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OCII
office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

118-2162024-002

Agenda Item No. 5(b)
Meeting of March 5, 2024

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Workshop regarding priorities for developing affordable replacement housing units under Senate Bill No. 593

EXECUTIVE SUMMARY

Senate Bill No. 593 (Wiener) has been approved by both the Senate and Assembly and signed by Governor Newsom. Senate Bill No. 593 ("SB 593") authorizes the Office of Community Investment and Infrastructure ("OCII"), to use a limited form of tax increment financing to fund and develop the 5,842 units that the former San Francisco Redevelopment Agency the ("Former Agency") destroyed and that were never replaced ("Replacement Housing Obligation"). SB 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City and County of San Francisco ("City") after other existing obligations of OCII are paid. This source of funding is limited and thus issuing bonds to pay for the housing construction will occur over many years.

On October 3, 2023, staff presented an update to Commission on SB 593 and received input on its implementation (see Attachment 5). Since that time staff have made presentations seeking input from the Citizens Advisory Committees ("CAC"). Staff has also received input from the Certificate of Preference ("COP") Committee and other stakeholders. On November 7, 2023, staff presented an update on the outreach completed to date related to SB 593 and information in response to input received to date. At that meeting staff also presented priorities that should be explored for use of the SB 593 funds (see Attachment 4).

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DISCUSSION

Senate Bill No. 593

SB 593 authorizes OCII to use a limited form of tax increment financing to fund and develop the 5,842 units that are the Replacement Housing Obligation. SB 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City after other existing obligations of OCII are paid. Although this source of funding is limited, it protects funding for schools and other taxing entities that receive property tax revenues and thus had widespread support in the legislature. Given the limited pool of tax increment available for this purpose, completion of the 5,842 affordable units will take many years.

SB 593 relies on the standards in the Community Redevelopment Law for developing replacement housing and adds to existing OCII authority under Redevelopment Dissolution Law (Statutes 2015, Chapter 325, sections 9 & 27, *codified* at Cal. Health & Safety Code § 34177.7) to finance and develop affordable housing required as part of enforceable obligations previously approved by the Department of Finance in Mission Bay, Transbay and Hunters Point Shipyard and Candlestick Point.

SB 593 authorizes certain funding for the development, construction, repair, renovation, or reconstruction of up to 5,842 units of affordable housing to be created in San Francisco by OCII or on behalf of the City and County of San Francisco that shall be or remain affordable to, and occupied by, persons and families of extremely low, very low and moderate income households for the longest feasible time, but not less than 55 years for rental units and 45 years for owner-occupied units.

For additional background on the Replacement Housing Obligation and SB 593 see Attachment 5 for the Commission Memorandum for the SB 593 Workshop presented to Commission on November 7, 2023.

Bond Financing and Timing

The funding for affordable housing under SB 593 will depend on future property tax revenues generated in former and current redevelopment project areas and on the funding needs of existing OCII enforceable obligations, which will have a higher priority under law for the use of the property tax revenues. In addition, available funds will depend on the other budget needs of the City which would otherwise deposit the funds in its general fund, OCII is working on estimates of the amount of revenues that will be available, but staff projects its first bond issuance may occur in the 2025/2026 timeframe.
There are several factors which could affect the size of the bond issuance, including estimated tax increment revenue, costs of the bond issuance, as well as estimated housing project costs. To determine the actual amount which could be issued, staff will issue a solicitation for a financing team in early 2024. The financing team will include a fiscal consultant that has specialized knowledge of the revenue base supporting the bonds and provides a revenue analysis that determines OCII's bonding capacity pursuant to SB 593. In addition, available funds will depend on the other budget needs of the City which would otherwise deposit the funds in its general fund. OCII is working with the City on

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estimates of the amount of revenues that will be available in light of the state of the overall city budget. Staff anticipates that the current City budget constraints could affect the timing and the amount of the initial bond issuance. This information will be critical in planning for the initial projects to be funded pursuant to SB 593.

Preference for Displaced Persons and their descendants

OCII and the Mayor's Office of Housing and Community Development ("MOHCD") currently provide a preference in all OCII and City-sponsored affordable housing to low- and moderate-income households who were displaced as a result of the Former Agency's demolition of units ("Preference Holders"). In 2022, the state legislature expanded this preference to include the descendants of displaced persons who are income eligible for OCII and Former Agency projects. Since FY 2013-14 OCII has undertaken significantly more robust early outreach and marketing protocols to maximize the number of Preference Holders who are aware of and strongly encourage them to apply for housing opportunities in San Francisco as well as support them during the application process. OCII and MOHCD will continue to evaluate and look for improvements to that process in collaboration with the Commission's COP Subcommittee and present annual reports to the Commission.

Community Input

Staff have sought and received input from Commissioners, CAC, and other stakeholders regarding the implementation of SB 593, see list of meetings below. As part of these efforts staff have also received input on the COP Program. These comments and OCII's staff responses are detailed in Attachment 1.

Public/Community Input Meetings on SB 593

1) October 3, 2023 Commission Workshop
2) October 12, 2023 Mission Bay CAC
3) October 12, 2023 Transbay CAC
4) October 30, 2023 HPS/CP CAC
5) November 7, 2023 Commission Workshop
6) November 16, 2023 HPS/CP CAC Housing Subcommittee

Summary

Many of the comments focused on;

- Maximizing Preference Holder participation in housing that will be funded pursuant to SB 593.
- Providing housing opportunities across the Area Median Income ("AMI") levels allowed by the legislation with a focus on ensuring there are opportunities for extremely and very low-income households.
- Adding affordable units to the Project Areas beyond OCII's current obligations.
- CAC members were also supportive of ensuring that some SB 593 funds were focused on areas where the most displacement occurred such as the Western Addition and throughout the City, in projects that meet the goals of SB 593.

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- The Commission encouraged staff to explore alternative financing mechanisms and housing types such as funding for smaller sites and cooperative housing models.

Staff proposes implementing the strategies described in this memo and in Attachment 1 in addition to our enhanced early outreach and marketing efforts to continue to ensure we are providing affordable housing opportunities that meet the needs of Preference Holders. OCII is also recommending following the Replacement Housing priorities for project site selection that appear below. These priorities will be considered as part of site selection for projects funded pursuant to SB 593 in addition to our standard project financing underwriting process which includes review for short- and long-term project feasibility, long term affordability and requires approval by the City's Citywide Affordable Housing Loan Committee, as well as the Commission.

The below categories are broad enough to respond to current but also future community needs and concerns. The categories are inclusive of the community and Commission input staff heard during the outreach and will allow for a diverse range of housing opportunities to be considered as part of the implementation of SB 593.

<u>Recommendations for Site Selection of Replacement Housing</u>
OCII staff proposes the following priorities in developing affordable replacement housing units:

1. <u>Existing Project Areas:</u> Adding affordable housing to existing project areas with enforceable obligations where sites are available for development, but not counting the replacement units as fulfilling the separate production goals under those pre-existing obligations. This approach has the benefit of avoiding land acquisitions costs and using parcels contributed to OCII for affordable housing purposes. In Mission Bay South and Hunters Point Shipyard Phase 1 (HPS1) OCII has land restricted to affordable housing but has insufficient funding to build out the parcels with appropriate density. In Mission Bay South and Hunters Point Shipyard Phase 1, OCII will be seeking to add additional units of affordable housing, beyond the current enforceable obligation on parcels designated for affordable housing. For Mission Bay South there are time constraints to begin construction, so it is important for these projects to receive funding.

2. <u>Former Project Areas:</u> Developing affordable housing in former redevelopment project areas, particularly those subject to urban renewal displacement. For example, the Western Addition and the Yerba Buena Center are former project areas where the removal of housing and significant displacement of low-income households occurred.

3. <u>City Priority Projects:</u> Developing affordable housing in other areas of the City where the City, through MOHCD, has identified priority projects in need of funding that are also consistent with the goals of SB 593.

4. <u>COP Program Implementation:</u> Comply with statutory preferences for Preference Holders by requiring that Preference Holders receive a priority for all affordable replacement units assisted

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by OCII and seek, in collaboration with MOHCD, enhanced outreach to identify Preference Holders and their housing needs.

NEXT STEPS

- Work with the City on the amount and timing of revenues that will be available pursuant to SB 593 in light of the state of the overall city budget; and
- Work with MOHCD and key constituents to determine priority projects; and
- Solicit bond financing team for the initial replacement housing bond issuance; and
- Prepare for new COP Survey to be conducted in FY 24/25.

(Originated by Elizabeth Colomello, Housing Program Manager)

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Attachment 1: Updated Comments and Responses regarding SB 593 implementation

Attachment 2: Post Dissolution - 100% Affordable Parcels Across all Project Areas

Attachment 3: Post-Dissolution 100% Affordable SBE, MBE and WBE Data

Attachment 4: Commission Memorandum: Workshop on Senate Bill No. 593 authorizing OCII to finance the construction of replacement affordable housing units

Attachment 5: Commission Memorandum: Informational Update on the legislative status of Senate Bill No. 593 authorizing OCII to finance the construction of replacement affordable housing units

OCII RESPONSES TO COMMENTS ON IMPLEMENTATION OF SENATE BILL NO. 593 (REPLACEMENT HOUSING)

1. **COMMENT**: ***Requests for Proposals and Requests for Qualifications ("RFP/Qs") should have clear guidance for scoring that does not favor larger developers and has a racial equity framework (see Urban Land Institute ("ULI") Framework for Equitable Development). OCII should ensure larger projects meet the capacity of Small Business Enterprise ("SBE") firms and wherever possible unbundle larger projects***

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- None

Notes Summary: As part of the implementation of SB 593, staff will continue to seek input from the local development community and will look for additional community centered equitable development ideas for projects using SB 593 funds.

Notes Detail:
OCII 's policies and practices currently require nonprofit developers to be the lead or co-developers for affordable housing projects. All 100% affordable projects awarded since dissolution have included a nonprofit, community-based nonprofit or community-based developers as part or all of the development team. See Attachment 2 "Post Dissolution - 100% Affordable Parcels Across all Project Areas" for more information regarding developer selection for OCII 100% affordable projects awarded since dissolution. All OCII RFP/Qs for affordable housing parcels include clear scoring criteria which requires applicants to provide a strategy for addressing diversity, equity, and inclusion in all aspects of the project as well as their approach to meeting or exceeding OCII SBE goals as well as strategies for outreach and placement for Preference Holders.

Principle 1 in ULI's Framework for Equitable Development is to embed racial equity across all aspects of the real estate development practice, which staff seeks to achieve by centering equity in the scoring for RFP/Qs through the requirement to provide a strategy for addressing diversity, equity, and inclusion in all aspects of the Project, including the team composition, and approach to meeting or exceeding OCII SBE goals, by structuring RFP/Q's to ensure that nonprofit and local developers can be competitive for award, and by implementation of OCII's Equal Opportunity Programs including the SBE and Workforce Development requirements for OCII-funded affordable developments.

OCII's RFP/Qs for development of affordable housing projects reiterate OCII's preference for developers to select general contractors ("GCs") who are or who are partnered with a San Francisco-based SBE Joint Venture ("JV") partner. OCII's recent selection of affordable housing developers has included SBE JV partners (see Attachment 2 for developer information for all

100% affordable parcels offered since dissolution). OCII's SBE policy requires developers/GCs to follow our good faith effort steps which includes breaking up scopes of work to encourage and make opportunities for small, minority and women owned businesses. Over the years, affordable housing projects have demonstrated success, often exceeding the overall SBE program goals. See Attachment 3 for SBE data for OCII-funded affordable housing projects awarded since dissolution.

Staff offers all applicants who were not awarded a project through an RFP/Q the opportunity to meet and review the scoring for their application. During these meetings staff provides input on areas that could be improved in future responses. This is also an opportunity for applicants to provide input regarding aspects of the RFP/Q that were most challenging to achieve. Additionally, staff attends monthly meetings of the Council of Community Housing Organizations ("CCHO") a nonprofit coalition of 22 community-based housing developers and tenant advocates (a list of member organizations can be found here: https://www.sfccho.org/member-organizations), several of whom are led by or predominantly serve persons of color, to provide updates and receive input on OCII-funded affordable housing projects and upcoming opportunities. Some changes that have been implemented as a result of input from local nonprofit developers are to simplify requirements related to the proposed design of projects to minimize the amount of work and funds that must be expended prior to receiving funding.

2. COMMENT: ***Community serving businesses and nonprofits should be awarded projects***

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- None

Notes Summary: As noted above, OCII 's policies and practices currently require nonprofit developers to be the lead or co-developers for affordable housing projects. All 100% affordable projects awarded since dissolution have included a nonprofit, community-based nonprofit or community-based developers. In addition, to the extent that an affordable housing project includes commercial space, OCII will continue to prioritize Public Benefit Uses and Community Serving Uses for those commercial spaces in accordance with the Mayor's Office of Housing and Community Development ("MOHCD") Commercial Space Underwriting Guidelines ("CSUG") which OCII follows for leasing priorities.

All OCII-funded projects with commercial space follow CSUG which requires that commercial spaces funded by the City/OCII "*Support culturally vibrant and inclusive neighborhoods by prioritizing Public Benefit Uses, Community Serving Uses, and other benefits that support the* *affordable housing residents and surrounding community*."[1] All OCII 100% affordable projects with commercial space are subject to these requirements. Please see Attachment 2 "Post Dissolution - 100% Affordable Parcels Across all Project Areas" for a summary of commercial uses in 100% affordable projects awarded since dissolution.

3. COMMENT: ***OCII should provide tenant improvement financing for commercial spaces.***

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- OCII's affordable housing enforceable obligations authorize funds for residential units and do not generally authorize funding for commercial space, unless that space is required under applicable law, e.g. zoning, or under existing contracts. Tax credit rules (used in the financing of affordable housing projects) also limit overall project costs and non-housing use of funds.

Notes Summary: As part of SB 593 implementation, OCII will seek innovative financing strategies for commercial spaces.

Notes Detail:
OCII follows the MOHCD CSUG, which were developed with significant input from the nonprofit development community. OCII will seek input from the nonprofit development community, the lending community, and city partners regarding strategies for financing the costs of tenant improvements for commercial spaces. To the maximum extend feasible, OCII will continue to fund commercial loans for fund warm shell components the commercial spaces of projects. However, funds generated by SB 593 are not allowed to be used for commercial loans.

4. COMMENT: Alternative financing models should be explored for housing projects

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- Tax credits remain the major source of affordable housing funds.

Notes Summary: As part of SB 593 implementation, OCII will seek alternative financing strategies for housing projects. Currently there are no other sources that provide the amount of leveraging per unit that low-income housing tax credits provide, but there are other potential

[1] Public Benefit Uses are land uses, typically programs or services, that primarily benefits low-income persons, is implemented by one or more 501(c)(3) public benefit corporations, and has been identified by the City or community as a priority use. Community Serving Uses are land uses, typically retail or other sales and services use, that provides a direct benefit to the community.

sources, such as regional bond financing, that may supplement traditional financing sources for affordable housing.

Notes Detail:
OCII projects have taken advantage of various local, state, federal, and private funding sources. OCII seeks innovative financing models and has used them recently in the structuring of traditional sources to maximize leveraging or increase competitiveness. These financing strategies include:

- structuring recent loans to include a separate site development component to improve competitive scoring for the residential component ;
- separately financing the development of commercial spaces where allowable within affordable housing projects to improve competitive scoring for the residential component;
- using non-standard tax credit financing models including state tax credits and hybrid tax credit financing incorporating 9% and 4% low-income housing tax credits to increase equity and feasibility;
- incorporating various state and federal development funding sources including State of California Affordable Housing and Sustainable Communities and Infill and Infrastructure Grant programs, and Veterans Housing and Homelessness Prevention Program funds;
- utilizing various local and federal operating and project based rental subsidies to provide deeper affordability and leverage debt (the City's Local Operating and Senior Operating Subsidy programs, federal Section 8, Veterans Affairs Supportive Housing, and Rental Assistance Demonstration subsidies);
- utilizing philanthropic sources from the technology sector.

5. COMMENT: Replacement Housing units should include lower Area Median Income ("AMI") tiers

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- Without permanent outside subsidies (which are scarce) to assist lower income tiers, project operating deficits and deferred maintenance accumulate causing quality of life issues for residents and project financial instability.

Notes Summary: Staff will continue to seek opportunities to increase the number of units with affordability levels below 50% AMI through income tiering and seeking operating and rent subsidies wherever available.

Notes Detail:
All OCII-funded rental projects average 60% AMI and include income tiers below 50% AMI. Of the 1,800+ units produced post-dissolution, over 1,100 are at or below 50% AMI and over 450 are at or below 30% AMI. Increasing income tiering was one of the changes implemented based on feedback from the 2017 COP survey. See Attachment 2 "Post Dissolution - 100% Affordable

Parcels Across all Project Areas" for more information and Attachment 4 which includes Commission Memos regarding the 2017 COP survey, results, and subsequent actions. Also, CCHO has provided input that SB 593-funded units should be weighted heavily towards households at or below 50% AMI.

6. **COMMENT: The 5,842 replacement housing units funded pursuant to SB 593 should be for COP holders only.**

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- OCII applies the COP preference to units first and to 100% of units. OCII requires that developers conduct early outreach (in advance of formal marketing of units) to COP holders including descendants in conjunction with a housing counseling agency, to ensure interested COP holders have sufficient time to prepare for the affordable housing opportunity. However, if not enough COP holders apply for, qualify for, or follow through with the application process then remaining units must be offered and occupied in lottery rank order consistent with approved preferences to ensure affordable units do not remain vacant and to comply with tax credit and other financing requirements.

Notes Summary: OCII will continue to set aside 100% of its affordable housing units for Preference Holders.

Notes Detail:
OCII/MOHCD currently sets aside 100% of OCII-funded units for COP holders, but legal and financial controls limit the ability to set-aside permanently those units for preference holders. Additionally, COP holders have first consideration for *all* affordable units presented on DAHLIA. This preference will also apply to units funded pursuant to SB 593. Staff will also continue efforts to locate Preference holders. On January 16, 2024, Commission approved funding to begin Phase 2 of the contract with Lynx Insights and Investigations, Inc. ("Lynx") in partnership with New Community Leadership Foundation to locate and confirm current contact information for original displacees in the WA-A2 and Hunters Point Redevelopment Project Areas. Lynx confirmed contact information for, or death of, 3,025 original displacees. Lynx estimates that the Commission approved funding provided for Phase 2 should allow the team to locate contact information for an additional 800-1,200 original displacees. Depending on the outcome of this Phase 2, in FY 24/25 staff may propose additional funding for Lynx to continue to find Preference Holders, or may consider alternative methodologies to locate Preference Holders. For future RFP/Qs or NOFAs, OCII is looking to further expand on efforts to ensure COP holders, now including COP descendants, apply for housing and accept units when offered. In addition to continuing our expanded and early outreach and marketing efforts staff is planning to implement enhancements to the COP program, including seeking more information via a survey of COP holders to better understand housing needs/preferences, particularly as there is less information

regarding COP descendants. The updated survey will build upon the 2017 COP Survey, given the additional "interested" COP holders, original displacees, and descendants who have recently obtained certificates. The original survey provided information on housing preferences, location preferences, and barriers to accessing housing. Results of the 2017 survey such as increased income tiering, addressing the needs of senior COP holders through unit sizes, income tiering and operating subsidies informed recent developments (Note that Attachment 4 to the November 7, 2023 Workshop on Senate Bill 593 includes more information on the 2017 survey. The Commission Memorandum for the November 7, 2023 Workshop is Attachment 4.).

7. Transition the Certificate of Preference Program to San Francisco Human Rights Commission's ("HRC") Office of Reparations.

- **Implementing-** No
- **Status-** None
- **Impediments**- Requires the Board of Supervisors and the Mayor to initiate.

Notes Summary: OCII will work cooperatively with the City to ensure effective implementation of the COP Program.

Notes Detail:
As part of the dissolution process, MOHCD currently implements, under OCII Resolution No. 33-2014 (May 6, 2014), the COP program on behalf of OCII for persons displaced by redevelopment actions; under state law, MOHCD is the lead for implementing a preference in affordable housing for the descendants of displaced persons, Cal. Health & Safety Code § 34178.8. If the City, through MOHCD or HRC, wants to transfer or assume additional responsibilities, OCII will cooperate in those efforts.

8. COMMENT: Replacement housing units should maintain the same income levels as existed at the time of displacement

- **Implementing-** Partially
- **Status-** None
- **Impediments**- Data does not exist.

Notes Summary: OCII will comply with requirements under SB 593 and Section 33413 of the Health and Safety Code that target the affordable replacement housing for low- and moderate-income households. OCII will also target deeper affordability levels.

Notes Detail:
SB 593 complies with the replacement housing obligation that has existed since 1976, Cal. Health & Safety Code § 33413 (a), and requires units to be affordable to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units and in no event higher than 120% AMI. When displacement occurred prior to 1976, the former San Francisco Redevelopment Agency staff did not record AMI levels. Although OCII cannot match exactly the income levels of those displaced prior to 1976, to the extent feasible, OCII will continue to include income tiers below 50% AMI (see Attachment 2 for post dissolution affordable project AMI levels).

9. COMMENT: Complete an economic impact report to measure the intergenerational wealth lost from eminent domain from 1945 to present

- **Implementing-** Partially
- **Status-** None
- **Impediments**- Funding and enforceable obligation authority.

Notes Summary: OCII can provide records and partner with another entity that can generate this report.

Notes Detail:
A report like this is not an enforceable obligation for OCII. If another entity were to complete this report, MOHCD/OCII could provide records to support the effort. OCII has devoted significant resources to the City to provide information about the impact of historic redevelopment practices and will continue to provide historic records to those funded to undertake an economic impact report. Much of this data already resides with the City via the Assessor Recorder's Office searchable records. Additionally, in FY 24/25 staff is planning to scan relocation and acquisition information/records for all former Redevelopment Project Areas to ensure that documentation is also searchable.

10. COMMENT: Explore opportunities to seek HUD funding to assist with housing homeless and displaced COP holders

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- Limited by federal funding.

Notes Summary: OCII will continue to seek opportunities for federal funding for affordable housing projects that address the needs of COP holders.

Notes Detail:
OCII/MOHCD-funded developers seek federal funding and subsidies where available for projects to subsidize project costs and or tenant rents to allow deeper affordability for residents. Staff will continue to apply for federal funding to meet the goals of SB 593 and to enhance housing opportunities for very low-income COP holders within other OCII enforceable obligations.

11. **COMMENT: Downpayment Assistance and Rental Assistance programs should be available to all COP holders**

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- Limited by City funding.

Notes Summary: OCII will continue to seek homebuyer downpayment assistance and rental assistance programs for OCII projects.

Notes Detail:
MOHCD staff provides or connects COP applicants who are interested in purchasing or renting an affordable housing unit with move-in assistance and/or downpayment assistance. Staff will work with MOHCD to ensure the availability of these sources given the anticipated increase in COP holder applications for housing given the expansion of the program to include descendants. Staff also supports the incorporation of ongoing project-based rental subsidies into rental projects when those funds are available. OCII will also explore the possibility of including small reserves for downpayment or move-in assistance for applicants within project budgets to the extent feasible.

12. **COMMENT: Explore opportunities for COP small sites program for housing and businesses including technical support.**

- **Implementing-** Yes
- **Status-** Ongoing
- **Impediments**- Limited by project availability, feasibility, and funding availability.

Notes Summary: OCII will collaborate with MOHCD to determine if there are potential pipeline projects that meet the goals of SB 593.

Notes Detail:
MOHCD currently operates a Small Sites Program (“SSP”) that supports local nonprofit sponsors with acquisition and preservation loans, stabilizing at-risk communities by converting 5-40 unit rent-controlled properties to permanently affordable housing. These projects tend to serve higher

AMI mixes (80%-120%) to maintain operational feasibility. Currently, while there are higher income COP households, the average household income of COP holders applying for housing is less than 50% AMI.

As part of the planning process for initial SB 593 bond issuances, OCII will collaborate with MOHCD to determine if there are potential pipeline projects that meet the goals of SB 593, particularly in areas where significant displacement occurred. If there are no such projects, OCII and MOHCD staff will evaluate options to collaborate on a solicitation for such projects under the SSP.

13. COMMENT: MOHCD should implement a policy change to allow for the use of sworn affidavits to certify status as COP holder

- **Implementing-** Partially
- **Status-** Ongoing
- **Impediments**- Unknown

Notes Summary: OCII will collaborate with MOHCD to explore enhancing the information needed to establish a COP applicant's qualifications.

Notes Detail:
OCII will collaborate with MOHCD to review the documentation necessary to prove displacement. When a certificate is requested and proof of eligibility cannot be established by OCII records, MOHCD allows for a wide range of documents that could establish residency. In FY 22-23, MOHCD made a number of improvements to the "Application and Approvals Processes," including reducing the number of requested documents to only those that demonstrate familial lineage and proof of name change. Additionally, in FY 24/25 staff is planning to scan relocation and acquisition information/records for all former Redevelopment Project Areas to simplify and accelerate provision of COPs for eligible applicants who may not have displacement information and/or records necessary to prove eligibility for a COP. Applicants who cannot finalize their qualifications for a COP may seek assistance from the housing counseling agencies and MOHCD staff.

14. COMMENT: OCII should partner with the Black Developer Forum and/or create a fund for a community land trust related to the development of the 5,842 replacement units.

- **Implementing-** Partially
- **Status-** Ongoing
- **Impediments**- Funding and enforceable obligation authority.

Notes Summary: OCII does not have the authority to create or create a fund for a community land trust. OCII has partnered with the Black Developer Forum by participating on panels and cultivating awareness of OCII project opportunities, as well as providing mentorship to black and brown developers and professionals seeking experience in the field of community development.

Notes Detail:
While SB 593 funds are intended to fund specific housing developments, community land trusts and members of the Black Developer Forum can participate in housing opportunities generated by SB 593 or other OCII projects through solicitation processes. Similar to a land trust, OCII's affordable restrictions are long-term and the retention of the affordable land parcel by the Housing Successor, MOHCD, ensures the future affordability of OCII units. Ensuring that affordability restrictions remain with any OCII-funded project for the life of the project is a critical component of OCII and MOHCD's housing development programs.

Attachment 2
Post Dissolution - 100% Affordable Parcels Across all Project Areas

Developer	Project Name	Affordable Units	Housing Type	AMI 30% and Below	AMI 31%-50%	AMI 51%-80%	AMI 81%-120%	AMI Targeting	Operating Subsidy (affordable to extremely low AMI's)	Number of COP holders initially living at the Project	Public Benefit Serving Commercial Tenants	Neighborhood	Year Selected
Related, Tenderloin Neighborhood Development Corporation	Transbay Block 8	79	Family Rental		79			50% and below		2	No commercial spaces in affordable parcel	Transbay	2014
Related, Chinatown Community Development Corporation	588 Mission Bay Blvd N (Block 7W)	198	Family Rental		40	158		60% and below (TCAC)		6	Bank of America, mattress store	Mission Bay So.	2014
Tenderloin Neighborhood Development Corporation	626 Mission Bay Blvd N (Block 6E)	142	Family Rental	29	113			50% and below (TCAC)		10	826 Valencia, Kain Na (food pantry), Somi somi, Happy Lemon, Pharmacy	Mission Bay So.	2014
Chinatown Community Development Corporation, Swords to Plowshares	MBS Block 3E	118	Veterans / Family Rental	62	33	23		60% and below	VASH* 62 units	1	No commercial spaces	Mission Bay So.	2016
San Francisco Housing Development Corporation, Mercy Housing California	Candlestick Point 11a	175	Family Rental	66		109		60% and below	LOSP** 43 units	on-hold	on-hold	Candlestick Point South	2016
Tenderloin Neighborhood Development Corporation, Young Community Developers	Candlestick Point 10a	156	Family Rental	35	59	61		60% and below	LOSP** 35 units	on-hold	on-hold	Candlestick Point North	2016
Mercy Housing California	MBS Block 6W	151	Family Rental		90	61		Averaging 60% AMI and below	HUD Section 8 Public Housing Replacement 38 units	4	Kai Ming Child Care, Blue Bear Music	Mission Bay So.	2017
BRIDGE Housing, HOMERISE	MBS Block 9	140	Formerly homeless	140				30% AMI and below	LOSP** 140 units	0	No commercial spaces	Mission Bay So.	2017
The Jonathan Rose Companies, Bayview Hunters Point Multipurpose Senior Services	HPSY-1 Block 52/54	111	Family Rental	4	107			50% AMI and below		under construction	No commercial spaces	HPSY-I	2021
Mercy Housing California, San Francisco Housing Development Corporation	HPSY-I Block 56	72	Family Rental		72			50% AMI and below	HUD Section 8 subsidy 18 units	under construction	No commercial spaces	HPSY-I	TBD
Curtis Development, Michael Simmons Property Development, Inc., Young Community Developers	MBS Block 9a	148	Homeownership				148	110% AMI and below		under construction	No commercial spaces	Mission Bay So.	2020
Chinatown Community Development Corporation	Transbay Block 2W	150	Senior Rental	84	66			50% AMI and below	SOS***60 units LOSP**30 units	predevelopment	**3 commercial spaces not yet leased, must be Public Benefit or Community Serving Uses**	Transbay	2021
Mercy Housing California	Transbay Block 2E	182	Family Rental	32	54	97		Averaging 60% AMI and below	LOSP** 40 units	predevelopment	**Wu Yee Child Care, and 2 commercial spaces not yet leased, must be Public Benefit or Community Serving Uses**	Transbay	2021
TOTAL		**1822**		**452**	**713**	**509**	**148**						
DEVELOPER TYPES	**COMMERCIAL TENANT TYPES**												
COMMUNITY BASED DEVELOPER	**SMALL LOCAL BUSINESS - PROVIDING DISCOUNTS TO RESIDENTS OF THE BUILDING**												
NONPROFIT DEVELOPER	**COMMUNITY BASED NONPROFIT**												
COMMUNITY BASED NONPROFIT DEVELOPER													
VASH=Veterans Affairs Supportive Housing													
LOSP=Local Operating Subsidy Program													
SOS=Senior Operating Subsidy													

Professional Services Phase of Development

				For Informational Purposes Only		
Developer	Project Name	SBE	SF-SBE	MBE	M/WBE	WBE
Related, TNDC	Transbay Block 8	58.6%	55.4%	42.3%	0.2%	0.7%
Related, CCDC	588 Mission Bay Blvd N (Block 7W)	53.0%	42.3%	33.7%	1.1%	0.0%
TNDC	626 Mission Bay Blvd N (Block 6E)	54.4%	47.2%	12.6%	18.2%	2.6%
CCDC, Swords to Plowshares	MBS Block 3E	51.3%	43.2%	14.8%	6.6%	9.5%
SFHDC, Mercy Housing California	Candlestick Point 11A	94.7%	91.2%	16.7%	7.3%	64.2%
TNDC, YCD	Candlestick Point 10A	82.4%	81.9%	18.9%	6.7%	1.1%
Mercy Housing California	MBS Block 6W	89.3%	84.7%	14.9%	16.3%	49.8%
BRIDGE Housing, HOMERISE	MBS Block 9	58.0%	47.4%	28.7%	13.3%	0.0%
The Jonathan Rose Companies, BVHP Multipurpose Senior Services	HPSY-1 Block 52/54	89.6%	79.7%	6.5%	0.0%	68.5%
Mercy Housing California, SFHDC	HPSY-I Block 56	98.9%	91.3%	20.6%	7.5%	47.3%
Curtis Development, Michael Simmons Property Development, Inc., YCD	MBS Block 9A	75.8%	33.7%	30.4%	1.6%	1.7%
CCDC	Transbay Block 2W	88.9%	85.2%	10.3%	2.8%	68.4%
Mercy Housing California	Transbay Block 2E	92.3%	86.3%	37.3%	39.6%	5.5%

COMMUNITY BASED DEVELOPER NONPROFIT DEVELOPER
COMMUNITY BASED NONPROFIT DEVELOPER
VASH=Veterans Affairs Supportive Housing
LOSP=Local Operating Subsidy Program
SOS=Senior Operating Subsidy

Construction Phase of Development

Developer	Project Name	SBE	SF-SBE	For Informational Purposes Only MBE	M/WBE	WBE
Related, **TNDC**	Transbay Block 8 ****	20.6%	9.9%	6.4%	0.0%	3.6%
Related, **CCDC**	588 Mission Bay Blvd N (Block 7W)	43.4%	13.7%	12.9%	0.0%	0.2%
TNDC	626 Mission Bay Blvd N (Block 6E)	51.4%	17.4%	15.8%	0.3%	0.5%
CCDC, Swords to Plowshares	MBS Block 3E	34.5%	25.6%	17.1%	0.8%	0.2%
Mercy Housing California	MBS Block 6W	26.0%	16.3%	8.7%	7.2%	0.5%
BRIDGE Housing, **HOMERISE**	MBS Block 9	37.0%	15.0%	4.8%	0.0%	3.0%
The Jonathan Rose Companies, **BVHP Multipurpose Senior Services**	HPSY-1 Block 52/54	50.5%	41.9%	39.6%	0.1%	1.9%
Mercy Housing California, SFHDC	HPSY-I Block 56	43.8%	28.3%	21.2%	4.4%	0.5%
Curtis Development, Michael Simmons Property Development, Inc., YCD	MBS Block 9A	44.8%	26.5%	17.8%	3.8%	1.4%

****Transbay Block 8 including market-rate portion of the project

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OCII
office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

118-0442023-002

Agenda Item **No.5(e)**
Meeting of November 7, 2023

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Workshop on Senate Bill No. 593 authorizing OCII to finance the construction of replacement affordable housing units

EXECUTIVE SUMMARY

Senate Bill No. 593 (Wiener) has been approved by both the Senate and Assembly and signed by Governor Newsom. Senate Bill No. 593 ("SB 593") authorizes the Office of Community Investment and Infrastructure ("OCII"), to use a limited form of tax increment financing to fund and develop the 5,842 units that the former San Francisco Redevelopment Agency the ("Former Agency") destroyed and that were never replaced ("Replacement Housing Obligation"). **SB 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City and County of San Francisco ("City") after other existing obligations of OCII are paid.** This source of funding is limited and thus issuing bonds to pay for the housing construction will occur over many years.

On October 3, 2023 staff presented an update to Commission on SB 593 and received input on its implementation. Since that time staff have made presentations seeking input from the Citizens Advisory Committees ("CAC"). Staff has also received input from the Certificate of Preference ("COP") Committee and other stakeholders. This memo will provide an update on the outreach completed to date related to SB 593 and will provide information in response to input received to date.

London N. Breed
MAYOR

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EXECUTIVE DIRECTOR

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DISCUSSION

Background for Replacement Housing

The Community Redevelopment Law ("CRL") required redevelopment agencies to construct affordable units whenever it destroyed or removed units that had been occupied by low- or moderate-income households. Cal. Health & Safety Code § 33413 (a). This requirement became effective January 1, 1976. It applied only to future actions of a redevelopment agency and established several standards for the type of housing developed as replacement housing.

Prior to 1976, the Former Agency had destroyed, as part of federally-funded urban renewal, 14,207 affordable units, but only produced 7,498 affordable units. In 2000, at the urging of the Former Agency and the City, the California legislature adopted Senate Bill No. 2113 (Burton) (Chapter 661 of the Statutes of 2000) authorizing the Former Agency to use tax increment financing to fund and develop affordable housing to replace those units destroyed by the Former Agency. Cal. Health & Safety Code § 33333.7. Under SB 2113, HCD certified, in 2003, "a net loss of 6,709 units the Agency must replace."

Prior to its dissolution, the Former Agency was only able to approve and develop 867 replacement units out of the total 6,709 leaving an outstanding balance of 5,842 affordable units that needed to be replaced. Since the 2012 dissolution of the Former Agency, the City and OCII unsuccessfully sought on several occasions to establish that the Replacement Housing Obligation was required to continue after the dissolution of the Former Agency.

One of the requirements for replacement housing units was that they be replaced within four years after they are destroyed or removed from the market. This requirement is not feasible for the replacement of units destroyed 50-60 years ago through urban renewal, but it does highlight the need for expeditious action in replacing the units. Additionally, as a policy goal, any replacement housing units built prior to 2031 will contribute to the 46,600 units affordable to low- and moderate-income households that the City is required by the State of California to build pursuant to San Francisco's approved Housing Element.

Senate Bill 593

SB 593 authorizes OCII to use a limited form of tax increment financing to fund and develop the 5,842 units that are the Replacement Housing Obligation. SB 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City after other existing obligations of OCII are paid. Although this source of funding is limited, it protects funding for schools and other taxing entities that receive property tax revenues and thus had widespread support in the legislature. Given the limited pool of tax increment available for this purpose, completion of the 5,842 affordable units will take many years.

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Specifically, SB 593 authorizes OCII to cause the construction of and issue bonds or incur other indebtedness for the purpose of financing the construction of replacement affordable housing units demolished and not replaced by the former redevelopment agency and the replacement of the obsolete affordable units that were constructed previously. SB 593 relies on the standards in the Community Redevelopment Law for developing replacement housing. See SB 593, Section 1 (n) (providing that OCII shall "to the greatest extent feasible, replace the amount of lost units . . . according to the formulas in Section 33413 of the Health and Safety Code"). Section 33413 provided that the replacement housing units:

- may be built anywhere within the territorial jurisdiction of the city or county in which the redevelopment agency was located;
- must be available at "affordable housing cost to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units;"
- must remain affordable "for the longest feasible time, [which] includes, but is not limited to, unlimited duration;"
- must be subject to affordability restrictions enforceable through recorded covenants; and
- are independent of a redevelopment agency's other obligations to produce housing.

SB 593 adds to existing OCII authority under Redevelopment Dissolution Law (Statutes 2015, Chapter 325, sections 9 & 27, *codified* at Cal. Health & Safety Code § 34177.7) to finance and develop affordable housing required under enforceable obligations previously approved by the Department of Finance, see below list:

- Mission Bay North Owner Participation Agreement
- Mission Bay South Owner Participation Agreement
- Hunters Point Shipyard Phase 1 Disposition and Development Agreement
  Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement
- Transbay Implementation Agreement

SB 593 authorizes certain funding for the development, construction, repair, renovation, or reconstruction of up to 5,842 units of affordable housing to be created by OCII or on behalf of the City and County of San Francisco that shall be or remain affordable to, and occupied by, persons and families of extremely low, very low and moderate income households for the longest feasible time, but not less than 55 years for rental units and 45 years for owner-occupied units.

<u>Bond Financing and Timing</u>

The funding for affordable housing under SB 593 will depend on future property tax revenues generated in former and current redevelopment project areas and on the funding needs of existing OCII enforceable obligations, which will have a higher priority under law for the use of the property tax

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revenues. In addition, available funds will depend on the other budget needs of the City which would otherwise deposit the funds in its general fund, OCII is working on estimates of the amount of revenues that will be available, but staff projects its first bond issuance may occur in the 2025/2026 timeframe. There are several factors which could affect the size of the bond issuance, including estimated tax increment revenue, costs of the bond issuance, as well as estimated housing project costs. To determine the actual amount which could be issued, staff will issue a solicitation for a financing team in early 2024. The financing team will include a fiscal consultant that has specialized knowledge of the revenue base supporting the bonds and provides a revenue analysis that determines OCII's bonding capacity pursuant to SB 593. This information will be critical in planning for the initial projects to be funded pursuant to SB 593.

Preference for Displaced Persons and their descendants

OCII and the Mayor's Office of Housing and Community Development ("MOHCD") currently provide a preference in all OCII and City-sponsored affordable housing to low- and moderate-income households who were displaced as a result of the Former Agency's demolition of units ("Preference Holders"). In 2022, the state legislature expanded this preference to include the descendants of displaced persons who are income-eligible for OCII and Former Agency projects. Since FY 2013-14 OCII has undertaken significantly more robust early outreach and marketing protocols to maximize the number of Preference Holders who are aware of and strongly encourage them to apply for housing opportunities in San Francisco. OCII and MOHCD will continue to evaluate and look for improvements to that process in collaboration with the Commission's COP Subcommittee and present annual reports to the Commission.

Community Input

OCII has received several comments from Commissioners and the public about implementation of SB 593. These comments and OCII's staff responses appear in Exhibit A. Many of these comments focus on the COP Program for displaced persons and their descendants. Maximizing Preference Holder participation is a priority in all of OCII's affordable housing opportunities, including those that will be funded pursuant to SB 593. Staff proposes implementing the strategies described in this memo in addition to our enhanced early outreach and marketing efforts to continue to ensure we are providing affordable housing opportunities that meet the needs of Preference Holders. In addition, OCII staff has sought input from its three CAC and the CAC's responses appear below. Finally, in addition to the OCII responses to the comments, OCII is also recommending Replacement Housing Priorities for project sites that appear below.

Transbay CAC: October 12, 2023

CAC members who were present were very supportive of the legislation and of efforts to maximize Preference Holders participation in SB 593 funded projects, and all OCII-funded projects. CAC members asked if there are currently any Transbay projects that could potentially use SB 593 funds and staff responded that there are currently no projects but given the timeline for implementation of this funding source it is possible that there could be opportunities in the future.

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Mission Bay CAC: October 12, 2023

CAC members continued to be supportive of creating additional affordable housing to Blocks 4E and 12W and felt these projects should be a priority for OCII to use SB 593 funding. Some community members felt the SB 593 funds should be used to create affordable housing throughout San Francisco equally, in addition to Mission Bay.

Hunters Point Shipyard/Candlestick Point CAC: October 30, 2023

CAC members and the public who provided comment emphasized the need to use these funds to create opportunities to bring Preference Holders back to San Francisco. They were supportive of opportunities both within the project areas and in areas where displacement occurred, including providing funding for the Freedom West project in the Western Addition. Regarding any potential future funding of the Freedom West project, CAC members and the public highlighted the importance of ensuring that all current and legacy residents be able to return and that the housing be developed with their needs and incomes in mind. There was also support for bringing additional affordable housing to the Bayview Hunters Point neighborhood. Other public comments included that many families in affordable housing cannot afford the AMI levels rents are based on and annual rent increases, that for some AMI levels in affordable housing are too low, and that a speaker has struggled to certify her Preference Holder status due to the lack of available records.

Recommendations for Site Selection of Replacement Housing

OCII staff proposes that the following areas should be explored for use of the SB 593 funds in the initial bond issuances:

1. Existing Project Areas: Adding affordable housing to existing project areas with enforceable obligations where sites are available for development, but not counting the replacement units as fulfilling the separate production goals under those pre-existing obligations. This approach has the benefit of avoiding acquisitions costs and using parcels contributed to OCII for affordable housing purposes. Mission Bay South and Hunters Point Shipyard Phase 1 (HPS1) have land restricted to affordable housing but insufficient funding to build the housing. In Mission Bay South and Hunters Point Shipyard Phase 1, OCII will be seeking to add additional units of affordable housing, beyond the current enforceable obligation on parcels designated for affordable housing. For Mission Bay South there are time constraints to begin construction, or the land will remain with the developer, so it is important for these projects to receive funding.

2. Former Project Areas: Developing affordable housing in former redevelopment project areas, particularly those subject to urban renewal displacement. For example, the Western Addition and the Yerba Buena Center are former project areas where the removal of housing and significant displacement of low-income households occurred.

3. City Priority Projects: Developing affordable housing in other areas of the City where the City, through MOHCD, has identified priority projects in need of funding that are also consistent with the goals of SB 593.

4. COP Program Enhancements: Seek additional information from Preference Holders regarding housing needs and preferences through updated surveys and other methods to inform equity focused best practices and COP program enhancements.

NEXT STEPS

- Adopt a Replacement Housing Priority Policy; and
- Work with MOHCD and key constituents to determine priority projects; and
- Solicit bond financing team for the initial replacement housing bond issuance.

(Originated by Elizabeth Colomello, Housing Program Manager)

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Thor Kaslofsky
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Thor Kaslofsky
Executive Director

Attachment 1:	Comments and Responses regarding SB 593 implementation
Attachment 2:	Post Dissolution - 100% Affordable Parcels Across all Project Areas
Attachment 3:	Post-Dissolution 100% Affordable SBE, MBE and WBE Data
Attachment 4:	Commission Memos regarding the 2017 COP survey, results, and subsequent actions

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OCII RESPONSES TO COMMENTS ON IMPLEMENTATION OF SENATE BILL NO. 593 (REPLACEMET HOUSING)

1. COMMENT: ***Requests for Proposals and Requests for Qualifications ("RFP/Qs") should have clear guidance for scoring that does not favor larger developers and has a racial equity framework (see Urban Land Institute ("ULI") Framework for Equitable Development). OCII should ensure larger projects meet the capacity of Small Business Enterprise ("SBE") firms and wherever possible unbundle larger projects***

RESPONSE. OCII 's policies and practices currently require nonprofit developers to be the lead or co-developers for affordable housing projects. All 100% affordable projects awarded since dissolution have included a nonprofit, community-based nonprofit or community-based developers as part or all of the development team. See Attachment 2 "Post Dissolution - 100% Affordable Parcels Across all Project Areas" for more information regarding developer selection for OCII 100% affordable projects awarded since dissolution. All OCII RFP/Q's for affordable housing parcels include clear scoring criteria which requires applicants to provide a strategy for addressing diversity, equity, and inclusion in all aspects of the project as well as their approach to meeting or exceeding OCII SBE goals as well as strategies for outreach and placement for Preference Holders.

Principle 1 in ULI's Framework for Equitable Development is to embed racial equity across all aspects of the real estate development practice, which staff seeks to achieve by centering equity in the scoring for RFP/Qs through the requirement to provide a strategy for addressing diversity, equity, and inclusion in all aspects of the Project, including the team composition, and approach to meeting or exceeding OCII SBE goals, by structuring RFP/Q's to ensure that nonprofit and local developers can be competitive for award, and by implementation of OCII's Equal Opportunity Programs including the SBE and Workforce Development requirements for OCII-funded affordable developments.

OCII's RFP/Qs for development of affordable housing projects reiterate OCII's preference for developers to select general contractors ("GCs") who are or who are partnered with a San Francisco-based SBE Joint Venture ("JV") partner. OCII's recent selection of affordable housing developers has included SBE JV partners (see Attachment 2 for developer information for all 100% affordable parcels offered since dissolution). OCII's SBE policy requires developers/GCs to follow our good faith effort steps which includes breaking up scopes of work to encourage and make opportunities for small, minority and women owned businesses. Over the years, affordable housing projects have demonstrated success, often exceeding the overall SBE program goals. See Attachment 3 for SBE data for OCII-funded affordable housing projects awarded since dissolution.

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Staff offers all applicants who were not awarded a project through an RFP/Q the opportunity to meet and review the scoring for their application. During these meetings staff provides input on areas that could be improved in future responses. This is also an opportunity for applicants to provide input regarding aspects of the RFP/Q that were most challenging to achieve. Additionally, staff attends monthly meetings of the Council of Community Housing Organizations ("CCHO") a nonprofit coalition of 22 community-based housing developers and tenant advocates (a list of member organizations can be found here: https://www.sfccho.org/member-organizations), several of whom are led by or predominantly serve persons of color, to provide updates and receive input on OCII-funded affordable housing projects and upcoming opportunities. Some changes that have been implemented as a result of input from local nonprofit developers is to simplify requirements related to the proposed design of projects to minimize the amount of work and funds that must be expended prior to receiving funding.

As part of the implementation of SB 593, staff will continue to seek input from the local development community and will look for additional community centered equitable development ideas for projects using SB 593 funds.

2. COMMENT: ***Community serving businesses and nonprofits should be awarded projects***

RESPONSE. As noted above, OCII's policies and practices ensure opportunities for nonprofit and community-based development entities and SBE's.

Additionally, all OCII-funded projects with commercial space are required to follow the MOHCD Commercial Space Underwriting Guidelines ("CSUG"). The CSUG, as updated in March 2023, requires that commercial spaces funded by the City/OCII "Support culturally vibrant and inclusive neighborhoods by prioritizing Public Benefit Uses, Community Serving Uses, and other benefits that support the affordable housing residents and surrounding community."[1] All OCII 100% affordable projects with commercial space currently in development (Transbay Blocks 2E and 2W) are subject to these requirements though they have not started marketing the commercial spaces. Please see Attachment 2 "Post Dissolution - 100% Affordable Parcels Across all Project Areas" for a summary of commercial uses in 100% affordable projects awarded since dissolution.

As part of SB 593 implementation, OCII will continue to require compliance with the MOHCD Commercial Space Underwriting Guidelines, particularly for prioritizing Public Benefit Uses and Community Serving Uses.

3. COMMENT: ***OCII should provide tenant improvement financing for commercial spaces.***

[1] Public Benefit Uses are land uses, typically programs or services, that primarily benefits low-income persons, is implemented by one or more 501(c)(3) public benefit corporations, and has been identified by the City or community as a priority use. Community Serving Uses are land uses, typically retail or other sales and services use, that provides a direct benefit to the community.

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RESPONSE. OCII follows the MOHCD CSUG, which were developed with significant input from the nonprofit development community. Commission recently approved a funding commitment for Transbay Block 2 East for an $8M commercial loan to fund the warm shell of the commercial spaces for that project. However, funds generated by SB 593 are not allowed to be used for commercial loans.

As part of SB 593 implementation, OCII will explore providing funding, other than SB 593 funds, for community serving and public benefit uses consistent with the CSUG for projects, however staff anticipates these opportunities will be limited in the near term.

4. *COMMENT:* ***Alternative financing models should be explored for housing projects***

RESPONSE. OCII projects have taken advantage of various local, state, federal, and private funding sources. OCII is open to innovative financing models and has used them recently in the structuring of traditional sources to maximize leveraging or increase competitiveness. These financing strategies include:

- structuring recent loans to include a site development component to allow for a competitive tie breaker score for bond and tax credit financed projects;
- separately financing the development of commercial spaces where allowable within affordable housing projects to improve competitive scoring for the residential component;
- using non-standard tax credit financing models including state tax credits and hybrid tax credit financing incorporating 9% and 4% low-income housing tax credits to increase equity and reduce OCII financing necessary to complete a project;
- incorporating various state and federal development funding sources including State of California Affordable Housing and Sustainable Communities and Infill and Infrastructure Grant programs, and Veterans Housing and Homelessness Prevention Program funds;
- negotiating developer subsidies for standalone affordable components of larger mixed-income developments;
- utilizing various local and federal operating and project based rental subsidies to provide deeper affordability and leverage debt (the City's Local Operating and Senior Operating Subsidy programs, federal Section 8, Veterans Affairs Supportive Housing, and Rental Assistance Demonstration subsidies);
- utilizing philanthropic sources from the technology sector.

As part of SB 593 implementation, OCII will seek innovative, alternative, or additional financing sources that allow for affordability restrictions to be maintained for the life of the project and that allow OCII and subsequently MOHCD the authority to ensure the project is maintained in a decent, safe and sanitary manner. Staff will continue to seek such information from the nonprofit development community, the lending community, and city partners regarding alternative mechanisms or strategies for housing finance that could enhance current opportunities for leveraging funds generated by SB 593.

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5. **COMMENT:** ***Replacement Housing units should include lower Area Median Income ("AMI") tiers***

RESPONSE: All OCII-funded rental projects average 60% AMI and lower. All include income tiers below 50% AMI. OCII-funded projects include local and federal subsidies where available. Of the 1,822 units in projects that were offered for development post-dissolution, 1,165 are at or below 50% AMI and 452 are at or below 30% AMI. Increasing income tiering was one of the changes implemented after the 2017 COP survey. See Attachment 2 "Post Dissolution - 100% Affordable Parcels Across all Project Areas" for more information and Attachment 4 Commission Memos regarding the 2017 COP survey, results, and subsequent actions. Also, CCHO has provided input that SB 593-funded units should be weighted heavily towards households at or below 50% AMI.

Staff will continue to seek opportunities to increase the number of units with affordability levels below 50% AMI.

6. **COMMENT:** ***The 5,842 replacement housing units funded pursuant to SB 593 should be for COP holders only.***

RESPONSE: OCII/MOHCD currently sets aside 100% of OCII-funded units to COP holders. Additionally, COP holders have first consideration for *all* affordable units presented on DAHLIA. This preference will also apply to units funded pursuant to SB 593. For future RFP/Qs or NOFAs, OCII is looking to further expand on efforts to ensure COP holders, now including descendants, apply for housing and accept units when offered. In addition to continuing our expanded and early outreach and marketing efforts staff is planning to seek more information from COP holders to better understand housing needs/preferences, particularly as there is less information regarding descendants.

OCII will continue to set aside 100% of its affordable housing units for Preference Holders.

7. ***Transition the Certificate of Preference Program to San Francisco Human Rights Commission's ("HRC") Office of Reparations.***

RESPONSE. As part of the dissolution process, MOHCD currently implements the Preference Holder Program on behalf of OCII for persons displaced by redevelopment actions; under state law, MOHCD is the lead for implementing a preference in affordable housing for the descendants of displaced persons, Cal. Health & Safety Code § 34178.8. If the City, through MOHCD or HRC, wants to transfer or assume additional responsibilities, OCII will cooperate in those efforts.

OCII will work cooperatively with the City to ensure effective implementation of the Preference Holder Program.

8. COMMENT: ***Replacement housing units should maintain the same income levels as existed at the time of displacement***

RESPONSE. SB 593 complies with the replacement housing obligation that has existed since 1976, Cal. Health & Safety Code § 33413 (a), and requires units to be affordable to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units and in no event higher than 120% (or $121,000 for a one-person household) Area Median Income ("AMI"). When displacement occurred prior to 1976, the former San Francisco Redevelopment Agency staff did not record AMI levels. Although OCII cannot match exactly the income levels of those displaced prior to 1976, it will –consistent with input from Commissioners and CCHO--maximize the availability of income tiers below 50% (or $50,450 for a one-person household) AMI, which is current OCII practice (see Attachment 2 for post dissolution affordable project AMI levels).

OCII will comply with requirements under SB 593 and Section 33413 of the Health and Safety Code that target the affordable replacement housing for low- and moderate-income households.

9. COMMENT: Complete an economic impact report to measure the intergenerational wealth lost from eminent domain from 1945 to present

RESPONSE. OCII does not have the authority to generate this report however, if another entity were to complete this report, MOHCD/OCII could provide records to support that effort.

OCII has devoted significant resources to the City and other community interests to provide information about the impact of historic redevelopment practices and will continue to provide historic records to those funded to undertake an economic impact report.

10. COMMENT: Explore opportunities to seek HUD funding to assist with housing homeless and displaced COP holders

RESPONSE. OCII/MOHCD-funded developers seek federal funding and subsidies where available for projects to reduce OCII/MOHCD subsidy to projects and/or subsidize tenant rents to allow deeper affordability for residents. For example Hunters Point Shipyard Block 56 was recently awarded 18 Section 8 vouchers. Currently, MOHCD is seeking HUD funding to assist in locating potentially eligible COP holders. Staff will continue to seek opportunities for federal funding to meet the goals of SB 593 and to enhance housing opportunities for very low-income COP holders within other OCII enforceable obligations.

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11. COMMENT: Downpayment Assistance and Rental Assistance programs should be available to all COP holders

MOHCD staff provides or connects COP applicants/homebuyers with move-in assistance and/or downpayment assistance. Staff will work with MOHCD to ensure the availability of these sources given the anticipated increase in COP holder applications for housing given the expansion of the program to include descendants. Staff also supports the incorporation of ongoing project-based rental subsidies into rental projects when those funds are available.

OCII will continue to explore federal funding for the unhoused population and displaced persons and explore the possibility of including small reserves for downpayment or move-in assistance for applicants within project budgets to the extent feasible.

12. COMMENT: Explore opportunities for COP small sites program for housing and businesses including technical support

RESPONSE. MOHCD currently operates a Small Sites Program ("SSP") that supports local nonprofit sponsors with acquisition and preservation loans, stabilizing at-risk communities by converting 5-40 unit rent-controlled properties to permanently affordable housing. These projects tend to serve higher AMI mixes (80%-120%) to maintain operational feasibility.

As part of the planning process for initial SB 593 bond issuances, OCII will collaborate with MOHCD to determine if there are potential pipeline projects that meet the goals of SB 593, particularly in areas where significant displacement occurred. If there are no such projects, OCII and MOHCD staff will evaluate options to collaborate on a solicitation for such projects under the SSP. SB 593 only allows for funding for residential projects, so a similar program for businesses would not be an eligible use of these funds.

12, COMMENT: MOHCD should implement a policy change to allow for the use of sworn affidavits to certify status as COP holder

RESPONSE. OCII will collaborate with MOHCD to review the documentation necessary to prove displacement. When a certificate is requested and proof of eligibility cannot be established by OCII records, the responsibility is on the applicant to supply MOHCD with the necessary documentation. MOHCD allows for a wide range of documents that could establish residency. Official documents include: school records from San Francisco Unified School District public records/transcripts, birth certificates, San Francisco Police Department public records, name change documents. Descendants must provide an official government issued birth and/or adoption records to link them to a displaced household member that lived at an affected address at the time of displacement. Applicants who are denied may file an appeal and assistance with the appeals is provided by the housing counseling agencies and MOHCD staff.

OCII will work with MOHCD on enhancing the process for establishing an applicant's qualifications for the preference.

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13, COMMENT: OCII should partner with the Black Developer Forum and/or create a fund for a community land trust related to the development of the 5,842 replacement units.

RESPONSE. While SB 593 funds are intended to fund specific housing developments, community land trusts and members of the Black Developer Forum can participate in housing opportunities generated by SB 593 or other OCII projects through solicitation processes. The long-term nature of OCII's affordable restrictions and the retention of the affordable land parcel by the Housing Successor, MOHCD, ensures the long-term affordability of any housing that OCII builds. Ensuring that affordability restrictions remain with any OCII-funded project for the life of the project is a critical component of OCII and MOHCD's housing development programs.

Attachment 2
Post Dissolution - 100% Affordable Parcels Across all Project Areas

Developer	Project Name	Affordable Units	Housing Type	AMI 30% and Below	AMI 31%-50%	AMI 51%-80%	AMI 81%-120%	AMI Targeting	Operating Subsidy (affordable to extremely low AMI's)	Number of COP holders initially living at the Project	Public Benefit Serving Commercial Tenants	Neighborhood	Year Selected
Related, Tenderloin Neighborhood Development Corporation	Transbay Block 8	79	Family Rental		79			50% and below		2	No commercial spaces in affordable parcel	Transbay	2014
Related, Chinatown Community Development Corporation	588 Mission Bay Blvd N (Block 7W)	198	Family Rental		40	158		60% and below (TCAC)		6	Bank of America, mattress store	Mission Bay So.	2014
Tenderloin Neighborhood Development Corporation	626 Mission Bay Blvd N (Block 6E)	142	Family Rental	29	113			50% and below (TCAC)		10	826 Valencia, Kain Na (food pantry), Somi somi, Happy Lemon, Pharmacy	Mission Bay So.	2014
Chinatown Community Development Corporation, Swords to Plowshares	MBS Block 3E	118	Veterans / Family Rental	62	33	23		60% and below	VASH* 62 units	1	No commercial spaces	Mission Bay So.	2016
San Francisco Housing Development Corporation, Mercy Housing California	Candlestick Point 11a	175	Family Rental	66		109		60% and below	LOSP** 43 units	on-hold	on-hold	Candlestick Point South	2016
Tenderloin Neighborhood Development Corporation, Young Community Developers	Candlestick Point 10a	156	Family Rental	35	59	61		60% and below	LOSP** 35 units	on-hold	on-hold	Candlestick Point North	2016
Mercy Housing California	MBS Block 6W	151	Family Rental		90	61		Averaging 60% AMI and below	HUD Section 8 Public Housing Replacement 38 units	4	Kai Ming Child Care, Blue Bear Music	Mission Bay So.	2017
BRIDGE Housing, HOMERISE	MBS Block 9	140	Formerly homeless	140				30% AMI and below	LOSP** 140 units	0	No commercial spaces	Mission Bay So.	2017
The Jonathan Rose Companies, Bayview Hunters Point Multipurpose Senior Services	HPSY-1 Block 52/54	111	Family Rental	4	107			50% AMI and below		under construction	No commercial spaces	HPSY-I	2021
Mercy Housing California, San Francisco Housing Development Corporation	HPSY-I Block 56	72	Family Rental		72			50% AMI and below	HUD Section 8 subsidy 18 units	under construction	No commercial spaces	HPSY-I	TBD
Curtis Development, Michael Simmons Property Development, Inc., Young Community Developers	MBS Block 9a	148	Homeownership				148	110% AMI and below		under construction	No commercial spaces	Mission Bay So.	2020
Chinatown Community Development Corporation	Transbay Block 2W	150	Senior Rental	84	66			50% AMI and below	SOS***60 units LOSP**30 units	predevelopment	**3 commercial spaces not yet leased, must be Public Benefit or Community Serving Uses**	Transbay	2021
Mercy Housing California	Transbay Block 2E	182	Family Rental	32	54	97		Averaging 60% AMI and below	LOSP** 40 units	predevelopment	**Wu Yee Child Care, and 2 commercial spaces not yet leased, must be Public Benefit or Community Serving Uses**	Transbay	2021
TOTAL		**1822**		**452**	**713**	**509**	**148**						

DEVELOPER TYPES	COMMERCIAL TENANT TYPES
COMMUNITY BASED DEVELOPER	SMALL LOCAL BUSINESS - PROVIDING DISCOUNTS TO RESIDENTS OF THE BUILDING
NONPROFIT DEVELOPER	COMMUNITY BASED NONPROFIT
COMMUNITY BASED NONPROFIT DEVELOPER	
VASH=Veterans Affairs Supportive Housing	
LOSP=Local Operating Subsidy Program	
SOS=Senior Operating Subsidy	

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Professional Services Phase of Development

Developer	Project Name	SBE	SF-SBE	MBE	M/WBE	WBE
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Related, TNDC	Transbay Block 8	58.6%	55.4%	42.3%	0.2%	0.7%
Related, CCDC	588 Mission Bay Blvd N (Block 7W)	53.0%	42.3%	33.7%	1.1%	0.0%
TNDC	626 Mission Bay Blvd N (Block 6E)	54.4%	47.2%	12.6%	18.2%	2.6%
CCDC, Swords to Plowshares	MBS Block 3E	51.3%	43.2%	14.8%	6.6%	9.5%
SFHDC, Mercy Housing California	Candlestick Point 11a	94.7%	91.2%	16.7%	7.3%	64.2%
TNDC, YCD	Candlestick Point 10a	82.4%	81.9%	18.9%	6.7%	1.1%
Mercy Housing California	MBS Block 6W	89.3%	84.7%	14.9%	16.3%	49.8%
BRIDGE Housing, HOMERISE	MBS Block 9	51.1%	47.4%	28.7%	13.3%	0.0%
The Jonathan Rose Companies, BVHP Multipurpose Senior Services	HPSY-1 Block 52/54	89.6%	79.7%	6.5%	0.0%	68.5%
Mercy Housing California, SFHDC	HPSY-I Block 56	98.9%	91.3%	20.6%	7.5%	47.3%
Curtis Development, Michael Simmons Property Development, Inc., YCD	MBS Block 9a	44.8%	33.7%	30.4%	1.6%	1.7%
CCDC	Transbay Block 2W	88.9%	85.2%	10.3%	2.8%	68.4%
Mercy Housing California	Transbay Block 2E	92.3%	86.3%	37.3%	39.6%	5.5%

COMMUNITY BASED DEVELOPER
NONPROFIT DEVELOPER
COMMUNITY BASED NONPROFIT DEVELOPER
VASH=Veterans Affairs Supportive Housing
LOSP=Local Operating Subsidy Program
SOS=Senior Operating Subsidy

Construction Phase of Development

Developer	Project Name	SBE	SF-SBE	MBE	M/WBE	WBE
				For Informational Purposes Only		
Related, TNDC	Transbay Block 8 ****	20.6%	9.9%	6.4%	0.0%	3.6%
Related, CCDC	588 Mission Bay Blvd N (Block 7W)	43.4%	13.7%	12.9%	0.0%	0.2%
TNDC	626 Mission Bay Blvd N (Block 6E)	51.4%	17.4%	15.8%	0.3%	0.5%
CCDC, Swords to Plowshares	MBS Block 3E	34.5%	25.6%	17.1%	0.8%	0.2%
Mercy Housing California	MBS Block 6W	26.0%	16.3%	8.7%	7.2%	0.5%
BRIDGE Housing, HOMERISE	MBS Block 9	23.3%	9.0%	4.8%	0.0%	3.0%
The Jonathan Rose Companies, BVHP Multipurpose Senior Services	HPSY-1 Block 52/54	50.5%	41.9%	39.6%	0.1%	1.9%
Mercy Housing California, SFHDC	HPSY-I Block 56	43.8%	28.3%	21.2%	4.4%	0.5%
Curtis Development, Michael Simmons Property Development, Inc., YCD	MBS Block 9a	75.8%	34.2%	17.8%	3.8%	1.4%

****Transbay Block 8 including market-rate portion of the project

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Agenda Item **No.5 (f)**
118-0252017-002 Meeting of September 19, 2017

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Nadia Sesay, Interim Executive Director

SUBJECT: Review of Certificate of Preference Holder Survey – Initial Results and Proposed Next Steps

EXECUTIVE SUMMARY

The Property Owner and Occupant Preference Program, also known as the Certificate of Preference Program (the “COP Program”), provides preferences for displaced persons in the leasing and sale of housing within the former Redevelopment Agency’s Project Areas or at city-wide affordable housing projects assisted with OCII and the Mayor’s Office of Housing and Community Development (“MOHCD”) funds. The COP Program implements state law requiring redevelopment agencies to prioritize low and moderate income households “in renting or buying” affordable housing developed with agency assistance if the households were “displaced by the redevelopment project.” (Cal. Health & Safety Code § 33411.3). This statutory authorization and the evidence of a certificate holder’s displacement justify a housing preference that might otherwise violate the prohibition of discrimination under fair housing laws. The COP program does not guarantee any particular housing unit but provides the displacee with a preference over other applicants if the displacee meets the financial and other program qualifications for the affordable housing opportunity. Specifically, the certificate holder must meet the low or moderate income requirement for the applicable housing.

On June 3, 2008, the Redevelopment Agency authorized revised rules for the COP Program effective October 1, 2008. Section II.F.1 of the COP Program describes the duration of the Residential Certificate Holders; these certificate holders were those affected by the Urban Renewal Project Areas of either the Western Addition A-2 or Hunters Point (i.e., Area A of the Bayview Hunters Point Project Area) Redevelopment Project Areas. Additionally in 2008 the City enacted Ordinance 232-08, to establish a preference in occupying units or receiving assistance under all City Affordable Housing Programs to Residential Certificate of Preference Holders under the San Francisco Redevelopment Agency’s Property Owner and Occupant Preference Program. Subsequently, on December 15, 2015, the Commission authorized a five-year extension of Residential A and C Certificates. This is the first of two allowable five-year extensions. Residential A and C Certificate Holders meet the criteria under state law for receiving a priority in that they were displaced by actions of the former Redevelopment Agency.

On November 7, 2016, OCII released a Request For Qualifications (“RFQ”) for a Certificate of Preference (“COP”) holder survey. The purpose of the survey was to learn more about the housing needs and preferences of COP holders so moving forward OCII can maximize efforts to

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successfully house this population. Staff received five submittals, and selected Lake Research Partners ("LRP") to conduct the survey. LRP conducted the survey from July 10, 2017 through August 18, 2017 and resulted in 114 responses. A summary of the initial findings is provided in Attachment 1.

DISCUSSION

On May 6, 2014 the Commission approved a Memorandum of Understanding (the "MOU") with MOHCD, through which MOHCD provides staffing and other services to assist in the implementation of OCII's affordable housing obligations. One of MOHCD's key responsibilities is to oversee marketing obligations of OCII's affordable housing development partners, with special emphasis on management of the COP Program. During Fiscal Year 2015-16, MOHCD worked closely with OCII in requiring affirmative marketing to COP holders from the developers, and also collected more detailed demographic data on all households served in OCII sponsored stand-alone and inclusionary affordable housing. In an effort to achieve maximum success in attaining housing among COP preference holders, during the early phase of construction, OCII now requires early outreach to COP holders starting three months after construction commencement in order to allow sufficient time to prepare and take advantage of any community based and/or City sponsored rental and/or homeownership readiness programs.

Currently, MOHCD reports there are 891 active certificate holders however, not all 891 households are currently looking for housing. More significantly, these certificate holders may not be income eligible for affordable housing developments. A total of 640 have not used their certificate at all (Certificates can be used once for ownership housing opportunities and once for rental housing opportunities). 251 households have already used their certificate to attain either an affordable rental or homeownership opportunity. This means that since 2012, 28% of all active COP holders have obtained housing. However, MOHCD continues to outreach to the 251 households because COP holders can use their certificate twice.

Total Active COP Holders	Number of households who have not used certificate	Number of households who have used certificate once
891	*640	251
*Not all 640 households are looking for housing and/or not all 640 households are income eligible for affordable housing. However, COP holders are encouraged to apply for housing opportunities because that helps inform their eligibility status.		

Even though approximately one-third 1/3 of the active certificate holders have already used their certificates once, all certificate holders are proactively alerted to affordable housing opportunities and their occupancy preference for those projects, through direct post card mailings. The majority of COP holders who have used their certificate have used it towards rental housing opportunities. On average, one COP household per year applies for an available homeownership unit. The last COP household to successfully use their certificate for homeownership was in 2014.

COP Survey Procurement

On November 7, 2016, OCII staff released a Request For Qualifications ("RFQ") for a Certificate of Preference ("COP") holder survey. The purpose of the survey was to learn more about the preferences and needs of the COP holders. Furthermore, OCII sought a consultant to perform the following activities:

- Understand demographics of COP holders
- Determine housing needs, certain housing preferences, and general eligibility of COP holders for available housing opportunities
- Maximize responsiveness from COP holder to the survey
- Recommend best approach to survey delivery plan to ensure maximum responsiveness
- Outreach directly to COP holders not responsive to the survey to increase responsiveness
- Tabulate and analyze survey responses

This process was completed under the OCII 3+ Contractor Telephone Solicitation Method and actual solicitations went to 24 firms and was advertised on the OCII website. Pursuant to our Purchasing Policy, the 3+ Contractor Telephone Solicitation Method guides contractor selection based on the lowest responsive, responsible bidder. On November 29, 2016, staff received five responses. Staff prepared an objective evaluation and scored each proposal based on: price; experience; and, the goals of the solicitation to ensure the best possible selection. The most qualified, lowest proposer was Lake Research Partners ("LRP"), a women-owned business, who is locally based in Berkeley.

Survey Results

Initially LRP prepared and mailed postcards to all 891 COP holders who are currently active. The postcards provided information to the COP holders about the purpose of the survey, and to inform them that they would be called by a surveyor who would be conducting a 10-minute survey via telephone. Recipients also had the option of calling a toll free number immediately if they preferred. The survey period was from July 10-August 18, 2017. In an effort to secure as many responses as possible, an incentive of a $10.00 CVS gift card was offered to each respondent in exchange for their time to complete the survey. The consultant initially secured 97 responses, subsequently OCII staff directed LRP to again mail out postcards and keep the phone lines open for an additional two weeks. After interested COP holders were provided additional time to respond, the consultant was able to successfully interview an additional 17 individuals, for a total of 114 COP holders over a period of 40 business days, and now has data for the Commissioners review and feedback. While 114 responses is only 13% of the 891 active COP holders, LRP is confident the sample size well represents the COP holders' needs and interests within +/- 9.2% accuracy.

The majority of COP holder respondents (85%) are aware that everyone who was living in their household at the time of displacement is eligible for a Certificate of Preference. A total of 12% of the respondents have used their certificates once to secure affordable housing. LRPs results also indicate that the vast majority (83%) of them still intend to use their certificate for affordable housing in San Francisco and many (58%) are currently looking for housing. This data confirms the active need for housing from COP holders.

Additional results from the 114 COP holders who responded to the survey include:

- Gender: 60% female and 39% male
- Age: 37% under age 60 and 57% over age 60
- Annual Household income: 41% under $30,000 and 47% over $30,001 (12% refused to respond)

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- Race:
    - 78% African American
    - 6% white
    - 8% Asian/Pacific Islander
    - 1% Native American
    - 5% Other
    - 2% refused to respond.
- 62% of respondents have never applied for housing using their certificate and the primary reason for not applying for housing using their certificate is "I believe I don't qualify" (29%)
- 60% of respondents currently live in San Francisco, while 39% live elsewhere. Most of those living elsewhere are living in Alameda County, Solano County, Sacramento County, or Contra Costa County
- Over two-thirds (67%) of respondents currently rent their home compared with one in five (21%) who own their home
- A majority (60%) of respondents are currently living in a household with one or two people

Housing Needs and Interests

- A majority (58%) of respondents are currently looking for housing and most of those currently looking need housing for 1 or 2 people (68%), including themselves.
    - 48% of those who are not currently looking will be looking in the next four years and 11% in the next 10 years.
- 43% of respondents are interested in both rental housing and housing for sale. 51% of COP holders are currently interested in senior housing or will be in the next four years.
    - One-third (33%) of respondents interested in housing have no preference on a neighborhood, but 38% would not accept housing in the Hunter's Point neighborhood.
- Three-quarters (76%) of respondents could use assistance in applying for housing and two-thirds (66%) are interested in "information on new housing opportunities."

Initial Conclusions and Preliminary Recommendations:

Staff is continuing to analyze the results from the survey in order to provide the Commission with possible policy recommendations to improve the COP Program implementation. Below are some initial conclusions and preliminary recommendations under consideration:

- OCII and MOHCD's current five-year pipeline of housing projects meets the unit size needs of the COP population.
- OCII should continue the policy of tiering the Area Median Incomes ("AMIs") to allow for a portion of units at 30% - 40% AMI (or between $24,200 and $32,300 for a one-person household in 2017), as initiated at the request of the Commission two years ago.
- Staff will research the inclusion of housing opportunities at both ends of the income spectrum (i.e., below 30% and over 100% AMI levels) and how an expansion may affect the OCII subsidy amount.
- Explore variety of ways to meet senior COP holder needs, including:
    - Continue to maintain a senior housing pipeline.
    - Improve services, in non-senior buildings, to provide senior "focused" service options.

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- Educate COP holders about new neighborhoods where affordable housing is being developed.

(Originated by Pamela Sims, Senior Development Specialist – Marketing and Certificate of Preference Liaison)

Nadia Sesay
Interim Executive Director

Attachment 1: Banners from Telephone Survey of 114 Certificate of Preference Holders

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Agenda Item **No. 5 (e)**
Meeting of June 5, 2018

118-0092018-002

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Nadia Sesay, Executive Director

SUBJECT: Certificate of Preference Holder Survey – Final Results and Recommendations

EXECUTIVE SUMMARY

The Property Owner and Occupant Preference Program, also known as the Certificate of Preference Program (the "COP Program"), provides preferences for displaced persons in the leasing and sale of housing within the former Redevelopment Agency's Project Areas or at city-wide affordable housing projects assisted with OCII and the Mayor's Office of Housing and Community Development ("MOHCD") funds. The COP Program implements state law requiring redevelopment agencies to prioritize low and moderate income households "in renting or buying" affordable housing developed with agency assistance if the households were "displaced by the redevelopment project." (Cal. Health & Safety Code § 33411.3). This statutory authorization and the evidence of a certificate holder's displacement justify a housing preference that might otherwise violate the prohibition of discrimination under fair housing laws. The COP program does not guarantee any particular housing unit but provides the displacee with a preference over other applicants if the displacee meets the financial and other program qualifications for the affordable housing opportunity.

On June 3, 2008, the Redevelopment Agency authorized revised rules for the COP Program effective October 1, 2008. Section II.F.1 of the COP Program describes the duration of the Residential Certificate Holders; these certificate holders were those affected by the Urban Renewal Project Areas of either the Western Addition A-2 or Hunters Point (i.e., Area A of the Bayview Hunters Point Project Area) Redevelopment Project Areas. Additionally in 2008 the City enacted Ordinance 232-08, to establish a preference in occupying units or receiving assistance under all City Affordable Housing Programs to Residential Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program. Subsequently, on December 15, 2015, the Commission authorized a five-year extension of COP Certificates. This was the first of two allowable five-year extensions.

On November 7, 2016, OCII released a Request For Qualifications ("RFQ") for a Certificate of Preference ("COP") holder survey. The purpose of the survey was to learn more about the housing needs and preferences of COP holders so moving forward OCII can maximize efforts to successfully house this population. Lake Research Partners ("LRP") was selected to conduct the survey. LRP conducted the survey from July 10, 2017 through August 18, 2017, and on September 19, 2017, staff presented preliminary results and initial survey findings to the Commission.

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Based on feedback from the Commission, OCII staff has worked with MOHCD staff to address the initial survey findings. This report summarizes staff's efforts made to date and recommendations for information of ongoing activities based on the survey results.

BACKGROUND

On May 6, 2014 the Commission approved a Memorandum of Understanding (the "MOU") with MOHCD, through which MOHCD provides staffing and other services to assist in the implementation of OCII's affordable housing obligations. One of MOHCD's key responsibilities is to oversee marketing obligations of OCII's affordable housing development partners, with special emphasis on management of the COP Program. In an effort to achieve maximum success in attaining housing among COP preference holders, during the early phase of construction, OCII requires early outreach to COP holders starting three months after construction commencement in order to allow sufficient time to prepare and take advantage of any community based and/or City sponsored rental and/or homeownership readiness programs.

As of the 2016-2017 COP Activities and Marketing Annual Report, which was presented to the Commission on December 5, 2017, MOHCD reports there are 881 active certificate holders however, not all 881 households are currently looking for housing. More significantly, these certificate holders may not be income eligible (i.e., over or under income) for specific affordable housing developments. A total of 599 have not used their certificate at all (Certificates can be used once for ownership housing opportunities and once for rental housing opportunities). 282 households have already used their certificate to attain either an affordable rental or homeownership opportunity. This means that since 2012, 32% of all active COP holders have obtained housing reflecting strong continued outreach and results. However, MOHCD continues to outreach to the 282 households because COP holders can use their certificate twice.

Total Active COP Holders (2017)	881
Number of households who have not used certificate	*599
Number of households who have used certificate once	282

*Not all 599 households are looking for housing and/or not all 599 households are income eligible for affordable housing. However, COP holders are encouraged to apply for housing opportunities because that helps inform their eligibility status.

Even though approximately one-third 1/3 of the active certificate holders have already used their certificates <u>once</u>, all certificate holders are proactively alerted to affordable housing opportunities and their occupancy preference for those projects, through direct post card mailings. The majority of COP holders who have used their certificate have used it towards rental housing opportunities.

<u>COP Survey Procurement</u>

On November 7, 2016, OCII staff released a Request For Qualifications ("RFQ") for a Certificate of Preference ("COP") holder survey. Pursuant to our Purchasing Policy, the 3+ Contractor Telephone Solicitation Method guides contractor selection based on the lowest responsive, responsible bidder. On November 29, 2016, staff received five responses. The most qualified, lowest proposer was Lake Research Partners ("LRP"), a Berkeley-based women-owned business.

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SURVEY RESULTS

Initially LRP prepared and mailed postcards to all 891 COP holders who were active at the time. The postcards provided information to the COP holders about the purpose of the survey, and to inform them that they would be called by a surveyor who would be conducting a 10-minute survey via telephone. The survey period was from July 10-August 18, 2017. After interested COP holders were provided additional time to respond, the consultant was able to successfully interview an additional 17 individuals, for a total of 114 COP holders over a period of 40 business days.

The majority of COP holder respondents (85%) are aware that everyone who was living in their household at the time of displacement is eligible for a Certificate of Preference. A total of 12% of the respondents have used their certificates once to secure affordable housing. LRPs results also indicate that the vast majority (83%) of them still intend to use their certificate for affordable housing in San Francisco and many (58%) are currently looking for housing. **This data confirms the active need for housing from COP holders.** Other results from the 114 COP holders who responded to the survey include, these COP holders tend to be:

- African American
- Female
- Over age 60
- Rent their units in San Francisco
- Live with one to two other household members
- Interested in senior housing
- Need housing assistance (with a rental subsidy and/or assistance with the process)
- Are interested in both rental and homeownership opportunities

Recommendations:
Below are recommendations to maximize the success of COP holders in securing affordable housing. The recommendations are informed by the survey's results, and by the Commissioners suggestions based on the presentation of preliminary results on September 19, 2017.

Recommendation	Action	Frequency
Meet housing demand for senior COP holders.	Staff is already tracking unit development through the MOHCD/OCII Housing Pipeline. Income qualified seniors are eligible for 98% of the units, this includes all unit sizes and excludes the Transitional Age Unit ("TAY") units.	On-going.
Meet demand from smaller households for 1 and 2 bedroom units.	OCII and MOHCD's Housing Pipeline includes these unit types. A typical project includes between 50-75% 1 and 2 bedroom units.	These actions are on-going and are reflected in Request For Proposals (RFPs) being released by OCII.
Developments need to include a range of income levels.	OCII's practice requires developers to include income tiering to households below 60% Area Median Income ("AMI").Subject to pending Low Income Housing Tax Credit ("LIHTC") rules change, as a result of 2017 Tax Reform, OCII may include some units above 60% AMI if allowable.	These actions are on-going and are reflected in RFPs being released by OCII.

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Meet the services needs of seniors.	Services are required to be offered to resident households as well as providing linkages to specific (i.e., senior) services.	On-going.
Inform COP holders of upcoming housing opportunities throughout the City, while highlighting opportunities in their preferred neighborhoods.	Ensure COP holders apply through DAHLIA, which provides applicants information on units in various neighborhoods. Once a COP household has registered in DAHLIA, all relevant affordable housing opportunities will be available to COP applicants. COP applicants can then target preferred neighborhoods.	On-going.
Educate COP holders about new neighborhoods, such as Transbay, Mission Bay, and Hunters Point Shipyard.	In October 2017, staff participated in an Information Session for individuals interested in applying for affordable housing at Transbay Block 7. Attendees, which included COP holders, received: • Information about Transbay • Information about program and income requirements at Transbay Block 7 Since November 2017, staff has been attending, Department of Public Health staff's, Hunters Point Shipyard presentations – "Ensuring Safety, Making Ready for Development" that are provided to various organizations in the Bayview community. OCII staff provides housing and Shipyard specific information to all attendees, including COP holders.	On-going.
Assure COP holders know about all upcoming housing opportunities, and about the COP holder preference in affordable housing developments.	• COP holders get notification of all affordable housing opportunities. • Beginning December 2017, OCII staff obtained a social media account.	• On-going during the Early Outreach Period, Marketing and Lottery periods for each project. • Through social media Staff informs COP holders about workshops, lotteries, information sessions, etc.
Provide list of units "coming soon" in the Western Addition.	In January 2018, MOHCD staff included this list of units in the COP holder Holiday Newsletter.	Once/year holiday season.
Ensure Developers are informing COP holders about every housing opportunity and make sure they are qualified for a specific project.	Developers provide workshops for every approved Early Outreach Plan.	On-going during the Early Outreach Period.
Need to get the word out that there are multiple affordable housing opportunities throughout San Francisco.	OCII social media notifications and MOHCD email blasts, often on a weekly basis.	OCII and MOHCD staff inform COP holders and the general public about current multifamily and inclusionary housing opportunities, and offers tips for applying.

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Partner with non-profit agencies to find out how the COP outreach and workshops are going.	In early December 2017, staff provided BHPMSS and SFHDC the opportunity to discuss the successes and disappointments related to the housing workshops each organization offers.	At least once/year in the Fall.
Hold an event in the community where the COP holders can obtain information about the program and upcoming opportunities.	In December 2017, MOHCD and OCII staff provided a COP and affordable housing opportunities and information table at the BHPMSS Holiday Party at the Dr. Davis Senior Center.	Once/year.

Additionally, staff has contacted the KPOO radio station to suggest an interview with Maria Benjamin, Director of Homeownership and Below Market Rate Programs, Mayor's Office of Housing and Community Development. KPOO management was hesitant to have Ms. Benjamin interviewed for a program with such few participants. Currently, staff is working with the Mayor's Communication Office to assist in facilitating an interview between KPOO and Ms. Benjamin. In the past two years, Ms. Benjamin has given COP talks at area churches with mixed success. The attendees were more interested in talking about housing opportunities rather than the specifics of the COP program. This response could be due to several factors (i.e., what churches were visited, who attends the church, etc.), therefore Ms. Benjamin will conduct additional outreach at several San Francisco African American churches in both the Bayview and Western Addition.

Staff will continue to provide COP holder Annual Reports when the OCII Annual Housing Report is presented to the Commission.

(Originated by Pamela Sims, Senior Development Specialist – Marketing and Certificate of Preference Liaison)

Nadia Sesay
Executive Director

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OCII
office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

118-0402023-002

Agenda Item **No.5(e)**
Meeting of October 3, 2023

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Informational Update on the legislative status of Senate Bill No. 593 authorizing OCII to finance the construction of replacement affordable housing units

EXECUTIVE SUMMARY

Senate Bill No. 593 (Wiener) has been approved by both the Senate and Assembly and is with Governor Newsom for signature. Senate Bill No. 593 authorizes the Office of Community Investment and Infrastructure ("OCII"), to use a limited form of tax increment financing to fund and develop the 5,842 units that the former San Francisco Redevelopment Agency the ("Former Agency") destroyed and that were never replaced ("Replacement Housing Obligation"). SB 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City and County of San Francisco ("City") after other existing obligations of OCII are paid. This source of funding is limited and thus issuing bonds to pay for the housing construction will occur over many years.

With the limited pool of tax increment, there is a need to prioritize the use of these funds. During the legislative, public hearing, and outreach process, we received questions and feedback about if OCII would develop affordable housing in areas where urban renewal era displacement occurred and or in existing Project Areas, and if there would be near-term affordable housing opportunities, especially to Certificate of Preference holders ("COP"). OCII will be seeking further stakeholder input to create a broad policy framework for prioritization of Replacement Housing projects.

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DISCUSSION

Background for Replacement Housing

The Community Redevelopment Law ("CRL") required redevelopment agencies to construct affordable units whenever it destroyed or removed units that had been occupied by low- or moderate-income households. Cal. Health & Safety Code § 33413 (a). This requirement became effective January 1, 1976. It applied only to future actions of a redevelopment agency and established several standards for the type of housing developed as replacement housing.

Prior to 1976, the Former Agency had destroyed, as part of federally-funded urban renewal, 14,207 affordable units, but only produced 7,498 affordable units. In 2000, at the urging of the Former Agency and the City, the California legislature adopted Senate Bill No. 2113 (Burton) (Chapter 661 of the Statutes of 2000) authorizing the Former Agency to use tax increment financing to fund and develop affordable housing to replace those units destroyed by the Former Agency. Cal. Health & Safety Code § 33333.7. Under SB 2113, HCD certified, in 2003, "a net loss of 6,709 units the Agency must replace."

Prior to its dissolution, the Former Agency was only able to approve and develop 867 replacement units out of the total 6,709 leaving an outstanding balance of 5,842 affordable units that needed to be replaced. Since the 2012 dissolution of the Former Agency, the City and OCII unsuccessfully sought on several occasions to establish that the Replacement Housing Obligation was required to continue after the dissolution of the Former Agency.

One of the requirements for replacement housing units was that they be replaced within four years after they are destroyed or removed from the market. This requirement is not feasible for the replacement of units destroyed 50-60 years ago through urban renewal, but it does highlight the need for expeditious action in replacing the units. Additionally, as a policy goal, any replacement housing units built prior to 2031 will contribute to the 46,600 units affordable to low- and moderate-income households that the City is required by the State of California to build pursuant to San Francisco's approved Housing Element.

Senate Bill ("SB") 593

Senate Bill No. 593 (Wiener) has been approved by the Senate and Assembly and is with Governor Newsom for signature. Senate Bill 593 authorizes OCII to use a limited form of tax increment financing to fund and develop the 5,842 units that are the Replacement Housing Obligation. Senate Bill 593 authorizes debt financing secured by redevelopment property tax increment that would otherwise be allocated to the City after other existing obligations of OCII are paid. Although this source of funding is limited, it protects funding for schools and other taxing entities that receive property tax revenues and thus had widespread support in the legislature. Given the limited pool of tax increment available for this purpose, completion of the 5,842 affordable units will take many years.

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Specifically, SB 593 authorizes OCII to issue bonds or incur other indebtedness for the purpose of financing the construction of replacement affordable housing units demolished and not replaced by the former redevelopment agency and the replacement of the obsolete affordable units that were constructed previously. SB 593 relies on the standards in the Community Redevelopment Law for developing replacement housing. See SB 593, Section 1 (n) (providing that OCII shall "to the greatest extent feasible, replace the amount of lost units . . . according to the formulas in Section 33413 of the Health and Safety Code"). Section 33413 provided that the replacement housing units:

- may be built anywhere within the territorial jurisdiction of the city or county in which the redevelopment agency was located;
- must be available at "affordable housing cost to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units;"
- must remain affordable "for the longest feasible time, [which] includes, but is not limited to, unlimited duration;"
- must be subject to affordability restrictions enforceable through recorded covenants; and
- are independent of a redevelopment agency's other obligations to produce housing.

SB 593 adds to existing OCII authority under Redevelopment Dissolution Law (Statutes 2015, Chapter 325, sections 9 & 27, *codified* at Cal. Health & Safety Code § 34177.7) to finance and develop affordable housing required under enforceable obligations previously approved by the Department of Finance, i.e. the Mission Bay North Owner Participation Agreement, the Mission Bay South Owner Participation Agreement, the Disposition and Development Agreement for Hunters Point Shipyard Phase 1, the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement, and the Transbay Implementation Agreement.

SB 593 adds replacement housing as an enforceable obligation under Redevelopment Dissolution Law requiring: the development, construction, repair, renovation, or reconstruction of up to 5,842 units of affordable housing by or on behalf of the City and County of San Francisco that shall be or remain affordable to, and occupied by, persons and families of extremely low, very low and moderate income households for the longest feasible time, but not less than 55 years for rental units and 45 years for owner-occupied units.

<u>Certificate of Preference Holders</u>
OCII and the Mayor's Office of Housing and Community Development ("MOHCD") currently provide a preference in all OCII and City-sponsored affordable housing to low- and moderate-income households who were displaced as a result of the demolition of units (COP holders). In 2022, the state legislature expanded this preference to include the descendants of displaced persons who are income-eligible for OCII and Former Agency projects. Since FY 13-14 OCII has undertaken significantly more robust early outreach and marketing protocols to maximize the number of COP holders who are aware of and apply

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for housing opportunities in San Francisco and will continue to evaluate and enhance that process in collaboration with the Commission's COP Subcommittee and present annual reports to the Commission. Staff also plans to conduct a COP holder survey in 2024, similar to the survey that was conducted in 2017, seeking updated information on COP holder housing needs. As with all OCII-funded projects, COP holders will receive first preference for all units developed using funds generated by SB 593, which will, expand affordable housing options for COP holders, including descendants, other preference populations and others in need of affordable housing.

Bond Financing and Timing

The funding for affordable housing under SB 593 will depend on future property tax revenues generated in former and current redevelopment project areas and on the funding needs of other OCII enforceable obligations, which will have a higher priority under law for the use of the property tax revenues. OCII is working on estimates of the amount of revenues that will be available, but staff projects its first bond issuance may occur in 2025.

There are several factors which could affect the size of the bond issuance, including estimated tax increment revenue, costs of the bond issuance, as well as estimated housing project costs. To determine the actual amount which could be issued, staff will begin a solicitation for a financing team in early 2024. The financing team will include a fiscal consultant that has specialized knowledge of the revenue base supporting the bonds and provides a revenue analysis that determines OCII's bonding capacity pursuant to SB 593.

Replacement Housing Priorities

In the near term, staff will develop and recommend to the Commission a "*Replacement Housing Priority Policy*" which will establish broad categories to prioritize the use of bonds to create replacement housing.

See the below planned outreach:

- *September 29, 2023*: Commission COP Subcommittee- Update on legislative status, summary of, and policy framework of SB 593.
- *October 3, 2023:* Commission Workshop- Update on legislative status, summary of, and policy framework of SB 593, discuss outreach/feedback process (no action)
- *October 12-16, 2023:* Citizen's Advisory Committees ("CAC") for Mission Bay, Transbay, and Hunters Point Shipyard/Candlestick Point - Update on legislative status, summary of, and policy framework of SB 593, discuss outreach/feedback process.
- *October 17, 2023*: Commission Workshop- Update on signing of SB 593, community feedback, and policy recommendation (no action).
- *November 7, 2023*: Commission- Community feedback and policy recommendation (action).

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Projects should fit the Replacement Housing Priority Policy to be considered for award in each funding round. During the review of Replacement Housing projects, the community would be engaged through OCII CACs and public hearings, as well as during site selection and developer solicitation for particular projects. Also each project will undergo the same robust review and approval process that all current OCII-funded affordable housing projects, including compliance with OCII's Equal Opportunity Program, e.g. small business utilization, local hire, prevailing wage, etc., underwriting and financial review by the Citywide Affordable Housing Loan Committee, as well as public hearings at the Commission. COP holders will continue to be the highest priority for marketing and housing placement for Replacement Housing projects.

NEXT STEPS

- Provide SB 593 update to CACs and solicit input on a Replacement Housing Priority Policy
- Adopt a Replacement Housing Priority Policy; and
- Issue developer team solicitations for initial replacement housing priority projects; and
- Work with MOHCD and key constituents to determine priority projects; and
- Solicit bond financing team for the initial replacement housing bond issuance.

(Originated by Marc Slutzkin, Deputy Executive Director and Elizabeth Colomello, Housing Program Manager)

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