitation for a project or activity is necessary in its HOME-ARP allocation plan (based on the needs and gap identified by the PJ in its plan) to meet some greater need and to provide a specific benefit that cannot be provided through the provision of a preference.*
- For HOME-ARP rental housing, section VI.B.20.a.iii of the Notice (page 36) states that owners may only limit eligibility to a particular qualifying population or segment of the qualifying population if the limitation is described in the PJ's HOME-ARP allocation plan.*
- PJs may limit admission to HOME-ARP rental housing or NCS to households who need the specialized supportive services that are provided in such housing or NCS. However, no otherwise eligible individuals with disabilities or families including an individual with a disability who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability.*

Describe whether the PJ intends to limit eligibility for a HOME-ARP rental housing or NCS project to a particular qualifying population or specific subpopulation of a qualifying population identified in section IV.A of the Notice:

N/A

If a PJ intends to implement a limitation, explain why the use of a limitation is necessary to address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or subpopulation of qualifying population, consistent with the PJ's needs assessment and gap analysis:

N/A

If a limitation was identified, describe how the PJ will address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the limitation through the use of HOME-ARP funds (i.e., through another of the PJ's HOME-ARP projects or activities):

N/A