

Dear Deputy City Attorney Shen, Chair Packard, and Director Arntz,

Thank you for your work preparing the November ballot.

I am writing in regards to the preparation of the digest, title, and ballot question for the ballot measure City Approval of Affordable Housing that has been placed on the ballot through a citizen's initiative.

### **Digest for City Approval of Affordable Housing**

Back in January, an earlier version of the current streamlining charter amendment called "Streamlined Review of Affordable Housing" failed to pass out of the Rules Committee. Except for the change in language related to labor participation -- prevailing wage (in the current measure) vs. the inclusion of skilled and trained in the previous draft -- the two measures are identical in their language on definitions and triggers for eliminating discretionary review for the streamlined approval of mixed-use housing projects.

However, even though the definition and streamlining conditions language are virtually identical, the [Title and Summary of the City Approval of Affordable Housing](#) Charter Amendment that circulated with the petitions on the street was very different from the legislative digest for the measure in the Rules Committee. The result is that the measure that was on the street for the collection of signatures under the actual legal text name "Affordable Homes Now!" obscured the fact that the new measure if approved by the voters would change the standard for affordable housing. The approval of this new standard would eliminate discretionary review and streamline mixed-use (affordable/market rate) private housing development projects. The new standard lifts the eligible income level to qualify for affordable housing to 140% of the area median income. Again, if the voters approve this measure, projects that add additional units to the inclusionary level under this new standard of affordability for higher-income residents making up to 140% AMI, would bypass discretionary review for streamlined approval.

The City Approval of Affordable Housing Charter Amendment does not qualify what types of units would fall under this new standard of affordable housing: the increased units that would trigger streamlined approval could very well be studios. Studios at 140% AMI are actually comparable to market rate studio units. Below-market rate (BMR) studios have already been extremely difficult to fill under the City's BMR program.

The earlier [legislative digest](#) from the Rules Committee is very clear that the higher 140% AMI standard would trigger the elimination of discretionary review for streamlined approval. However, the Title and Summary failed to discuss this new standard of affordability when the legal text under the title

"Affordable Homes Now!" circulated with the petition for signature. Unless they read deep into the legal text, the voters who signed the petition were unaware that they were approving this new standard for the ballot.

As the City Approval of Affordable Housing is being prepared for the Ballot Simplification Committee and in order to ensure that San Francisco voters can make an informed decision, the draft digest must be accurate in spelling out this change to the affordable housing standard, *especially as a competing measure asserting the existing affordable housing standard could very well likely be on the same ballot.*

### **Title of the Measure**

Because of this change in standard, the legal text name "Affordable Homes Now!" that circulated on the street should NOT be the official ballot measure lest the voters are unaware of the proposed changes to the affordability standard for higher-income residents. For the sake of clarity and because the voters will have a choice to approve a new standard the name in the Title and Summary "City Approval of Affordable Housing" is a more appropriate title to place before the voters.

I've attached the Title and Summary of the City Approval of Affordable Housing and the Legislative Digest of the earlier charter amendment that failed to pass the Rules Committee.

### **Ballot Question**

As stated above, the City Approval of Affordable Housing sets a new higher income standard for affordable housing and makes this new standard one of the triggers for eliminating discretionary review for streamlined approval. Therefore, the ballot question for this charter amendment must inform the voters and give them clarity on the policy changes that they will be approving. The question must include not just that affordable housing will trigger the elimination of discretionary review, but that the new standard of affordable housing for higher income earners will have to be approved first in order to trigger streamlined approval.

Here is a draft version of a more accurate and informative ballot question:

"Shall the City amend the Charter to set a new standard for affordable housing in 100% affordable development projects to serve higher income residents earning up to 140% of the area median income, and based on this new standard provide streamlined approval of 100% Affordable Housing Projects, Educator Housing, and private housing development projects of Increased Affordable Housing Units?"

Again, without reference to this new, higher standard of affordability up to 140% AMI the voters cannot make an informed decision on the policy choice that will be before them on the November ballot.

I appreciate the Department of Elections, the City Attorney, and the Ballot Simplification Committee reading and considering these points and I hope you all can work to make sure the ballot handbook on this measure can be crafted to minimize any ambiguity.

I am available to discuss this further.

Thank you,

John Avalos

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**JOHN AVALOS**

Council of Community Housing Organizations

Pronouns: He/Him/His