



BUSD WORKFORCE HOUSING

BUSD Governance Committee

01.25.23





Agenda

- 1. District Survey Results**
- 2. Unit Mix and Affordability**
- 3. Fair Housing Memo**
- 4. Eligibility Criteria**

District Survey Results

Universe = Renters, interested in living in development

Household Size		
1 person	100	32%
2 person	98	31%
3 person	62	20%
4 person	29	9%
5 person	18	6%
>5 person	5	2%
Total	312	100%

Household Income		
30% AMI	59	19%
50% AMI	79	25%
60% AMI	67	21%
80% AMI	32	10%
100% AMI	39	13%
120% AMI	24	8%
> 120% AMI	11	4%
TOTAL	312	100%

Are you certified or classified staff?		
Certified	159	51%
Classified	153	49%
TOTAL	312	100%

Would you live in the development if parking is not guaranteed?		
Yes	196	63%
No	116	37%
TOTAL	312	100%

Proposed Unit Mix & Affordability

AMI Level	1 BD	2 BD	3 BD	Total	% of total
30% AMI	6	3	3	12	11%
50% AMI	13	3	4	20	18%
60% AMI	14	6	6	26	24%
80% AMI	11	6	5	22	20%
100% AMI	7	4	3	14	13%
120% AMI	8	3	4	15	14%
Manager			1	1	1%
Total	59	25	26	110	100%

Proposed Rents (2022)

AMI Level	1 BD Rent	2 BD Rent	3 BD Rent
30% AMI	\$745	\$887	\$1,020
50% AMI	\$1,281	\$1,530	\$1,762
60% AMI	\$1,549	\$1,851	\$2,133
80% AMI	\$2,084	\$2,494	\$2,876
100% AMI	\$2,620	\$3,137	\$3,618
120% AMI	\$2,620	\$3,137	\$3,618
Market Rent*	\$3,265	\$4,513	\$5,761

*based on September 2021 Rent Study

Fair Housing Concerns

Summary of Regulations:

1. Low Income Housing Tax Credits: Units must be used for general public use
2. Teacher Housing Act of 2016 (SB 1413): Permits school districts to construct housing on their own property and limit occupancy to school district employees. Qualifies units as general public use, therefore eligible for tax credits.
3. AB 3308: Permits units funded by tax credits to be restricted to school district employees if constructed on school district land.
4. Federal Law: No protection that involves marketing or leasing based on employment status. However, could be disparate impact argument.
5. California Law: Prohibits housing discrimination on bases of sources of income.

Fair Housing Concerns

Conclusions:

- Applying any occupancy requirement - or even preference for BUSD employees - could expose us to potential fair housing liability for violation of California's fair housing laws.

Question: How do we feel about this potential risk?

- If want to try to reduce risk:
 - Broaden preference to all public employees (more diversity)
 - Apply preference to only a portion of the units

Eligibility Criteria

1. At time of initial occupancy, total household income shall be within a range of incomes, depending on financing and unit mix, not to exceed 120% Area Median Income, as published annually by the State;
2. Households shall comply with the occupancy standards;
3. Household shall meet all Satellite Affordable Housing Associates rental history, credit and criminal background standards
4. A preference for BUSD employees shall be applied to 100% of the units at the Project. In order to qualify for the preference, applicants must meet the following criteria in addition to the minimum qualifications above:
 - a. At least one member of the household must be employed by Berkeley Unified School District;
 - b. The household member is employed by the school district as either a full time or part time employee at the time of application;



Comments

Questions and Comments