From:	Robert Fruchtman
То:	Board of Supervisors (BOS); Major, Erica (BOS); David Broockman; wafoli@gmail.com; Chan, Connie (BOS); ChanStaff (BOS); Stefani, Catherine (BOS); StefaniStaff, (BOS); Peskin, Aaron (BOS); PeskinStaff (BOS); Mar, Gordon (BOS); Marstaff (BOS); Preston, Dean (BOS); PrestonStaff (BOS); Dorsey, Matt (BOS); DorseyStaff (BOS); Melgar, Myrna (BOS); MelgarStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; RonenStaff (BOS); Walton, Shamann (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); SafaiStaff (BOS)
Cc:	<u>Hillis, Rich (CPC); Gluckstein, Lisa (MYR); Mehmood, Sohab@HCD; McDougall, Paul@HCD;</u> gustavo.velasquez@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; <u>Melinda.Coy@hcd.ca.gov;</u> David.Zisser@hcd.ca.gov; Matthew.Struhar@doj.ca.gov; Sonja Trauss; rafa@vimbylaw.org; Keith Diggs
Subject:	[SF YIMBY] Public Comment on the 2022 Housing Element Update, File #230001
Date:	Monday, January 23, 2023 1:59:46 PM
Attachments:	SF YIMBY Housing Element 2023 Final Draft Public Comment.pdf

Dear San Francisco Board of Supervisors:

On behalf of San Francisco YIMBY, please find attached to this email our public comment on File #230001, the Housing Element 2022 Update.

Sincerely, Robert Fruchtman Volunteer Lead, San Francisco YIMBY



## San Francisco Board of Supervisors

1 Dr Carlton B Goodlett Place San Francisco, CA 94102

January 23, 2023

# Public Comment on the Final Draft of the Housing Element 2022 Update

#### **EXECUTIVE SUMMARY**

- San Francisco's housing element is a living contract with California. We will be
  watching the City's actions over the coming years to ensure said contract is
  fulfilled. If city officials do not take this duty seriously, we risk the decertification
  of our housing element and the loss of affordable housing funds.
- San Francisco must rapidly reform its housing permitting practices if it is to accommodate enough housing to meet its RHNA goals.
- The feasibility of housing projects in San Francisco has degraded to the point of a crisis. The housing element states that almost no sites in the whole city are feasible for housing.
- The Board of Supervisors and the mayor must agree on a strategy to quickly and dramatically increase funding for affordable housing. We urge all parties to pursue a robust social housing program to meet affordable housing goals.

###

Dear San Francisco Board of Supervisors:

No words should be minced here: January 31, 2023 will not be the last date we hear about the 2022 Housing Element Update. One could be forgiven for believing otherwise, as we reach the end of a yearslong process in which several teams of talented and dedicated city staffers worked tirelessly and painstakingly to produce a thoroughly researched and well-drafted document. On the contrary: This is just the beginning.

The housing element proposed for adoption includes policies and programs written by staff with feedback from the California Department of Housing and Community Development (HCD). The housing element speaks to San Francisco's deep rooted problems of disregard for state law, exclusionary land use practices, and supervisorial prerogative which have for decades robbed residents of abundant and affordable housing. Many of the programs speak directly to the political nature of San Francisco's permitting process that HCD Director Gustavo Velasquez highlighted when he announced a holistic review of the City's policies and practices last year.<sup>1</sup>

The Key Constraint Reduction Actions<sup>2</sup> in particular address some of the most egregious anti-housing facets of a broken and politicized permitting system: unnecessary hearings, arbitrary decision making, excessive fees, complicated rules, restrictive zoning in wealthy neighborhoods, extensive segregation,<sup>3</sup> and a fundamental incapacity to subsidize housing for low-income households. These are the hallmarks of a city locked hopelessly in dysfunction, unable to address the roaring crises of displacement, homelessness, and want of housing which pervade

https://www.hcd.ca.gov/about-hcd/newsroom/state-announces-new-review-san-francisco-housing-policies -and-practices

<sup>&</sup>lt;sup>2</sup> <u>https://sfhousingelement.org/final-draft-housing-element-2022-update-clean</u>, pp. 159–162

<sup>&</sup>lt;sup>3</sup> <u>https://sfhousingelement.org/appendix-housing-needs-assessment-and-assessment-fair-housing</u>, p. 97–98, 108, 126, 226

every aspect of life in San Francisco. The Board must enact the legislative changes proposed in Program 8, *Reducing Constraints on Housing Development, Maintenance, and Improvement*,<sup>4</sup> as soon as possible. There is no reason the Board should wait to implement this program, as waiting only makes it less likely for San Francisco to achieve its housing element goals. Action 8.1.5 in the housing element proposes "alternative actions" as requested by HCD,<sup>5</sup> under which San Francisco's failure to graduate sufficient housing pipeline projects to building permits would require even more ambitious corrections by the City to development standards and zoning restrictions. This program in particular is subject to HCD's approval.<sup>6</sup> In other words: the less ambitious the constraint reductions San Francisco enacts now, the more ambitious the state will require of such measures later.

San Francisco's housing crisis is the direct result of political and policy choices made by city leaders over the last 50 years, and now different choices must be made. The City's violations of state law are not new. Its practices of pretending it is not subject to the Housing Accountability Act or the Permit Streamlining Act or the State Density Bonus Law are older than many residents. What has changed now is the seriousness with which state legislators and the governor are treating San Francisco's severe housing shortage. In prior decades, the housing element was an inconsequential document which could safely be shelved after passage—but no longer. As one HCD official put it: "A housing element is no longer a paper exercise—it's a contract with the state."<sup>7</sup> Should City leaders shirk their responsibility after adoption, California may well elect to decertify our housing element. San Francisco could foreseeably lose eligibility for affordable housing and transit grants worth hundreds of millions of

<sup>&</sup>lt;sup>4</sup> <u>https://sfhousingelement.org/final-draft-housing-element-2022-update-clean</u>, p. 133–148

https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/housing-element/SfrSanFrancisc oDraftOut080822.pdf, p. 2

<sup>&</sup>lt;sup>6</sup> <u>https://sfhousingelement.org/final-draft-housing-element-2022-update-clean</u>, p. 160

<sup>&</sup>lt;sup>7</sup> https://www.hcd.ca.gov/about-hcd/newsroom/hcd-strengthens-efforts-increase-housing-accountability

dollars,<sup>8</sup> in addition to losing its ability to regulate many aspects of housing project proposals.<sup>9</sup>

The City must begin the difficult work of reform, and the Board of Supervisors must play an important part in that work. San Francisco's current trajectory is one in which it has no chance of meeting our housing production goals. The pipeline of housing projects is drying up,<sup>10</sup> and the bad market conditions in the current downturn are only exacerbated by the City's labyrinthine and punishing approvals process for housing.<sup>11,12</sup> The housing element itself even admits that "most sites are not currently viable for development in San Francisco."<sup>13</sup> Meanwhile, housing production must double or triple if San Francisco is to accommodate 82,069 new homes by 2031.

We note with special urgency the City's need for affordable housing, and the need for new strategies to fund it. While San Francisco has for several decades attempted to use inclusionary zoning rules to fund and build affordable housing, this policy has not succeeded. Since inclusionary zoning requirements were increased in 2017 through June 2016's Proposition C, inclusionary and impact fee revenues have dropped 95%<sup>14</sup> with developers now pursuing projects outside city limits. As housing project feasibility has withered, so has the pipeline for new affordable housing. The housing element's proposed program to identify new funds for affordable housing<sup>15</sup>

<sup>11</sup> <u>https://www.sfchronicle.com/bayarea/article/sf-affordable-housing-projects-17727101.php</u>

<sup>8</sup> 

https://www.sfexaminer.com/news/muni-could-lose-big-if-the-citys-housing-plan-fails/article\_91be3d36-1d 80-11ed-b79a-6f07b62186d5.html

<sup>&</sup>lt;sup>9</sup> <u>https://sfhousingelement.org/october-27-2022-public-memo-housing-element-update-process</u>

<sup>&</sup>lt;sup>10</sup> <u>https://www.sfchronicle.com/sf/article/new-housing-projects-17135343.php</u>

https://www.sfchronicle.com/sf/article/Gov-Newsom-launches-unprecedented-review-of-San-17362055.ph

 <sup>&</sup>lt;u>https://sfhousingelement.org/appendix-c-analysis-governmental-and-non-governmental-constraints-0</u>,
 p. 239

<sup>&</sup>lt;sup>14</sup> *Ibid.*, p. 208

<sup>&</sup>lt;sup>15</sup> https://sfhousingelement.org/final-draft-housing-element-2022-update-clean, p. 86

must be emphasized if we are to meet the affordable housing crisis with the solutions it demands.

The most viable path forward is for the City to fund and maintain affordable housing through a robust social housing program. The future of affordable housing in San Francisco should not depend on private actors subject to economic cycles. Instead, we must look to successful examples like the Housing & Development Board in Singapore; Vienna, Austria; and the Montgomery County Housing Authority in Montgomery County, Maryland.<sup>16</sup> San Francisco can and must use bonds and other sources of revenue to build and maintain social housing at scale. A program to study social housing is included in the housing element<sup>17</sup> and should be prioritized.

The next days, months, and years will be a crucial test of San Francisco's willingness to inventory its ailing policies and reform the systems which stand in the way of abundant housing for all residents. We urge the recipients of this letter not to delay and not to falter in this task. The sooner the Board of Supervisors and the mayor can come together, the greater the benefit which will be accrued to all San Franciscans. We at San Francisco YIMBY will hold San Francisco to the promises laid out in the Housing Element 2022 Update: commitments to affirmatively further fair housing, end housing insecurity, and create a city where everyone is welcome. Can our city really achieve such lofty goals? It is our responsibility to San Francisco to answer this clarion call with a single word: Yes.

Best regards,

<sup>&</sup>lt;sup>16</sup> https://www.vox.com/policy-and-politics/23278643/affordable-public-housing-inflation-renters-home

<sup>&</sup>lt;sup>17</sup> https://sfhousingelement.org/final-draft-housing-element-2022-update-clean, p. 87

## Robert Fruchtman and David Broockman

Volunteer Leads, San Francisco YIMBY

#### Jane Natoli

Organizing Director, San Francisco YIMBY

### CC:

Rich Hillis,, San Francisco Planning Department Lisa Gluckstein, Office of San Francisco Mayor London Breed Sohab Mehmood, California Department of Housing and Community Development Paul McDougall, California Department of Housing and Community Development Gustavo Velasquez, California Department of Housing and Community Development Megan Kirkeby, California Department of Housing and Community Development Melinda Coy, California Department of Housing and Community Development David Zisser, California Department of Housing and Community Development Matthew Struhar, California Attorney General's Office Housing Strike Force Sonja Trauss, YIMBY Law Rafa Sonnenfeld, YIMBY Law

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But this issue doesn't end with your vote. The housing element is just a plan. It is up to you and your colleagues to actually implement it. I urge the Board of Supervisors to enact the policy changes in the housing element as legislation. The housing element process does not end when Governor Newsom's housing department writes a letter approving our plan. This process ends when our housing crisis ends. And I implore you to legislate to execute the plan and make real progress on that goal.

In particular, the Board of Supervisors should immediately enact the legislative reforms in the "Reducing Constraints on Housing Development, Maintenance, and Improvement" program. Many of the biggest issues with San Francisco's permitting process are embedded in city law. The Board of Supervisors has the power to fix those problems. If the Board fails to act now, the city will likely lose the pace necessary to meet its 2031 housing production goals. If San Francisco has fallen behind by 2027, the housing element includes program 8.1.5 which will require the city to enact greater changes that HCD gets to approve. Total failure to act means that the state will yank the certification of our housing element—and that would be a catastrophe for all the projects which rely on affordable housing and transit grants. A lot of heartburn can be avoided by taking action now.

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Jonathan Bünemann jonathanbuenemann@gmail.com 1971 Green Street Apt B San Francisco, California 94123

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Stefan Negritoiu stefann@stefann.com 1599 Lombard Street San Francisco, California 94123

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Sienna Hernandez focal-rockier0x@icloud.com 1699 Market St San Francisco, California

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David Stone david.curtis.stone@gmail.com 114 Beluah St #3 San Francisco, California 94122

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Aaron Baucom aaronbaucom@gmail.com 1434 28th Ave San Francisco, California 94122

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Andrew Dupree ajdupree@gmail.com 3877 26th St San Francisco, California 94131

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Alex Steiner alexgsteiner91@gmail.com 2843 Gough Street Sam Francisco, California 94123

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Eugene Lew eugene@eelew.net 69 5TH Ave San Francisco, California 94118

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Meredith Bergman meredithbergman@yahoo.com 1599 Lombard Street San Francisco, California 94123

Clerk of the Board Angela Calvillo,

As a resident of Ocean View near where many new homes could be built by the principles in the Housing Element, I urge you to adopt this and take measures to make it easier to build homes in SF. More neighbors could help support the businesses on Ocean Ave with foot traffic and provide the ridership to keep our transit system going strong, while providing my family and many of my friends with more housing options to be able to stay in the city.

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• Enact all the legislative changes in Program 8, "Reducing Constraints on Housing

Development, Maintenance, and Improvement", and exercise oversight over city departments responsible for implementing changes

• Expedite the study of a social housing program described in housing element action 1.1.11, so that we can have an affordable housing funding mechanism not dependent on the private market

• Commit to maximizing the size of the rezoning in the Well-resourced Neighborhoods

Zack Subin zack.subin@fastmail.fm 192 Caine Avenue San Francisco, California 94112

Clerk of the Board Angela Calvillo,

As someone who grew up in the city, I think it's time to cut the red tape and build more housing now!

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Ben Sedat bsedat@gmail.com Caine Ave San Francisco, California 94112

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Steve Naventi steve.naventi@gmail.com 55 Page St San Francisco, California 94102

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Rod Shokrian a.balooga.whale@gmail.com 631 O'Farrell Street APT 1502 San Francisco, California 94109

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Jane Yam jane.yam@gmail.com 152 3rd Avenue San Francisco, California 94118

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Townsend Walker townsend@townsendwalker.com 22515 Larkin San Francisco, California 94109

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John Steponaitis steponaj@gmail.com 910 Geary 20 San Francisco, California 94109-7095

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Andrew Fister andrewfister3@gmail.com 1338 17th Ave San Francisco , California 94122

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Kenneth Russell krlist+yimby@gmail.com 8400 Oceanview Ter Apt 414 San Francisco, California 94132

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Mitch Conquer mitchconquer@gmail.com 145 Casitas Ave San Francisco, California 94127

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Logan Williams Iwilliams@alignrealestate.com 2999 California Street San Francisco, California 94115

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a.f. shayne afshayne@gmail.com 126 n. martel avenue los angeles, California 90036

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Yann Benetreau yannbd@hotmail.com 322 Parnassus Ave San Francisco, California 94117

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Leif Allmerotj leifallmeroth@gmail.com 3714 Broderick St San Francisco, California 94213

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Keith Soranno ksoranno@gmail.com 1790 BROADWAY APT 506, 506, 506, 506 San Francisco, California 94109

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I am requesting that the Board of Supervisors take the following actions:

• Ensure the completion of housing element action 1.1.1 to decide on a funding strategy for affordable housing necessary to meet the goal of 46,000 homes for low- and moderate-income households by 2031

• Enact all the legislative changes in Program 8, "Reducing Constraints on Housing Development, Maintenance, and Improvement", and exercise oversight over city departments responsible for implementing changes

Alan Billingsley alanbillingsley215@gmail.com 215 Eureka Street San Francisco, California 94114

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Charles Ayers cayers99@gmail.com 1600 15 Street, 525 San Francisco, California 94103

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Molly Alarcon mollyalarcon@gmail.com 2202 Divisadero Street Apt 4 San Francisco , California 94115

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Ted Bartlett ted@bartlettre.com 954 Ashbury Sr San Francisco, California 94117

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Hunter Oatman-Stanford hoatmanstanford@gmail.com 855 Folsom St San Francisco, California 94107

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James De Mott jamesandersondemott@gmail.com 575 Cole Street, Apartment 310 San Francisco, California 94117

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Emanuel Evans political@eevans.co 1851 10th Ave San Francisco , California 94122

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Nadia Rahman nadia@rahman-consulting.com 724 8th Avenue #4 San Francisco, California 94118

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Tom Lawson tomdlawson@comcast.net 1895 Hidden Hollow Lane LINCOLN, California 95648

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a.f. shayne afshayne@gmail.com 126 n. martel avenue los angeles, California 90036

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Logan Williams Iwilliams@alignrealestate.com 2999 California Street San Francisco, California 94115

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Andrew Day aday.nu@gmail.com 1366 Turk St, 7C San Francisco, California 94115

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Kenneth Russell krlist+yimby@gmail.com 8400 Oceanview Ter Apt 414 San Francisco, California 94132

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Andrew Fister andrewfister3@gmail.com 1338 17th Ave San Francisco , California 94122

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John Steponaitis steponaj@gmail.com 910 Geary 20 San Francisco, California 94109-7095

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Townsend Walker townsend@townsendwalker.com 22515 Larkin San Francisco, California 94109

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Jane Yam jane.yam@gmail.com 152 3rd Avenue San Francisco, California 94118

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Rod Shokrian a.balooga.whale@gmail.com 631 O'Farrell Street APT 1502 San Francisco, California 94109

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Steve Naventi steve.naventi@gmail.com 55 Page St San Francisco, California 94102

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As someone who grew up in the city, I think it's time to cut the red tape and build more housing now!

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• Expedite the study of a social housing program described in housing element action 1.1.11,
so that we can have an affordable housing funding mechanism not dependent on the private market

• Commit to maximizing the size of the rezoning in the Well-resourced Neighborhoods

Ben Sedat bsedat@gmail.com Caine Ave San Francisco, California 94112

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Meredith Bergman meredithbergman@yahoo.com 1599 Lombard Street San Francisco, California 94123

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Alex Steiner alexgsteiner91@gmail.com 2843 Gough Street Sam Francisco, California 94123

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Andrew Dupree ajdupree@gmail.com 3877 26th St San Francisco, California 94131

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Aaron Baucom aaronbaucom@gmail.com 1434 28th Ave San Francisco, California 94122

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David Stone david.curtis.stone@gmail.com 114 Beluah St #3 San Francisco, California 94122

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Sienna Hernandez focal-rockier0x@icloud.com 1699 Market St San Francisco, California

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Jonathan Bünemann jonathanbuenemann@gmail.com 1971 Green Street Apt B San Francisco, California 94123

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As you are well aware, the San Francisco Board of Supervisors is about to vote on the adoption of our next housing element. This important plan will decide whether the next eight years in San Francisco continue the same trends of the last eight years—rising rents, worsening displacement, more homelessness—or whether we are able to move toward abundant and affordable housing for San Francisco.

But this issue doesn't end with your vote. The housing element is just a plan. It is up to you and your colleagues to actually implement it. I urge the Board of Supervisors to enact the policy changes in the housing element as legislation. The housing element process does not end when Governor Newsom's housing department writes a letter approving our plan. This process ends when our housing crisis ends. And I implore you to legislate to execute the plan and make real progress on that goal.

In particular, the Board of Supervisors should immediately enact the legislative reforms in the "Reducing Constraints on Housing Development, Maintenance, and Improvement" program. Many of the biggest issues with San Francisco's permitting process are embedded in city law. The Board of Supervisors has the power to fix those problems. If the Board fails to act now, the city will likely lose the pace necessary to meet its 2031 housing production goals. If San Francisco has fallen behind by 2027, the housing element includes program 8.1.5 which will require the city to enact greater changes that HCD gets to approve. Total failure to act means that the state will yank the certification of our housing element—and that would be a catastrophe for all the projects which rely on affordable housing and transit grants. A lot of heartburn can be avoided by taking action now.

I am requesting that the Board of Supervisors take the following actions:

• Ensure the completion of housing element action 1.1.1 to decide on a funding strategy for affordable housing necessary to meet the goal of 46,000 homes for low- and moderate-income households by 2031

• Enact all the legislative changes in Program 8, "Reducing Constraints on Housing Development, Maintenance, and Improvement", and exercise oversight over city departments responsible for implementing changes

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