

Moss, Julia

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Thursday, June 8, 2023 4:36 PM
To: City Council
Subject: FW: [PDF] COPA Comments on HE
Attachments: COPA letter Capiola HE.pdf

Dear City Council,

Please see the attached public comment from COPA regarding Capitola's Housing Element.

Thank you,

Katie Herlihy, AICP
City of Capitola
Community Development Director
kherlihy@ci.capitola.ca.us
831.475.7300 ext 216

Building Counter Hours: 9 am - noon
Planning Counter Hours: 1 pm – 4 pm

-----Original Message-----

From: Ken Thomas <kenthomas@cruzio.com>
Sent: Thursday, June 8, 2023 4:34 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Subject: [PDF] COPA Comments on HE

Dear Ms. Herlihy - Please find attached a comment letter from COPA on the update to the Capitola Housing Element. We look forward to working with you and the City Council on this important matter.

Ken Thomas

strategy to reduce auto dependency to balance housing needs with environmental protection and conservation.

Chapter 5-Housing Plan

Goal 2: Affordable Housing Development

- COPA endorses increasing the city's current 15% inclusionary requirement to 20%;
- COPA endorses a proposal for a city bond measure to finance the subsidization of housing construction for greater percentages of below-market-rate units. COPA stands ready to engage in the policy discussions on this concept and participate in the necessary outreach and organizing to secure passage of such a ballot measure.
- COPA encourages City lobbyists to work on state legislation to ease pressure on renters. We would like to see state legislation to eliminate application fees, place a cap on security deposits, and provide right-to-counsel for tenants facing eviction.
- COPA strongly supports the policy of "by right" approval for housing projects that provide 100% affordable units.
 - In addition, COPA urges the City to expand areas of the City that are eligible for by-right approval by applying the standard created by the State under AB2011 to all new development (both residential and commercial) to ensure that new projects have the benefit of streamlined entitlement approval while ensuring local workers are paid fair wages with health benefits.
- COPA endorses the use of density bonuses to encourage greater number of units. Furthermore, we encourage city staff to explore further incentivization of density by offering additional subsidy to cover additional construction of below-market-rate units, which could be financed with proceeds of a city-wide bond measure.
- COPA recommends the City adopt two policy tools to facilitate the acquisition of existing properties for conversion to deed-restricted units. We urge the city to create a Community Opportunity to Purchase Program. The [Community Opportunity to Purchase Act \(COPA\)](#) gives qualified non-profit organizations the right of first offer, and/or the right of first refusal to purchase certain properties offered for sale in the City; and the creation of a TOPA - Tenant Opportunity to Purchase Act, TOPA, or "[Tenant Opportunity to Purchase Act](#)", is an anti-displacement housing policy that gives tenants options to have secure housing when the property they rent goes up for sale, while also preserving affordable housing.

Goal 3: Housing For Persons With Special Needs

Given the high degree of rent-burdened families in our community, COPA strongly endorses the policy to include childcare centers within housing construction to increase the opportunities for affordable childcare in our community.

COPA strongly supports a partnership to provide the Continuum of Care for homeless individuals.

Goal 4: Housing Assistance

COPA endorses a security deposit loan program in partnership with the County Housing Authority, however, the program delivery needs improvement to really be effective. The program is not well publicized and the communication, particularly in Spanish, is confusing. COPA recommends the program be changed to allow an applicant to pre-qualify for the loan so a tenant can respond quickly once they secure a unit to rent. In a tight rental market, decisions are made within hours and a multi-day, multi-step approval process has discouraged applicants from even trying to apply for this assistance. COPA also recommends greater funds for rental assistance and broader eligibility. The metric of “20 households” over the Cycle period is too low to be meaningful. We suggest a metric that reflects the portion of households that are at highest risk of housing instability illustrated in Table 2-34 that reports 385 households spend more than 50% of their income on housing. Assuming 25% of these households may encounter an emergency where they may not be able to pay rent in a given month, a metric of 96 households would be more appropriate.

COPA strongly endorses a policy to protect susceptible populations while improving access to affordable units. Additionally, COPA strongly recommends the City work toward a comprehensive set of policies that would prevent displacement, and provide stronger renter protections and relief from the high rent-burdens many experience in Capitola. COPA proposes the following ideas:

- a. Eliminate application fees
- b. Cap security deposits to be a % of the rent or equivalent to one month’s rent only.
- c. Improve security deposit loan programs by pre-qualifying tenants before apartment search
- d. Increase legal assistance funding for more attorneys. There is an urgent need for greater access to free, bilingual legal assistance and “affirmative representation” for retaliation cases, and for displacement cases to be pursued. More funds for Tenant Sanctuary and California Rural Legal Assistance is need to increase staffing hours and hiring of attorneys. No tenant has the funds to pursue a case of retaliation for example.
- e. Proactive tenant outreach and education programs to explain rights, assistance programs.
- f. Rental Registry to provide accurate data on rental market trends.
- g. Partnership with District Attorney and/or the County Public Defender to enforce existing local and state civil codes to uphold tenant protections.
 - h. Research models that allow rent with the option to buy for condos and townhomes.

Goal 5: Neighborhood Vitality

COPA has found that many tenants are too fearful to report unsafe and illegal living conditions. They are not aware of the law or their rights and the responsibilities of the landlord to provide safe and healthy living conditions. We strongly endorse ‘expanded outreach’ on rental inspection program and code enforcement by working with community groups like COPA.

Goal 6: Resource Conservation

COPA strongly supports policies to “Support transit-oriented development and non-motorized transportation.” and believes that the urban compact form of development will aid in achieving this goal.

COPA recommends the City implement a policy that affirms support for preference in leasing of new and existing affordable units that prioritize people who work in the community. Because such preferences get people closer to where they work, they have the added public benefit of not only ensuring that local workers get access to affordable housing opportunities but also reducing greenhouse gas emissions and traffic by reducing worker commutes to jobs in the City of Capitola. Data analysis must be done to ensure that the demographics of the workforce in the target area (city or county) is reflective of the workforce as a whole to ensure no disparate impact is created on a protected class or group.

Such a preference can also be expanded to include not only local workers but also local, low-income residents in those neighborhoods where low-income residents are at risk of displacement due to gentrification pressures. Data analysis must be done to ensure that such a preference does not create a disparate impact on a protected group, but neighborhood based, anti-displacement preferences have been successfully implemented across the State in neighborhoods that are classified as “areas of economic distress” and that are home to a disproportionate number of low-income residents that are at risk of displacement.

Goal 7: Affirmatively Furthering Fair Housing

COPA endorses the policy of coordinating with the Housing Authority to pursue more funding for housing vouchers and the removal of barriers to utilize housing vouchers.

COPA strongly endorses the need for increased funding of bilingual legal assistance and outreach for tenants.

Appendix D: Sites Inventory

Overall, COPA supports the City’s list of housing sites identified along the corridors and infill opportunities in the residential neighborhoods. We support the private redevelopment of 29.4 acres at the mall site, with a minimum of 29 du/acre that yields 853 mixed income units. We recommend that terms in the Develop Agreement include: the requirement that at least 20% of

the units be for very-low and low income households and that there be a mix of studios, one, two and three bedroom units.

It appears that the City does not need to complete any further re-zoning to meet its RHNA target numbers. However, we suggest the City continue to identify areas that could be re-zoned to further encourage property owners to consider land use for housing.

COPA looks forward to continue to engage with the City of Capitola staff and elected Council Members and Mayor in the coming months to create a model Housing Element.

Sincerely,

Ken Thomas
COPA leader on behalf of the Housing Strategy Team